

# CINTAC

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## Civil Nuclear Trade Advisory Committee

June 1, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

As the advisory committee comprised of America's leading nuclear energy companies and charged with counsel to the U.S. Department of Commerce on civil nuclear trade issues, the Civil Nuclear Trade Advisory Committee (CINTAC) is writing to advocate your active support for the establishment of a Director for Nuclear Energy in the Executive Office of the President. This initiative was among the near-term actions cited by the CINTAC in our letter to you on February 28, 2017, regarding a dedicated White House position to coordinate the Administration's civil nuclear efforts, increase awareness in the U.S. Government of nuclear energy's strategic importance, advance U.S. civil nuclear industry global competitiveness, increase civil nuclear exports, and enhance U.S. clean energy leadership.

The reestablishment of this advocacy and coordinating position – which was eliminated in 2016 by the Obama Administration – is especially important at this time given the unprecedented challenges faced by U.S. industry from state-owned foreign competitors in the trillion-dollar international civil nuclear market. U.S. leadership in nuclear energy is at a tipping point. This has increased the imperative to take a long-term strategic view of civil nuclear energy from our existing capabilities to developing next generation advanced reactors to maintain our leadership. A number of foreign competitors have been very aggressive in exporting traditional reactors, as well as partnering with other nations on the potential for advanced reactors. In addition to direct financial assistance, these competitors benefit from strong coordination and advocacy functions within top levels of their governments. The absence of a White House position fully committed to nuclear energy advocacy exacerbates this competitive disadvantage. At stake in this market are billions of dollars per year in U.S. exports supporting tens of thousands of highly-skilled American jobs.

The CINTAC's strong support for this position emanates from our members' institutional knowledge and experience working within the myriad of U.S. statutes and government agencies regulating civil nuclear trade. Civil nuclear policy has a unique and critical requirement of federal coordination. U.S. nuclear trade is subject to unusually complex statutory and regulatory requirements, including bilateral cooperation agreements and an export control regime that is administered by three departments and agencies. This is well-documented in the June 2011

CINTAC letter to then Secretary Gary Locke (attached) that recommended the creation of the position.

Current "TeamUSA" interagency coordination (which includes the U.S. Departments of Commerce, Energy and State, the Export-Import Bank of the United States, and other agencies) in support of the U.S. industry has been valuable, but would be greatly enhanced by reestablishing this position. The benefits of this position are clear in the tangible accomplishments achieved before it was eliminated. We can say without equivocation that this position was consequential to significant results in terms of U.S. exports and jobs, enhanced U.S. government effectiveness, and strengthened national security. It is abundantly clear that reestablishing this position at the White House would increase the effectiveness of U.S. government trade-support programs, enhance the competitive position of U.S. companies engaged in global civil nuclear markets, and strengthen U.S. nuclear security and nonproliferation objectives.

We urge you to formally convey to the President, the National Economic Council, and the National Security Council, the need for a Director for Nuclear Energy at the White House and the impact that this position has on U.S. exports, jobs and security interests.

Sincerely and on behalf of the members of the CINTAC,



\_\_\_\_\_  
Gary Wolski, Chairman



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Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council  
Chairman, Export-Import Bank of the United States

Attachment: June 2011 CINTAC Letter regarding White House Director for Nuclear Energy Position

### CINTAC Members

Gary Wolski, CINTAC Chair, & Vice President, Nuclear Division, Curtiss-Wright  
Christopher Colbert, CINTAC Vice Chair, & Chief Strategy Officer, NuScale Power  
Larry Sanders, President, Accelerant Technologies  
H.M Hashemian, President and CEO, Analysis and Measurement Services Corporation  
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Josh Freed, Vice President, Clean Energy Program, Third Way  
David Blee, Executive Director, U.S. Nuclear Infrastructure Council  
Thomas Dolan, Adjunct Professor, University of Illinois at Urbana-Champaign  
Graham Cable, Vice President, Global Market Development, New Plants & Major Projects,  
Westinghouse Electric Company  
Tyson Smith, Partner, Winston & Strawn LLP  
Jeffrey Harper, Vice President, Strategy and Business Development, X Energy

## **Attachment: June 2011 CINTAC Letter regarding White House Director for Nuclear Energy Position**

June 16, 2011

The Honorable Gary Locke  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Secretary Locke,

The Civil Nuclear Trade Advisory Committee (CINTAC) continues to be grateful for your strong support of the work of the committee, and of the U.S. civil nuclear industry. In September 2010, the first CINTAC provided you with a set of recommendations that included the establishment of an Office for Civilian Nuclear Policy within the National Security Council. We endorse those earlier recommendations, and would like to add specific recommendations concerning the role of this Office and its Director.

The United States has vital security, safety and economic interests in the rapidly expanding, world-wide development of nuclear power. These complex and complementary interests have recently been highlighted as a result of the events at the Fukushima Dai'ichi nuclear facility in Japan, as well as events in the Middle East and other regions. The United States pursues its interest in the international commercial nuclear sector through a complex set of rules, regulations and agreements administered by the Departments of Energy, Commerce and State, as well as the Nuclear Regulatory Commission.

The success of the U.S. commercial nuclear industry, and its ability to compete in the international nuclear markets, is closely tied to how the government, through its agencies and departments, administers its interests. Due to the complexity of the policies that impact the civilian nuclear sector and the strategic importance of domestic civilian nuclear sector engagement in international nuclear development, it is recommended that an Office for Civilian Nuclear Policy be established within the National Security Council to:

- coordinate international aspects of U.S. civil nuclear policy including conducting an assessment of current policy alignment and its impact on international civilian nuclear engagement
- convene relevant federal agencies to ensure that they are well coordinated and aligned with regard to international civilian nuclear policy
- identify countries and regions in which expanded civilian nuclear engagement will:
- enhance broader U.S. foreign policy goals
- expand commercial opportunities for U.S. suppliers
- serve as the key interface and advocate for the commercial nuclear industry with regard to international treaties and agreements, Cabinet-level trade advocacy and international civil nuclear policy development

- coordinate policy with the National Security Council, the National Economic Council, the President's Export Promotion Cabinet and the Domestic Policy Council
- marshal USG programmatic support of U.S. industry commercial bids in strategic markets.

It is strongly recommended that the staff chosen to lead this effort should have an excellent knowledge of the international civilian nuclear industry and also be familiar with federal policies affecting the civilian nuclear sector.

On behalf of the CINTAC, I wish once more to express our sincere appreciation for your leadership in support of the nuclear industry.

Sincerely, and on behalf of the members of CINTAC,



Edward J. Wolbert  
Chairman  
Civil Nuclear Trade Advisory Committee  
President & CEO - Transco Products Inc.

cc: Secretary Chu – U.S. Department of Energy  
Secretary Clinton – U.S. Department of State  
Members of the CINTAC

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## Civil Nuclear Trade Advisory Committee

July 13, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the promotion of nuclear energy exports, wishes to bring to your attention a recent court decision that makes it more vital for the U.S. Government (U.S.G.) to actively promote adherence by more countries to the Convention on Supplementary Compensation for Nuclear Damage (CSC).

On June 22, 2017, the U.S. Court of Appeals for the Ninth Circuit affirmed the San Diego District Court's denial of the motion of Tokyo Electric Power Company (TEPCO) to dismiss the *Cooper v. TEPCO et al.* lawsuit brought in 2012 by U.S. sailors participating in relief efforts following the Fukushima Nuclear Power Plant accident. The appellate decision appears to have been largely influenced by the brief filed by the U.S.G. in December 2016. The U.S.G.'s position was signaled by the title of its response to the Ninth Circuit's request for the U.S.G.'s views after the Government of Japan filed an *amicus* brief expressing Japan's interest in centralizing claims in Japan: "Brief for the United States in Support of Neither Party and in Support of Affirmance of the Order Below."

The Court of Appeals held that the provision in Article XIII of the CSC for exclusive jurisdiction in the courts of the accident country did not strip U.S. courts of jurisdiction over claims arising out of nuclear incidents that occurred prior to the CSC's entry into force on April 15, 2015. The Ninth Circuit further held the District Court did not abuse its discretion when it did not dismiss the lawsuit on grounds of *forum non conveniens* or international comity, even though it recognized that Japanese courts would provide an adequate alternative forum and that approximately 2.4 million Fukushima claims then had been resolved in Japan with total payments equivalent to more than US\$58 billion. The *Cooper* case has been sent back to the U.S. District Court in San Diego for further proceedings, which could include discovery and a trial with TEPCO and the four supplier defendants (General Electric, Hitachi, Toshiba and EBASCO).

The Ninth Circuit's opinion and the U.S.G.'s December brief against the positions of TEPCO and the Government of Japan highlight the risk for U.S. suppliers to assume that lawsuits brought in U.S. courts following a foreign nuclear accident generally will be dismissed where the foreign country is not in treaty relations with the United States under the CSC or on the basis of *forum non conveniens* or international comity. If the CSC had been in force between the United

States and Japan at the time of the 2011 Fukushima accident, U.S. courts would not have jurisdiction.

CINTAC urges you to work with your colleagues in the Administration to ensure that joining the CSC (with consistent legislation) is a top priority in discussions with other countries, especially including China, Mexico and South Korea.

We thank you for your support of CINTAC, and we look forward to working with you and your team on this subject and other issues of mutual concern.

Sincerely and on behalf of the members of the CINTAC,



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Gary Wolski, Chairman



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Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council

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## Civil Nuclear Trade Advisory Committee

July 13, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the promotion of nuclear energy exports, recognizes the critical role played by financing in the development of nuclear power projects around the world.

While the reauthorization of the Export-Import Bank of the United States (Ex-Im Bank) was a positive development for U.S. exports, we recognize that more work must be done to provide American nuclear exporters with the financing support they need to compete for, and win, nuclear contracts overseas. As discussed in more detail below, CINTAC provides the following recommendations to achieve this goal:

1. Support the expedited appointment of President Trump's nominees to the Board of Ex-Im Bank.
2. Urge key U.S. and U.S.-funded financing institutions to eliminate restrictions on investment in nuclear power projects.
3. In cooperation with the U.S. nuclear industry, conduct an analysis of financing techniques used by competitors and determine what measures we can take to restore the competitive balance and promote innovation in the financing sector.

First, it is essential that we re-establish a quorum for Ex-Im Bank as soon as possible. Without a quorum, the Ex-Im Bank is limited to a \$10 million lending restriction. The longer this persists, the more significant export opportunities will be missed by all American companies that engage in significant export activities, nuclear or otherwise, for major competitive opportunities overseas. We urge you to make every effort to support the expedited appointment of nominees to the Board of Ex-Im Bank that are supportive of the bank's mission, so vital to the U.S. nuclear industry.

Second, the Overseas Private Investment Corporation (OPIC) continues to maintain a policy that prohibits support of nuclear power projects. Other organizations such as World Bank and USAID have similar policies. If the U.S. Government supports the U.S. nuclear industry and U.S. nuclear exports, then it is incongruous for an instrumentality of the Executive Branch of the U.S. Government, or an entity that receives significant financial support from the U.S. Government, to hold a position adverse to the industry. Lacking access to these programs, American companies are limited in how they can compete with their foreign peers. This includes the sale of nuclear power reactors, but also services and equipment supply. Near term, we urge you to assist with making policy changes for these

organizations to allow support of nuclear power projects. Longer term, we request your support to implement legislative changes to ensure these organizations continue to support nuclear power projects.

Third, we note that the global nuclear market is dominated by state-owned entities (SOEs) in Russia and China or those that are closely aligned with their host governments. Moreover, such SOEs or other entities can offer multiple sources of financing to support their proposals for nuclear power projects. Given the scale of the program development costs and project financing needs of the recipient countries, financing becomes the key differentiator for determining which exporting country wins the technology selection (which, in turn, then dictates the supply chain and contractor composition for the project).

Considering that Russia and China are not part of the OECD's Sector Understanding on Export Credits for Nuclear Power Plants,<sup>1</sup> and noting that other countries can provide financing tools unavailable from U.S. institutions, further review and action is necessary. In cooperation with the U.S. nuclear industry, we recommend that, under your leadership, the Department of Commerce undertake an analysis of financing techniques used by competitors of the U.S. nuclear industry and determine what measures (in addition to the above recommendations) the U.S. Government can take to restore the competitive balance and promote innovation in the financing sector, so U.S. companies can compete on the merits of American technology, supply chain, engineering, and project delivery capabilities. This analysis would support the ongoing review of nuclear policy in the United States.

The financing of American nuclear exports has been a major focus of CINTAC, across all five of its charters, dating back to 2010. We remain hopeful that progress can be made on this subject, and our members are available to assist with any analysis that the Department of Commerce pursues under your leadership.

We thank you for your support of CINTAC, and we look forward to working with you and your team on this subject and other issues of mutual concern.

Sincerely and on behalf of the members of the CINTAC,



Gary Wolski, Chairman



Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council  
Chairman, Export-Import Bank of the United States

<sup>1</sup> See: [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=tad/pg\(2009\)19](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=tad/pg(2009)19).

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## Civil Nuclear Trade Advisory Committee

October 12, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

As the U.S. Department of Commerce's advisory committee on nuclear energy trade, we applaud the President's June 29<sup>th</sup> announcement outlining a plan to "usher in a new American energy policy" focused not only on energy independence, but also American "energy dominance" including nuclear energy.

We agree that unleashing the full panoply of the United States' energy resources can reduce vulnerability to the use of energy as an economic weapon while also lowering costs and creating more jobs, exports, and opportunities.

We particularly welcome the President's six-step energy plan starting with reviving and expanding the domestic nuclear energy sector with "a complete review of U.S. nuclear energy policy" to "help us find new ways to revitalize this crucial energy resource."

U.S. nuclear energy is indispensable to any strategy given that it provides 20 percent of the Nation's electricity along with 60 percent of our clean energy mix. Today, America is the multi-billion dollar nuclear energy capital of the world with the largest, best operating and safest fleet in the world with tens of thousands of high-paying jobs. As noted by the President, nuclear energy "produces clean, renewable, and emissions-free energy." In short, there will be no U.S. energy independence without nuclear energy's resilient, reliable, economical, and clean baseload power.

This review comes at a crucial time for U.S. nuclear energy. As you know, the United States is currently experiencing a contraction of our nuclear energy fleet as well as major policy and regulatory challenges while foreign sovereign consortiums are contesting America's longstanding leadership in the trillion dollar global market.

As the Administration embarks on its nuclear energy review, it is our hope that you and the Department of Commerce will take a proactive seat at the table to extol the opportunities and challenges in the energy export market relevant to nuclear energy and push for concrete policy and regulatory reform measures to bolster the U.S. market position domestically and internationally.

These include:

### **Competitiveness of the Current Fleet**

- Enacting tax, market, and infrastructure initiatives to discourage premature nuclear baseload retirements, including FERC market pricing as advanced by Energy Secretary Rick Perry, that would “fully price generation resources necessary to maintain the reliability and resiliency of our Nation’s grid.”

### **Regulatory Reform and Modernization**

- Accelerating U.S. Nuclear Regulatory Commission (NRC) initiatives under its “Project Aim” to right-size the agency, streamline processes, and improve timeliness while also laying a new framework for advanced reactors licensing modernization.
- Implementing Executive Actions directing a streamlined, expedited process to approve Part 810 specific authorization requests to export certain civilian nuclear technology.

### **Propelling Next Generation Advanced Nuclear**

- Supporting the completion of next phase requirements for deployment of a next generation light-water Small Modular Reactor and development of comprehensive initiatives to expedite development of non-light-water small reactors.

### **Meeting Fuel Cycle Demands**

- Ensuring U.S. capability to meet used fuel disposition at Yucca Mountain and through private-sector led consolidated storage initiatives along with a review of U.S. capabilities for mining, conversion, and enrichment.

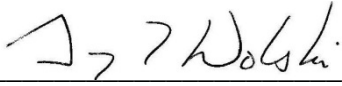
### **Export Market Promotion and Advocacy**

- Seeking implementation of pressing civil nuclear cooperation agreements (123 agreements), including agreements with Saudi Arabia and Mexico, and creating opportunities for U.S. companies to participate in those foreign markets.
- Encouraging more countries, especially China, Mexico, South Korea, and the United Kingdom, to adopt the Convention on Supplementary Compensation for Nuclear Damage, with consistent legislation.
- Encouraging approval by the Senate of a full slate of directors to restore quorum at the Export-Import Bank of the United States.
- Eliminating prohibitions against nuclear projects at the Overseas Private Investment Corporation (OPIC) and U.S.-funded multilateral banks and financial institutions.

We stand ready to work hand-in-glove with you to revitalize and expand U.S. nuclear energy.

We look forward to hearing further from you on this campaign and staying abreast of developments as the President's plan moves forward.

Sincerely and on behalf of the members of CINTAC,



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Gary Wolski, Chairman



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Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council  
Chairman, Export-Import Bank of the United States

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October 12, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
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Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the promotion of nuclear energy exports, wants to make you aware of the importance and scope of nuclear trade between the United States, Canada, and Mexico as President Trump and members of his Cabinet embark on a process to renegotiate the North American Free Trade Agreement (NAFTA). We hope that the U.S. Government (USG) will work carefully to ensure that any changes to NAFTA do not have the unintended consequence of disturbing the current balance in a way that could increase risk to U.S. nuclear providers.

As you may know, Mexico operates two General Electric nuclear power reactors at the Laguna Verde Nuclear Station near Veracruz. These units were first put into production in 1990, and the construction at this site was overseen by two U.S. companies, Burns and Roe and Ebasco. These units supply 4.5 percent of Mexico's total power and are considered strategic energy assets. Due to Mexico's limited domestic nuclear capability, the Comision Federal de Electricidad (CFE), the national electric company owned by the Mexican government and the plant's owner, utilizes external sources – principally from the United States – for assistance in maintaining the safe operation of these units.

Additionally, CFE and the Government of Mexico have indicated that it is their desire and expectation to construct two additional units at the Laguna Verde site in the coming years, and we understand that they have looked closely at U.S.-based technologies to fulfill this need. Given that the cost of adding two additional nuclear reactors in Mexico could exceed \$10 billion, maintaining a productive relationship with Mexico in our trading efforts is of paramount importance. If the United States were successful in collaborating with Mexico to construct the potential units, it would significantly enhance the level of energy exports from the United States to Mexico.

In a similar vein, nuclear trade between the United States and Canada is meaningful, with both U.S. and Canadian companies having significant operations on each side of the border. While Canada's nuclear program was based on pressurized heavy-water nuclear reactors of an indigenous Canadian design (called "CANDU" reactors), the United States serves as a critical source of technology and resources to maintain these units.

Today, nuclear power provides over 60 percent of the total generation in the Province of Ontario, and within the last year, the province has announced that it will spend over \$20 billion during the next 10 years to extend the life of 10 nuclear units at the Darlington and Bruce Stations in the province. U.S. companies will be highly involved in these efforts supplying both personnel and equipment. A



program of this magnitude has the potential to provide billions of dollars in commerce for U.S.-based nuclear companies.

Finally, we want to make you aware that there are a variety of advanced, non-light water, nuclear reactors, as well as fusion-based reactors that are being developed in the United States and Canada with significant collaboration between the two countries, including between the two regulators – the U.S. Nuclear Regulatory Commission (NRC) and the Canadian Nuclear Safety Commission (CNSC). The development of these technologies has the potential to benefit both countries and provide a platform where a new generation of nuclear reactors could result in exports from both countries to Asia, Europe, South America, and Africa.

While we understand and appreciate the need for periodic reassessments of our trade commitments and partners, CINTAC wants you to be aware of the significant and beneficial nuclear commerce that takes place between the United States, Canada, and Mexico. While there are other sectors in which the trade may not have the balance expected or desired by President Trump, we believe the civilian nuclear sector has been thriving under the current arrangement, and urge that the current NAFTA negotiations avoid the unintended consequence of upsetting a very important level of bi-lateral nuclear trade between the United States and our counterparts in Mexico and Canada.

Thirty years ago, the United States was the unparalleled and dominant supplier of international nuclear trade. Unfortunately, this is no longer the case and our companies must work ever harder to maintain our competitive edge. As North America is one of the strongest and most favorable venues for the continuation of U.S. exports, CINTAC highly recommends a very careful consideration of changes to NAFTA.

CINTAC stands ready to assist you in the efforts of the USG toward understanding the impacts of NAFTA modifications on U.S. nuclear commerce as you and your peers are involved in the process of renegotiating the agreement.

We thank you for your support of CINTAC, and we look forward to working with you and your team on this subject and other issues of mutual concern.

Sincerely and on behalf of the members of CINTAC,



\_\_\_\_\_  
Gary Wolski, Chairman



\_\_\_\_\_  
Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council  
Chairman, Export-Import Bank of the United States

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Tyson Smith, Partner, Winston & Strawn LLP  
Jeffrey Harper, Vice President, Strategy and Business Development, X Energy

# CINTAC

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## Civil Nuclear Trade Advisory Committee

October 12, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the promotion of nuclear energy exports, is aware that there will be a civil nuclear trade mission to the Kingdom of Saudi Arabia (KSA) in the near future. We strongly recommend that you, Secretary Rick Perry, and Secretary Rex Tillerson lead the trade mission in order to make the strongest possible case for U.S. involvement in the KSA's nuclear power program.

The importance of this high-level engagement is underscored by an October 10 press conference in Riyadh by the Chief Atomic Energy Officer of KA-CARE, Dr. Maher A. Alodan, in which he stated that it is the plan of the Kingdom that a contract for the construction of large nuclear units in Saudi Arabia is signed by the end of 2018. In light of the fact that this initial contract could lead to subsequent nuclear plant orders exceeding \$100 billion, such a high level delegation would send a clear signal that President Trump and his Administration are fully committed to supporting this enormous export opportunity.

We thank you for your support of CINTAC, and we look forward to working with you and your team on this subject and other issues of mutual concern.

Sincerely and on behalf of the members of CINTAC,



\_\_\_\_\_  
Gary Wolski, Chairman



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Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
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## Civil Nuclear Trade Advisory Committee

October 12, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the promotion of nuclear energy exports, requests that you direct appropriate Commerce staff to coordinate within the U.S. Government (USG) to undertake an analysis of the implications of U.S. reactor suppliers succeeding or failing in international commercial nuclear reactor tenders. This information is necessary to support informed policy and promotional decisions that affect these tenders and their wide-reaching effects.

CINTAC is concerned that the full scope of benefits from the outcome of international reactor tenders involving U.S. reactor suppliers is insufficiently understood, particularly the non-monetary benefits such as improved bilateral relations. Similarly, the lost opportunities of failing at these tenders need to be studied, including a balance of appropriate USG actions against the real impacts of another country prevailing on a tender. This knowledge is necessary for the USG to make informed policy decisions that affect those tenders and to implement the appropriate diplomacy approaches to support U.S. suppliers, as they compete against other supplier countries. The success or failure of U.S. reactor suppliers has wide-reaching impacts beyond the transaction itself. A near-term example discussed below is an expected tender from the Kingdom of Saudi Arabia.

The monetary trade benefits or missed opportunities from international reactor tenders are well understood. If a reactor supplier is successful in such a tender, then there is an increase in U.S. jobs and revenue to that supplier and many other companies supporting the supplier or the project, and in the resulting tax income to the U.S. Treasury. The benefits can be quantitatively evaluated based on the direct value of the tender combined with appropriate multipliers and assumptions. If a reactor supplier is unsuccessful, then America simply misses out on those benefits.

The non-monetary effects of these international reactor tenders, however, are less understood. A successful tender creates a strong and strategic relationship between the purchasing and supplier country that could last for 100 years or more given the time to construct, commission, operate, and decommission nuclear power plants. That relationship is based on cooperation related to energy policy, nuclear laws, reactor design, construction, nuclear fuel supply, safety, security, and non-proliferation. It is obvious there will be many non-monetary benefits related to other trade activities, non-proliferation, military cooperation, and bilateral relations. Indeed, a nuclear project can act as a centerpiece to a much broader bilateral relationship addressing other industries, including aviation, civilian infrastructure, and military equipment. These benefits exist whether the purchasing country is a close ally or one with which the United States hopes to develop stronger relations. In short, the

benefits to the United States of a successful international reactor tender extend well beyond the financial benefits.

Conversely, the failure of an international tender presents an opportunity for other supplier countries to reap these benefits at the exclusion of the United States. When another country prevails on an international reactor tender, then it certainly realizes the financial benefits of a multi-billion dollar project and services for the operating life of the plant, but this success naturally opens the door for that country to gain influence on the non-monetary issues identified above, such as non-proliferation and military cooperation. As noted in earlier CINTAC letters, the global nuclear market is dominated by state-owned entities (SOEs). These SOEs not only provide financing options unavailable to U.S. reactor suppliers, but they also leverage these non-monetary benefits as they market their technologies. These SOEs use international reactor tenders to extend their bilateral relationships and influence throughout the world.

Here is a powerful example: the Kingdom of Saudi Arabia has been investigating a nuclear power program since at least 2010. Whereas CINTAC understands that the USG has been pursuing and negotiating a civil nuclear cooperation agreement (123 agreement) with Saudi Arabia over much of that period, it has so far been unsuccessful. This agreement is necessary for sharing of reactor technology (consistent with other laws) needed for construction in the country. The analysis requested by CINTAC would help the USG consider policy decisions to ensure that U.S. reactor suppliers have the full capability to compete in this and similar tenders. Otherwise, the United States could be conceding these opportunities, the billions of dollars of economic benefits, and regional influence to other countries. This is important for the opportunity in Saudi Arabia, but also should help guide earlier actions in other countries.

**In summary, we recommend that, under your leadership, the Department of Commerce coordinate an analysis within the USG of the full scope of impacts from U.S. reactor suppliers being successful or failing in international reactor tenders.** The analysis also should propose recommendations for policy changes based on the results. Although these impacts are sometimes discussed, CINTAC is unaware of a coordinated effort to study them and make corresponding changes to USG policy and diplomacy efforts. This requested analysis should be performed in concert with the current comprehensive nuclear review being undertaken by the Trump Administration.

CINTAC would be pleased to support these efforts, including sharing our experiences, but also believes that this must be a whole-government analysis to truly understand the impacts, and to obtain full USG backing for the policy changes identified by the analysis. Although we defer to the USG, we recommend that the analysis involve, at a minimum, the Departments of Commerce, Energy, State, and Defense. If USG policies do not reflect the real impacts of these international reactor tenders, then the United States will concede these important opportunities to other countries.

We thank you for your support of CINTAC, and we look forward to working with you and your team on this subject and other issues of mutual concern.

Sincerely and on behalf of the members of CINTAC,



\_\_\_\_\_  
Gary Wolski, Chairman



\_\_\_\_\_  
Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
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Jeffrey Harper, Vice President, Strategy and Business Development, X Energy



# CINTAC

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## Civil Nuclear Trade Advisory Committee

December 14, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC) serves as an advisor to you on the promotion of nuclear energy exports, and we are writing as a follow-up to a letter we sent to you on October 12, 2017 regarding the need for your active engagement regarding the potential U.S. commercial support for the nuclear power program of Kingdom of Saudi Arabia (KSA).

CINTAC is aware that the Administration has begun to discuss its strategy to re-engage with the Kingdom to negotiate a civil nuclear cooperation agreement (“123 Agreement”). We would like to reinforce our earlier letter regarding the commercial importance that the U.S. nuclear industry attaches to this agreement and we ask that you continue to advocate for it within the Cabinet.

The context for this letter is that in the absence of a 123 Agreement, or at a minimum, significant progress toward concluding one, there may be adverse consequences regarding the attractiveness of the U.S. commercial nuclear offering. In addition, the 123 Agreement will require Congressional attention, and it is important that Congress fully understand the strategic, economic and commercial importance of the 123 Agreement as well as the geopolitical role that this agreement will play regarding our overall relations in the Middle East. We are aware that there are some in Congress who have raised questions regarding the type of 123 Agreement that should be concluded, or even question the need for a 123 Agreement at all. It is important for these questions to be addressed and for Congress to be made aware that in the absence of an agreement, Saudi Arabia will turn to our competitors and not only will the U.S. lose a significant economic opportunity (potentially in excess of \$100 billion) but it will lose an opportunity to enhance our strategic relationships in the region. We urge you to immediately direct the Commerce Department staff, with their counterparts in the Departments of State and Energy, to promptly and actively engage with relevant Congressional Committees, Members and staff to educate them on the importance of the 123 Agreement. Prompt action on the part of the Government is required to ensure the success of this effort and the resurgence of the U.S. nuclear industry.

CINTAC stands ready to assist you and the efforts of the U.S. Government to achieve a successful 123 Agreement with the Kingdom of Saudi Arabia.

Thank you for your support of CINTAC. We look forward to working with you and your team on this subject and other issues of mutual concern.

Sincerely and on behalf of the members of CINTAC,



\_\_\_\_\_  
Gary Wolski, Chairman



\_\_\_\_\_  
Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
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Graham Cable, Vice President, Global Market Development, New Plants & Major Projects, Westinghouse Electric Company  
Tyson Smith, Partner, Winston & Strawn LLP  
Jeffrey Harper, Vice President, Strategy and Business Development, X Energy

# CINTAC

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## Civil Nuclear Trade Advisory Committee

March 15, 2018

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC) thanks you for meeting with us at our March 15 meeting. We greatly appreciate your time, comments, and obvious commitment to supporting the U.S. civil nuclear industry and exports of U.S. goods and services.

We would like to re-emphasize to you the serious impact to this industry imposed by the U.S. Government (USG) decision to not approve new nuclear export requests for China until the completion of an inter-agency policy assessment of those exports. U.S. companies are losing business and jobs as a direct result of inaction on those export requests. The United States also is losing the ability to influence activities related to the China nuclear market. We request your support in resolving the policy assessment as quickly as possible to allow the exports to restart.

As shown in the U.S. Department of Commerce's 2017 Civil Nuclear Energy Top Markets Reports, China is the fastest growing civil nuclear market in the world and represents one of the largest markets for U.S. nuclear exports. But, the U.S. Department of Energy and U.S. Nuclear Regulatory Commission are not approving new export licenses or authorizations for China because of the ongoing policy assessment.

The reality is that China has or can obtain from non-U.S. sources all the necessary technology to build, operate, and maintain a civil nuclear reactor fleet, and to export those Chinese nuclear technologies to other countries. As China witnesses USG policy change and the uncertainty in export approvals, it undoubtedly will attempt to replace U.S. companies with other suppliers. Once displaced, it will be nearly impossible for U.S. companies to get back into this market. Given our diminishing domestic civil nuclear industry, exports are vital to U.S. companies' survival.


Nuclear industry groups are evaluating the economic impacts of the stalled China export process and we expect they will present those results to the inter-agency team. The Chinese nuclear export market is in the billions of dollars. Additionally, CINTAC will be considering and sharing with the Secretary protections for U.S. technology exported overseas.

The U.S. statutory and regulatory process already provides a robust review of the inimicality of each nuclear export and should continue to be relied upon to evaluate the national security and non-proliferation aspects of each individual export. Indeed, many pending export requests for China likely present no actual nuclear safety or proliferation concerns and should be reviewed now under the current

framework. We request your assistance with the restart of those reviews. We also request your assistance with expediting the conclusion of the ongoing policy assessment. Only then can the full potential of the China export market be realized.

We thank you for your support of CINTAC, and we look forward to working with you and your team on this subject and other issues of mutual concern.

Sincerely and on behalf of the members of the CINTAC,



\_\_\_\_\_  
Gary Wolski, Chairman



\_\_\_\_\_  
Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
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# CINTAC

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## Civil Nuclear Trade Advisory Committee

March 15, 2018

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

### **Small Modular Reactors for Puerto Rico: An Economics and Exports Perspective**

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the competitiveness of the U.S. civil nuclear industry, is submitting a Position Paper titled “*Puerto Rico and the Case for Small Modular Reactors: An Economics and Exports Perspective*” to you, to advise how the U.S. Department of Commerce (DOC) could best serve Puerto Rico’s economic recovery. In this Position Paper, CINTAC describes the potential of an SMR project to transform Puerto Rico’s economy and revitalize its energy infrastructure. This Position Paper concludes with a recommendation to pursue a Pre-Feasibility study to assess the viability of an SMR project for the island. Given the importance and the potential outcome of this Pre-Feasibility study for our U.S. civil nuclear industry, we respectfully advise you to forward this Position Paper to Puerto Rico’s stakeholders, to include the Financial Oversight and Management Board (H.R.5278-14<sup>th</sup> U.S. Congress) (Herein “The Board”). If needed, CINTAC can provide recommendations to your staff in case The Board requests a follow-up meeting to discuss pursuing this Pre-Feasibility study for SMRs for Puerto Rico.

The situation in Puerto Rico, although unfortunate, presents a timely opportunity for the U.S. civil nuclear industry. The aftermath of Hurricanes Irma and Maria has launched a movement to transform the island’s energy infrastructure into a more reliable, environmentally friendly and sustainable one. Today’s SMR designs present the technological advances specially tailored for energy challenges of island-type territories like Puerto Rico. For instance, some SMR designs are built underground which could also potentially increase the island's energy security in future hurricane situations. For decades Puerto Rico’s stakeholders have looked for options to reduce the island’s high cost of electricity. SMRs could provide an initial Levelized Cost of Electricity (LCOE) which could compete with the island’s high cost of electricity generated by imported diesel fuels. Moreover, last month, Puerto Rican Governor Ricardo Rosselló announced the plan to privatize Puerto Rico’s sole utility, which has controlled most of the electricity generation and distribution on the island for the last 40 years. A Pre-Feasibility study will assess in detail these unprecedented changes in Puerto Rico, the island’s market conditions and infrastructure needs, and ultimately provide U.S. utilities and SMR technology vendors the necessary insights for SMR deployment in Puerto Rico.

A positive outcome from this Pre-Feasibility study will have a significant impact on the U.S. civil nuclear industry, paving the way for SMR deployment and thus contributing to our industry's growth and global energy dominance. Moreover, the possibility for U.S. SMR technology to provide clean, reliable, and sustainable energy to an island like Puerto Rico will achieve an international milestone in the nuclear industry and will present an example for other countries in the world facing similar challenges. Support from DOC staff to encourage state and federal officials in Puerto Rico to pursue a Pre-Feasibility study is essential for the U.S. civil nuclear industry to capitalize on this opportunity. Today, Puerto Rico's finances and infrastructure revitalization program are coordinated by the members of the Financial Oversight and Management Board. Although historically the U.S. Government (USG) has collaborated with the private sector for nuclear infrastructure projects, the role of the Financial Oversight and Management Board in Puerto Rico places the USG in a good position to determine the course for the island's critical energy infrastructure projects.

As an attachment to this letter, CINTAC has included a Position Paper recommending the Pre-Feasibility study. We encourage you to forward this Position Paper to Puerto Rico's Financial Oversight and Management Board and for your staff to take a lead role in subsequent follow-up meetings.

Thank you for supporting CINTAC. We look forward to working with you and your team on this initiative to provide Puerto Rico with clean, reliable, and sustainable energy.

Sincerely, on behalf of the members of CINTAC,



Gary Wolski, Chairman



Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council  
Chairman, Export-Import Bank of the United States

Attachment: Position Paper "*Puerto Rico and the Case for Small Modular Reactors: An Economics and Exports Perspective*"



## CINTAC Members

Gary Wolski, CINTAC Chair, & Vice President, Nuclear Division, Curtiss-Wright  
Christopher Colbert, CINTAC Vice Chair, & Chief Strategy Officer, NuScale Power  
Larry Sanders, President, Accelerant Technologies  
H.M Hashemian, President and CEO, Analysis and Measurement Services Corporation  
Craig Piercy, ANS Washington Representative, American Nuclear Society  
John Bendo, Nuclear Energy Business Manager, American Society of Mechanical Engineers  
Colleen Deegan, Vice President, Bechtel Corporation  
Ken Camplin, Vice President and Chief Business Development Officer, BWX Technologies  
Michael Whitehurst, Director, Business Development, Centrus Energy  
Omer Brown, II, Attorney-at-Law and Legal Counsel to Contractors International Group on  
Nuclear Liability  
Russell Neely, Chief Operating Officer, Edlow International Company  
Colin Austin, Vice President of International Business, EnergySolutions  
Robert Kalantari, President and CEO, Engineering, Planning and Management  
Donald Hoffman, President & CEO, Excel Services Corporation  
Ralph Hunter, Vice President, Exelon Generation Company, LLC and Chief Operating Officer,  
Exelon Nuclear Partners, LLC, Exelon Corporation  
Woody Lawman, Director of Sales, Navy and Nuclear Products, Flowserve Limatorque  
David Jonas, Partner, Fluet, Huber + Hoang  
Brad Porlier, Vice President, Sales and Nuclear Power, Fluor Enterprises  
Jarret Adams, CEO, Full On Communications  
David Sledzik, Senior Vice President, Sales & Commercial Operations, Nuclear Plant Projects,  
GE Hitachi Nuclear Energy  
Myron Kaczmarzsky, Senior Director of Sales, Holtec International  
Vijay Sazawal, Global Civil Nuclear Trade Consultant, International Atomic Energy  
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Kevan Weaver, Director, Technology Integration, TerraPower, LLC  
David Blee, Executive Director, U.S. Nuclear Infrastructure Council  
Thomas Dolan, Adjunct Professor, University of Illinois at Urbana-Champaign  
Graham Cable, Vice President, Global Growth and Strategy, Westinghouse Electric Company  
Tyson Smith, Partner, Winston & Strawn LLP  
Jeffrey Harper, Vice President, Strategy and Business Development, X Energy

# CINTAC

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## Civil Nuclear Trade Advisory Committee

May 17, 2018

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the promotion of nuclear energy exports, recognizes the critical role played by financing in the development of nuclear power projects around the world. We wrote to you on this matter on July 13, 2017 and received your response on October 23, 2017. We appreciate your response and your meeting with us earlier this year to solicit our (CINTAC's) input and to provide us with your feedback.

One of the matters we brought to your attention was that the Overseas Private Investment Corporation's (OPIC) Environmental and Social Policy Statement ("ESPS") prohibits OPIC support to nuclear power projects<sup>1</sup>, with some exceptions. In your October 23, 2017, response, you encouraged CINTAC to provide input into the review of U.S. nuclear energy policy. While CINTAC is prohibited from doing so directly, many CINTAC members, in their capacity as U.S. industry representatives, have advocated for reconsideration of these prohibitive policies with OPIC and with staff involved in the nuclear energy policy review. So far, U.S. industry has been unsuccessful in securing a commitment to reconsider the prohibition contained in the ESPS.

As you know, OPIC's support for the ENERGOATOM Spent Nuclear Fuel Project in Ukraine will create more than 150 high quality U.S. manufacturing jobs at Holtec International's facilities in New Jersey, Ohio and Pennsylvania. Amending OPIC's ESPS to allow support for nuclear energy projects, beyond the development of waste storage facilities, would provide even greater economic benefits to the U.S. and provide more opportunities for nations to seek energy independence in partnership with the U.S., as opposed to turning to Russia and China.

We would like to ask that you, as a member of the OPIC Board of Directors, raise the issue at the next Board meeting. Ideally, we would like you to introduce a resolution amending the ESPS to eliminate the nuclear prohibition. If such action is not possible, then we request that you advocate for the reconsideration of the nuclear prohibition.

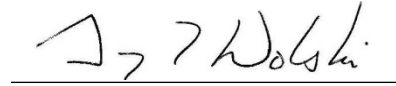
Also, we are aware that the BUILD Act (S.2463 and H.R. 1505) if enacted into law would reorganize OPIC and parts of the U.S. Agency for International Development (USAID) into the

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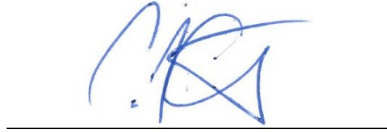
<sup>1</sup> Appendix B, item 9, found on Page 38 of the ESPS.

United States International Development Finance Corporation, and that you, as the Secretary of Commerce, would be a board member to this new institution. We request that you advocate for the adoption of investment policies that support the U.S. civil nuclear industry as part of this new institution if it is formed.

Sincerely, on behalf of the members of CINTAC,



Gary Wolski, Chairman



Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council  
Chairman, Export-Import Bank of the United States

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Jeffrey Harper, Vice President, Strategy and Business Development, X Energy

# CINTAC

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## Civil Nuclear Trade Advisory Committee

July 19, 2018

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Mr. Secretary:

The Civil Nuclear Trade Advisory Committee (CINTAC), as an advisor to you on the promotion of nuclear energy exports, would like to bring to your attention a particular issue that significantly impacts the ability of U.S. nuclear energy companies to export equipment to companies within China. As we have previously discussed, the construction of commercial nuclear power plants in China represents a huge market for U.S. companies in the billions of dollars. The U.S. Government (USG), however, continues to delay decisions on export approvals pending the ongoing China nuclear policy assessment, even though many equipment exports represent little or no proliferation or other concerns.

During our meeting with you on March 15 and in our letter to you that same day, we requested assistance in expediting the conclusion of the ongoing China nuclear policy assessment and restarting the reviews of export approvals. Because the situation has not changed, we request your support and action for an interim policy solution to permit the export of certain nuclear equipment of lower potential concern, subject to U.S. Nuclear Regulatory Commission (NRC) export jurisdiction, while the overall policy review is completed. This would balance the economic interest of millions of dollars of exports of the equipment with the USG's concerns about exports of more proliferation-sensitive equipment.

In particular, for equipment requiring an NRC Export License Application under 10 CFR Part 110, there are two distinct categories of equipment. One category, referred to as "Major" Reactor Equipment, includes nuclear reactors, and major reactor components. *See* 10 CFR Part 110, App. A, paragraphs (1) through (4). The second category, referred to as "Minor" Reactor Equipment, includes other reactor equipment such as heat exchangers. *See* 10 CFR Part 110, App. A, paragraphs (5) through (11). We request your support with resuming the issuance of Export Licenses for Minor Reactor Equipment, thus helping prevent the loss of those equipment sales to foreign competitors.

The export licensing criteria for Major Reactor Equipment are provided in 10 CFR 110.42(a) and are more stringent than those for Minor Reactor Equipment, which are provided in 10 CFR 110.42(b). For example, the export of Major Reactor Equipment requires a 123 agreement for cooperation and physical security verification. That difference reflects the higher potential concerns with exporting Major Reactor Equipment over exporting Minor Reactor Equipment.


Additionally, whether they are for Major or Minor equipment, all Export License Applications receive an Interagency Review, thus providing further assurance that no improper exports will occur.

As an example, one of the CINTAC member companies has commercial equipment already sold to a Chinese company for installation at four different nuclear plants. This company has submitted U.S. NRC Form 7 for a 10 CFR Part 110 Export License, has obtained written assurances from the Chinese government, and has previously exported similar equipment to the same Chinese company with an approved Export License Application. The current delays due to the China nuclear policy assessment are preventing this business deal, notwithstanding the lack of any proliferation or other concerns.

In summary, CINTAC is proposing that you undertake personal advocacy within the Administration and direct appropriate Commerce staff to undertake the necessary actions within the USG to effect policy change permitting the NRC to complete its reviews and issue Export Licenses for Minor Reactor Equipment, even though the China nuclear policy review is ongoing. This interim policy change would require coordination among the White House and the U.S. Departments of Commerce, Energy, State, and Defense.

CINTAC would be pleased to support these efforts, including sharing our experiences. The review process for 10 CFR Part 110 Export License Applications has typically taken from one to four months once the foreign government assurances have been received by the State Department. The current Interagency Review with Executive Branch approval of Export License Applications for equipment being exported to China for installation in commercial nuclear power plants appears to be at a standstill and Applications have been pending more than six months. We thank you for your support of CINTAC, and we look forward to working with you and your team on this subject and other issues of mutual concern. U.S. companies stand to lose millions of dollars of business to foreign companies in this growing market if delays continue.

Sincerely, on behalf of the members of CINTAC,



Gary Wolski, Chairman



Chris Colbert, Vice Chairman

Cc: U.S. Secretary of State  
U.S. Secretary of Energy  
National Security Advisor  
Chairman, U.S. Nuclear Regulatory Commission  
Director, National Economic Council  
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