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NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER LYONS

SUBJECT: SECY-08-0019 – LICENSING AND REGULATORY RESEARCH RELATED TO ADVANCED NUCLEAR REACTORS

Approved _X_ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached _X_ None ___

Peter B. Lyons
SIGNATURE

4/ 28 /08
DATE

Entered on "STARS" Yes _X_ No ___

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Commissioner Lyons' Comments on SECY-08-0019

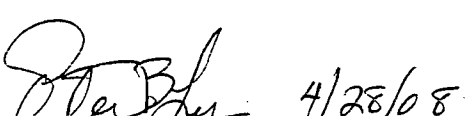
I approve the staff's technical and programmatic approach as proposed in SECY-08-0019 to begin preparing the regulatory framework and supporting technical bases to license advanced reactor designs, including current and ongoing work related to designs such as pebble bed reactor technology and the Toshiba 4S reactor.

Advanced reactor technology is very likely to produce power reactor designs that enhance safety and security even further than the considerable gains already achieved with the current designs that are certified or are undergoing certification review now. In particular, gas-cooled reactor technology, which will be the basis for the Next Generation Nuclear Plant mandated by Congress, is especially promising in this regard, and I support Commissioner Jaczko's view that this should remain a focus of staff licensing preparations. However, other advanced designs for which the staff has received requests from potential applicants for pre-application activities appear to hold similar promise for safety and security enhancements. In addition, the Commission recently provided direction to the staff in SRM SECY-07-0081 to proceed with developing the regulatory framework for licensing advanced fuel cycle facilities, including long-term research to develop and maintain technical expertise relevant to such facilities, commensurate with DOE activities and subject to available funding.

In my view, we would be remiss in our safety mission if the NRC were not initiating activities to ultimately provide a regulatory licensing path for advanced reactor technology that could lead to significant safety and security enhancements. I believe that the staff is taking prudent and thoughtful actions with that aim and that the staff and Commission will address the budget, resource, and prioritization issues through our existing processes.

I agree with Commissioner Jaczko that the NRC is one of the world's foremost regulatory authorities. Holding this position of respect within the world community enables us to better accomplish our mission and influence the course of nuclear regulation world-wide. However, it will only be maintained if we continue to develop our technical expertise in areas of advancing reactor and nuclear materials technology. To be clear, I do not advocate research for its own sake. The staff's interaction with a variety of potential future reactor applicants is evidence of serious commercial interest in licensing new and innovative reactor designs. The resources necessary to support these licensing actions are predominantly recovered through fees paid by the applicants. The approximately 10 percent of NRC's budget that is not recovered through fees is, in part, a recognition that certain activities such as long-range research are a necessary and vital component of our mission. Additionally, the staff is becoming increasingly experienced in prioritizing new reactor certification and licensing activities within a resource-constrained environment using guidelines previously provided by the Commission in SRM SECY-06-0187.

Therefore, at this time I am unable to support the budgetary restrictions proposed by Commissioner Jazcko in his vote on this paper. I look forward to working with my fellow Commissioners as we continue our ongoing oversight and consideration of NRC budgets, resource utilization, and prioritizations to maintain our technical and regulatory strengths.



Peter B. Lyons 4/28/08

Peter B. Lyons Date