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NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-08-0019 – LICENSING AND REGULATORY
RESEARCH RELATED TO ADVANCED NUCLEAR
REACTORS

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____


SIGNATURE

4/21/08
DATE

Entered on "STARS" Yes No _____

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Commissioner Jaczko's Vote on SECY-08-0019
Licensing and Regulatory Research Related to Advanced Nuclear Reactors

In general, I support the staff's plans to develop programmatic and organizational strategies that will position the NRC to support the licensing and technical review for potential advanced reactor designs and applications subject to the following comments. As one of the world's foremost regulatory authorities, it is important for the Nuclear Regulatory Commission to develop the technical expertise needed to review potential submittals related to high temperature gas reactors. I do not believe, however, that there is a strong likelihood that such technology will become commonplace in the United States over the next several decades.

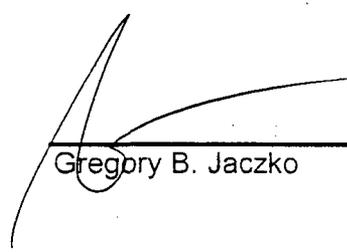
In particular, I believe the staff should be prepared to develop the technical and policy infrastructure needed to generically support advanced reactors. In addition, the staff should be prepared to support the licensing review of a single advanced reactor project. At this time, the Next Generation Nuclear Plant (NGNP), which is a congressionally mandated project, should be the focus of staff licensing preparations. Specifically, in fiscal year 2009, the staff should have sufficient resources to continue the technical infrastructure development. In addition, if resources become available, I support the staff participation in NGNP-related research and development activities, if those activities have a clear regulatory focus for the agency. In other words, the staff should not plan for more than the approximately \$6 million and nine full time equivalent staff resources provided in the president's 2009 budget (with the possible addition of \$800,000 and five staff resources for research activities, if those activities meet the conditions described above.)

In subsequent fiscal years, I do not support additional budget resources to support more than one advanced reactor projects, including licensing and technical infrastructure development. I doubt that more than one project in this area will materialize in the next decade. In particular, the NGNP project is designed to demonstrate the commercial and technical features of a high temperature gas reactor. If commercial projects materialize, then NGNP will not be needed. If they do not materialize, then NGNP would be the only potential project. Even it would be subject to continued congressional funding for the project. As a result, there is not likely to be more than one project in the near term.

As an aside, I strongly encourage the Department of Energy and its partners to plan to develop any advanced reactor project using the licensing framework established in part 52 of the Commission's regulations. The part 52 process focuses heavily on having complete designs prior to licensing and possible construction. If the potential design of a high temperature gas reactor is not sufficiently complete prior to submittal of a combined license application to support review of that application, the focus for the applicant should be on improving and finalizing that design – not using the part 50 process. Incomplete designs lead to a confusing and uncertain licensing and construction process. Using part 50 will not remedy the lack of design detail, it will only mask the incompleteness.

The staff should continue to inform the Commission of their needs for advanced reactors. I anticipate the next several years will begin to provide a clearer picture of the likelihood of at least one of these projects moving toward an actual licensing review. Therefore, during the annual budget process, the staff should perform a planning

assessment and make recommendations to the Commission regarding the direction and resources needed for advanced reactors, including research and application priorities. I encourage the staff to closely monitor the funding resources provided to the NGNP project, in particular, as a measure of how likely any project is to move forward in the near term.

 4/21/08

Gregory B. Jaczko Date