

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Caputo

SUBJECT: SECY-20-0020: Results of Exploratory Process for
Developing a Generic Environmental Impact
Statement for the Construction and Operation of
Advanced Nuclear Reactors

Approved X In-Part Disapproved X In-Part Abstain Not Participating

COMMENTS: Below Attached XX None

Entered in STARS

Yes X
No

Signature

Date

**Commissioner Caputo's Comments on SECY-20-0020,
Results of Exploratory Process for Developing a Generic Environmental Impact
Statement for the Construction and Operation of Advanced Nuclear Reactors**

With the recent focus on the development and licensing of advanced nuclear reactors (ANR), the staff's attention to streamlining its environmental reviews and developing an ANR Generic Environmental Impact Statement (ANR GEIS) is timely. I commend the staff on its efforts and approve the staff's approach under Option 2 to immediately begin developing an ANR GEIS using a technology neutral plant parameter envelope approach. I have long been concerned that our established process of lengthy environmental reviews resulting in voluminous environmental impact statements is a disservice to the public and contrary to the intent of the National Environmental Policy Act. Developing an ANR GEIS is a step in the right direction to reversing this troubling trend.

While I am supportive of the Staff's proposed approach, I am concerned by the staff's intent to limit the applicability of the ANR GEIS to designs with a generating output of approximately 30 MWt (~10 MWe) per reactor. SECY-20-0020 acknowledges that advanced reactors can encompass a broad spectrum of technologies, with six non-LWR designers formally notifying the NRC of their intent to engage in regulatory interactions.¹ While the Staff states that the actual bounding thermal power level will be determined after engagement with external stakeholders during the scoping process, my opinion is that 30 MWt is much too low of a starting point. This bounding thermal level will exclude nearly all of the ANR designs currently being developed and does not correspond with NEIMA's intent to establish a technology-inclusive, risk-informed, and performance-based regulatory framework. If the staff chooses to use power level as a bounding term, it should ensure that the power level ultimately applied is the result of a risk-informed and performance-based analysis that thoroughly incorporates input from external stakeholders.

I also agree with the Chairman that the ANR GEIS should be codified through a rulemaking under the Administrative Procedure Act. The benefits of codifying the GEIS, chief among them narrowing those issues that could be permissibly raised during the hearing process on ANR applications, adds to the efficiencies gained through this process. I also agree with the Chairman that this direction supplants the need for the staff to submit a voting paper seeking approval of a rulemaking plan on this matter.

¹ <https://www.nrc.gov/reactors/new-reactors/advanced.html>