

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN SVINICKI
SUBJECT: SECY-20-0032: RULEMAKING PLAN ON "RISK-
INFORMED, TECHNOLOGY-INCLUSIVE
REGULATORY FRAMEWORK FOR ADVANCED
REACTORS (RIN-3150-AK31; NRC-2019-0062)"

Approved In-part Disapproved In-part Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

06/24/2020

DATE

Entered on "STARS" Yes No _____

**Chairman Svinicki Comments on SECY-20-0032:
Rulemaking Plan on “Risk-Informed, Technology – Inclusive Regulatory
Framework for Advanced Reactors (RIN-3150-AK31; NRC-2019-0062)”**

I approve the proposed approach to the development of a rule for the licensing of advanced reactors, preliminarily being designated as a new 10 CFR Part 53, with the following changes. I do not approve the proposed development or use of an advance notice of proposed rulemaking (ANPR). This rulemaking tool is generally advantageous where insufficient groundwork has been laid on the topic. As the staff notes, the Commission published its first policy statement on the regulation of advanced reactors in 1986. Since at least the year 2005, the NRC has been intensively engaged with the Congress, technology developers, researchers, and other stakeholders on the subject of advanced reactors, starting with the Next Generation Nuclear Plant and continuing through the recent docketing of the Aurora reactor application with Oklo. Instead, the staff should double down on its proposed approach by launching directly into the development and intermittent release of preliminary draft rule language, followed by public outreach and dialogue, and then further iteration on the language until the staff has established the rudiments of its proposed rule for Commission consideration. As an accelerant to this process, and to the proposed schedule, the staff should compress the resource-loading of its current project plan with the heaviest investment falling in the immediate fiscal years, with the goal of publishing the proposed rule in October of 2022 and the final rule in October of 2024. The staff’s proposed approach has the necessary innovations to make this schedule achievable and already provides for the front-end loading of outreach and iterative dialogue necessary to the development of a high-quality proposed rule. If those approaches are sufficiently resourced on the front end, there is no need for or benefit to spreading the same effort over nearly 8 years. The constituencies on this subject are deeply conversant in it, fully engaged, and, frankly, primed to get going.

I approve the staff’s requested delegation of the signature authority for the release of preliminary rule language to the Division Director within the Office of Nuclear Material Safety and Safeguards. Since I disapprove the use of an ANPR, I disapprove its delegation to the Executive Director for Operations, as unnecessary. I approve the staff’s proposed engagement with the Advisory Committee on Reactor Safeguards but approve its determination regarding the Committee to Review Generic Requirements (CRGR) only through the development of the proposed rule. Prior to sending the proposed rule to the Commission for its review and approval, the staff should engage the CRGR on whether the Committee wishes to request an opportunity to review the proposed rule for any backfit issues and provide comment to the staff.



Signature

06/24/2020

Date