

FY 2018-2022 draft Strategic Plan comment resolution

Note: Page numbers refer to the Draft FY 2018-2022 Strategic Plan made available for public comment through Federal Register Notice (Vol. 82, No. 185) dated Sept. 26, 2017.

This document is available at ADAMS Accession No. ML17254A104.

Number	Commenter / organization	Draft Plan Section	Draft Plan Page #	Comment	Resolution
1A	Anonymous	All	All	This strategic plan does not give an outline on how the NRC plans to (1) ensure the safe use of radioactive materials (What type of radioactive material are you referring to?) (2) ensure the secure use of radioactive materials (How does the NRC plan to use the materials?) Please clarify.	No changes were made to the strategic plan in response to this comment. The NRC understands the comment and disagrees that the strategic plan does not give an outline of how the NRC plans to ensure the safe and secure use of radioactive material. The graphical depiction of strategic plan components on page three shows how the safety and security strategies support the objectives which in turn supports the goals. Throughout the plan, the NRC identifies examples of contributing activities that highlight specific actions to ensure the safe and secure use of radioactive materials for each of the strategies.
1B	Anonymous	All	All	This strategic plan does not give an outline on how the NRC plans to (1) ensure the safe use of radioactive materials (What type of radioactive material are you referring to?) (2) ensure the secure use of radioactive materials (How does the NRC plan to use the materials?) Please clarify.	No changes were made to the strategic plan in response to this comment. The definition of radioactive material is provided in the glossary on page 22 of the draft strategic plan.
1C	Anonymous	All	All	This strategic plan does not give an outline on how the NRC plans to (1) ensure the safe use of radioactive materials (What type of radioactive material are you referring to?) (2) ensure the secure use of radioactive materials (How does the NRC plan to use the materials?) Please clarify.	No changes were made to the strategic plan in response to this comment. See response to comment 1A. Additionally, as explained in the Strategic Plan, the NRC does not use radioactive materials. The NRC's mission is to license and regulate the Nation's civilian use of radioactive materials.
2A	Jeffrey Skov jmskov@earthlink.net	Strategic Goals, Objectives, and Strategies	Page 5	(1) On p. 5, add "and subsequent disposition" after "use" in both the Safety Strategic Goal and the Security Strategic Goal. [Basis: Reflects the agency's continuing responsibility to assure the safety and security of radioactive materials after their use; i.e., during post-use handling, storage, transportation, and (to the extent prescribed by law) ultimate entombment/disposal.]	No changes were made to the strategic plan in response to this comment. The Strategic Plan is a five-year look at agency activities setting forth high-level agency planning and objectives, including high-level safety strategic goals, security strategic goals, and safety and security objectives. The disposition of nuclear waste is appropriately discussed in the plan as a contributing activity related to high-level strategy goals and objectives. See e.g., page 7, "Improve the regulatory framework, analytical tools, and data needed to ensure the safe and secure storage, transportation, and disposal of spent nuclear fuel and high-level radioactive waste. . . . Enhance and implement nuclear reactor, material, spent nuclear fuel storage, and radioactive waste oversight programs to ensure the timely identification of safety issues and that licensees take the actions necessary to maintain acceptable safety performance."
2B	Jeffrey Skov jmskov@earthlink.net	Strategic Goals, Objectives, and Strategies	Page 5	(2) On p. 5, add the following additional strategic goal: "Effectiveness Strategic Goal: Ensure identified instances of degraded agency effectiveness are addressed as expeditiously and responsibly as possible." [Basis: Addresses the generic import of the holding in the 2013 In re: Aiken County ruling by the U.S. Court of Appeals for the District of Columbia Circuit. That ruling documented an extraordinary degradation in the NRC's effectiveness.]	No changes were made to the strategic plan in response to this comment. The Strategic Plan already includes a discussion of the NRC's Principles of Good Regulation (Independence, Openness, Efficiency, Clarity, Reliability) and notes that "[t]he NRC adheres to [these principles] to guide both the agency's decisionmaking and staff behaviors." See pages 4-5. To the extent the commenter recommends the addition of an Effectiveness Objective concerning the outcome of a specific court case, the Strategic Plan is a five-year look at agency activities setting forth high-level agency planning and objectives, rather than a detailed analysis of particular licensing review, regulated facility, or court cases.

2C	Jeffrey Skov jmskov@earthlink.net	Strategic Goals, Objectives, and Strategies	Page 5	(3) On p. 5, add the following after Safety Objective 1: "Safety Objective 2: Ensure NRC's statutory mandates under the Nuclear Waste Policy Act are fulfilled as expeditiously and responsibly as possible." [Basis: Addresses the specific violation identified in the 2013 In re: Aiken County ruling by the U.S. Court of Appeals for the District of Columbia Circuit.]	No changes were made to the strategic plan in response to this comment. See response to 2A.
2D	Jeffrey Skov jmskov@earthlink.net	Strategic Goals, Objectives, and Strategies	Page 5	(4) On p. 5, add the following after Security Objective 2: "Effectiveness Objective 1: Comprehensively address instances where the NRC is held to be in violation of statutory mandates by a court of competent jurisdiction." [Basis: Supports the Effectiveness Strategic Goal by specifically addressing instances of seriously degraded agency effectiveness that are identified by a court of competent jurisdiction.]	No changes were made to the strategic plan in response to this comment. See response to 2B.
2E	Jeffrey Skov jmskov@earthlink.net	Strategic Goals, Objectives, and Strategies	Page 5	(5) On p. 5, immediately after new Effectiveness Objective 1, add the following: "Effectiveness Objective 2: Take action to request and secure funding necessary to accomplish statutory mandates, or report the circumstances and consequences of funding shortfalls to the Congress and the public." [Basis: Supports the Effectiveness Strategic Goal by ensuring the agency requests funding to implement its statutory mandates effectively, and to remark on funding shortfalls, both in terms of their circumstances and their consequences.]	No changes were made to the strategic plan in response to this comment. See response to 2B.
2F	Jeffrey Skov jmskov@earthlink.net	Strategic Goals, Objectives, and Strategies	Page 9	(6) [NRC Staff Note: see the link for the entire comments, as it was too long to include in our sheet.] On p. 9, add the following, in its entirety, immediately before "Security Strategic Goal: Ensure the Secure Use ... of Radioactive Materials"..... [Basis: Self-explanatory]	No changes were made to the strategic plan in response to this comment. See response to 2A.
2G	Jeffrey Skov jmskov@earthlink.net	Strategic Goals, Objectives, and Strategies	Page 13	(7) [NRC Staff Note: see the link for the entire comments, as it was too long to include in our sheet.] On p. 13, add the following, in its entirety, after the last words currently on the page: Effectiveness Strategic Goal: Ensure identified instances of degraded agency effectiveness are addressed as expeditiously and responsibly as possible..... [Basis: Self-explanatory]	No changes were made to the strategic plan in response to this comment. See response to 2B.
3	Lloyd Generette, generette.lloyd@epa.gov	Strategic Goals, Objectives, and Strategies	Page 6	In Safety Objective 1: Prevent, Mitigate, and respond to accidents and ensure radiation safety consider using different terminology than acceptably low in the fourth line. Acceptable to regulators or general public. What the general public considers acceptably low may differ with regulators opinions. Better terminology might be that risk is minimal.	No changes were made to the strategic plan as a result of this comment. While the NRC understands the comment, the "acceptably low" terminology is a concept the NRC uses in discussing the objectives of defense in depth, for example in NUREG/KM-0009, "Historical Review and Observations of Defense-in-Depth". Therefore, for consistency, the NRC prefers to retain that established terminology, rather than "risk is minimal," in the Safety Objective.
4	Katie Kiacz	All	All	A new U.S. Department of Health and Human Services draft Strategic Plan for 2018 through 2022 contains verbiage defining human life as "beginning at conception." This is a radical attack on women's rights, and goes against the majority of medical professional's stance. When the U.S. Department of Health and Human Services neglects to consider medical professionals voices in creating and implementing policy, they are going against the best interests of the American people. The mission of the U.S. Department of Health and Human Services is to "enhance the health and well-being of Americans by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services." Please be vigilant in these audacious attacks on women's rights and healthcare and do not allow this strategy to move forward!	No changes were made to the strategic plan as a result of this comment. This comment is not applicable to the NRC.

5	Minnesota Department of Health (MDH)	Safety Strategy 5	Page 8	<p>Minnesota supports the NRC's safety and security strategic goals and the accompanying objectives for the upcoming fiscal years 2018-2022. In regards to Safety Strategy 5. Maintain material safety through the National Materials Program in partnership with Agreement States, Minnesota acknowledges the strong working relationship between the State and NRC as part of the National Materials Program and welcomes this continued effort. Our communications with the NRC's Government Liaisons, State Agreements Officers, and Office of Nuclear Material Safety and Safeguards staff have been professional, beneficial, and supportive. We look forward to continuing this working relationship into the future.</p>	<p>This comment expresses support for the proposed goals and objectives and does not recommend changes to the Strategic Plan. No changes were made to the strategic plan as a result of this comment.</p>
6A	New York State Energy Research and Development Authority	Safety Strategies	Page 11	<p>(1) The New York State Energy Research and Development Authority and the New York State Department of Public Service offer the following proposed additional Safety Strategy for incorporation into the Strategic Plan:</p> <p>Safety Strategy 9, Ensure safe, comprehensive, and timely radiological decommissioning of the 20+ plants currently undergoing decommissioning or that are expected to come offline in the time period covered by the Strategic Plan and apply lessons learned from previous decommissioning projects to make sure that nuclear decommissioning trusts have ample funds on hand to remove on-site radiation and protect the interests of sovereign states, communities, and ecosystems that host such facilities.</p>	<p>No changes were made to the strategic plan as a result of this comment. As discussed below, the Safety Strategies included in the Strategic Plan along with certain ongoing staff activities sufficiently address the comment.</p> <p>To achieve its mission, the NRC will actively "Maintain effective, stable, and predictable regulatory programs and policies," as described under Safety Strategy 1. The NRC will also "Perform high-quality, timely, and risk-informed reviews of requests for permits, licenses, design approvals, certifications, license amendments, license renewals, decommissioning activities, and license termination," as described under Safety Strategy 3. Taken together, these safety strategies sufficiently encompass a broad range of NRC licensed and regulated activities, including activities such as decommissioning and decontamination, as discussed in the proposed Safety Strategy 9.</p> <p>Several of the more-focused activities highlighted in the subsequent comments are subject to existing requirements or related to ongoing rulemaking activities associated with Regulatory Improvements for Power Reactors Transitioning to Decommissioning. This effort incorporates lessons learned from the decommissioning of several facilities that shut down in the 1990s, as well as the recent experience gained from the six power reactors that entered decommissioning between 2013 and 2016. The NRC issued an advance notice of proposed rulemaking in November 2015, followed by a draft regulatory basis in March 2017. The NRC staff considered public comments received during both stages in preparing this regulatory basis. In November 2017, staff completed the regulatory basis for the decommissioning of commercial nuclear power reactors. The regulatory basis supports a proposed rule that is planned to be submitted to the Commission for approval in May 2018. Once the Commission has approved the proposed rule, the staff will publish it for public comment. Additional information on the ongoing rulemaking activities can be found at: https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/RuleDetails.html?id=49</p>

6B	New York State Energy Research and Development Authority	Safety Strategies	Page 11	(2) Ensure that the decommissioning trust funds are unconditionally protected from bankruptcy or other insolvency, and are used for radiological decommissioning purposes and not used for on-site storage of high-level waste, spent fuel management, taxes, legal fees, or liability insurance.	<p>No changes were made to the strategic plan as a result of this comment.</p> <p>The NRC requires that radiological decommissioning funds be maintained as independent trust funds, and the NRC has regulations for when the trustee can allow the licensee to access the funds. At all times, the licensee has full responsibility to ensure there is a reasonable amount of funding for all NRC required decommissioning activities, and the licensee is required periodically to report the status of the decommissioning funds to the NRC. While in decommissioning, the NRC actively oversees the licensee's decommissioning to ensure it is performed safely. The decommissioning trust funds are used for radiological decommissioning as defined and regulated by the NRC. The NRC's regulations also require an annual financial review of withdrawals to provide reasonable assurance that funding will remain adequate to safely and successfully decommission the facility.</p>
6C	New York State Energy Research and Development Authority	Safety Strategies	Page 11	(3) Work with host states and communities to ensure that the facility owner provides financial and regulatory resources to safely decommission facilities and remove radiation from state natural resources (e.g., groundwater, rivers, soil).	<p>No changes were made to the strategic plan as a result of this comment.</p> <p>The NRC has established the unrestricted release criteria as 25 mrem per year total effective dose equivalent (plus implementing the As Low As Reasonably Achievable principle) to an average member of the critical group as an acceptable criterion for release of any site for unrestricted use. This criterion encompasses all exposure pathways, including groundwater and soil. The licensee is required to demonstrate that the site can meet this criterion before the license will be terminated for unrestricted use.</p>
6D	New York State Energy Research and Development Authority	Safety Strategies	Page 11	(4) Establish stakeholder best practices based on past decommissioning experience to address host state and community stakeholder questions about the process.	<p>No changes were made to the strategic plan as a result of this comment.</p> <p>The nuclear industry has endorsed the formation of citizen advisory boards or engagement panels for decommissioning projects, and the NRC has encouraged licensees to establish Community Advisory Panels for the decommissioning effort in order to enhance communications with the local communities and stakeholders. In addition, as part of its role as an independent regulator, the NRC frequently attends Community Advisory Panel meetings to address questions or concerns from the community members.</p>

6E New York State Energy Research and Development Authority Safety Strategies

Page 11

(5) Return surplus funds, if any, to ratepayers who contributed monies to nuclear decommissioning trust funds.

No changes were made to the strategic plan as a result of this comment.

Upon completion of radiological decommissioning and termination of the NRC license, the final use of surplus decommissioning trust funds is outside the authority of the NRC. The return or use of surplus decommissioning funds would be determined by the state's public service commission.