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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
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March 2, 2020

The Honorable Kristine Svinicki
Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Svinicki,

We support the Nuclear Regulatory Commission's (NRC) efforts to assess and modernize the Reactor Oversight Process (ROP), known as the ROP Enhancement Initiative. This initiative will result in an improved method to oversee our nation's nuclear power reactors.

America's nuclear plants provide clean, reliable energy that powers our economy. These reactors dependably generate carbon-free electricity over 90 percent of the time. They are performing at historically high levels of safety and efficiency.¹ As the nation's largest source of carbon-free energy, the continued safe and affordable operation of our nuclear power plants is critical to protecting the environment. The ROP Enhancement Initiative will help to achieve this goal by modernizing the ROP that has effectively contributed to safe nuclear power operations for the past 20 years.

The Atomic Energy Act requires a "reasonable assurance of adequate protection" to protect public health and the environment.² Building on the foundation set by the Atomic Energy Commission, the NRC's 45 years of experience meeting this requirement is the cornerstone of our nation's strong legacy of nuclear safety. Nuclear power plant operators have also gained great experience since the launch of commercial nuclear power. This leads to increased performance and safety. With the regulator and operator's extensive experience, as well as improved data collection methods, it is appropriate for the Commission to take a fresh look at your regulatory processes. We applaud the NRC staff for initiating a review of the ROP in 2018.

Congress also supported modernizing nuclear energy regulation with the overwhelmingly bipartisan passage of the Nuclear Energy Innovation and Modernization Act (NEIMA), which President Trump signed into law on January 14, 2019. NEIMA endorses the NRC's longstanding policy of integrating risk and performance information into regulatory decisions.³ The NRC's

¹ United States. Cong. Senate. Committee on Environment and Public Works. *Hearing on Preserving and Expanding Clean, Reliable Nuclear Power: U.S. Commercial Nuclear Reactor Performance Trends and Safety Initiatives*. November 13, 2019. 116th Cong. 1st sess. Washington: GPO, 2019 (statement of Robert F. Willard, President and Chief Executive Officer, Institute of Nuclear Power Operations).

² Atomic Energy Act of 1954, as amended (P.L. 83-703)

³ <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML19319C832>

ROP Enhancement Initiative will more fully incorporate the risk-informed, performance-based approach into the ROP process.

On June 28, 2019, the NRC staff provided its ROP Enhancement Initiative proposal to the Commission.⁴ The staff “concluded that there has been an improvement in plant safety over the [20 year] period” based on an analysis of multiple safety indicators.⁵ The proposal contains modest recommendations based on careful consideration of feedback received throughout the process.⁶ This quantitative analysis of data and historical trends supports the staff’s recommendations that prioritize attention and resources on the most safety significant issues.⁷ The recommendations would incentivize nuclear operators to expeditiously address safety issues.

Openness is one of the NRC’s Principles of Good Regulation.⁸ We appreciate the staff’s commitment to this principle in the development of the ROP Enhancement Initiative. The 21 public meetings held to date to discuss aspects of the ROP Enhancement Initiative are evidence of NRC’s robust public outreach and engagement. Additionally, on August 7, 2019, the NRC staff announced a 60-day comment period to receive public feedback on the staff’s recommendations.⁹ The public submitted 89 comments.¹⁰ The NRC also maintains a website to provide frequent updates on the initiative.¹¹ This robust public engagement is critical to successfully developing and implementing the ROP Enhancement Initiative.

A hallmark of a strong nuclear safety culture is a questioning attitude; one that continually challenges the status quo in pursuit of safe, secure, and efficient operation of the nation’s nuclear power plants. Ensuring the programs and processes at the heart of nuclear safety regulation continue to evolve and keep pace with innovation and technological improvement is essential to maintaining a strong internal safety culture at NRC.

We request you act on the NRC staff’s recommendations for near-term ROP improvements. We also encourage you and the NRC staff to consider additional actions in the second phase of the initiative. We believe this process will result in further steps to prioritize resources on areas of greatest safety significance.

We appreciate the Commission’s support for reassessing and improving the Reactor Oversight Process. This demonstrates that the NRC is a learning organization with regulations based on performance and informed by risk. We look forward to your ongoing consideration of this effort.

⁴ United States Nuclear Regulatory Commission, *Recommendations for Enhancing the Reactor Oversight Process* (SECY-19-0067, June 2019)

⁵ *Ibid.*

⁶ *Ibid.*

⁷ On February 7, 2020, the NRC staff proposed a revised process to resolve issues of “very low safety significance.” This proposal, which originated as part of the ROP Enhancement Initiative, will assure that both NRC and licensees help prioritize focus on addressing safety issues. See: <https://www.nrc.gov/docs/ML2002/ML20022A032.pdf>

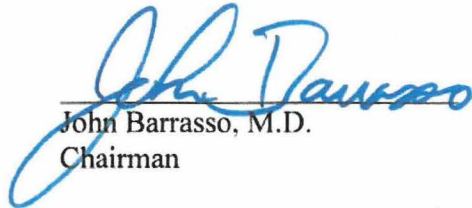
⁸ NRC’s Principles of Good Regulation are: Independence, Openness, Efficiency, Clarity, and Reliability.

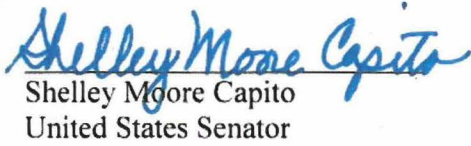
⁹ <https://www.federalregister.gov/documents/2019/08/07/2019-16876/reactor-oversight-process-enhancement-initiative>

¹⁰ <https://www.nrc.gov/docs/ML1931/ML19312B408.pdf>

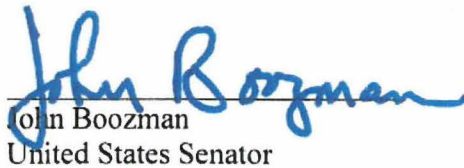
¹¹ <https://www.nrc.gov/reactors/operating/oversight/rop-enhancement.html>

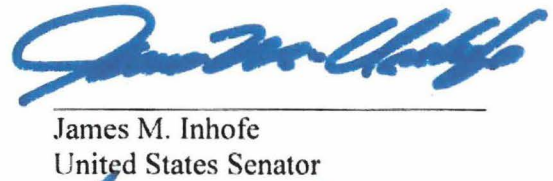
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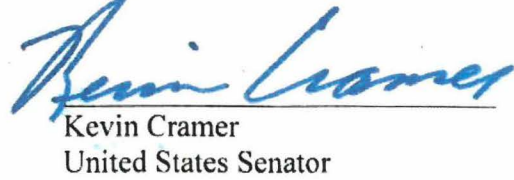

John Barrasso, M.D.
Chairman


Shelley Moore Capito
United States Senator

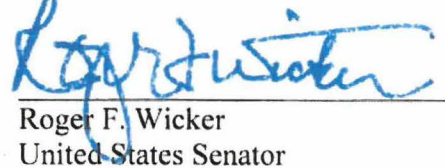

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