



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 16, 2020

Mr. Marcus R. Nichol
Senior Director, New Reactors
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: RESPONSE TO NUCLEAR ENERGY INSTITUTE LETTER REGARDING THE U.S. NUCLEAR REGULATORY COMMISSION RULEMAKING PLAN ON RISK-INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR ADVANCED REACTORS (RIN-3150-AK31; NRC-2019-0062)

Dear Mr. Nichol:

By letter dated October 21, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20296A398), you provided the Nuclear Energy Institute's (NEI's) insights related to the U.S. Nuclear Regulatory Commission (NRC) staff's rulemaking plan described in SECY-20-0032, "Rulemaking Plan on Risk Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors (RIN-3150-AK31; NRC-2019-0062)," dated April 13, 2020 (ADAMS Accession No. ML19340A056). Specifically, NEI's views were intended to provide the industry vision for Part 53 and highlight key goals to inform the staff's activities with regard to the rulemaking efforts associated with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 53, which is scheduled for completion by October 2024. We appreciate the information received from the NEI and note that the vision and goals you suggested are generally consistent with the efforts we already have underway or planned.

In order to develop a risk-informed, technology-inclusive regulatory framework for advanced reactors that is transformational, flexible, and efficient, the NRC staff anticipates substantial stakeholder engagement through 2024. The staff has already begun scheduling a series of public meetings every 4 to 6 weeks to engage stakeholders and the Advisory Committee on Reactor Safeguards throughout calendar year 2021, and we look forward to addressing meaningful insights such as those described in your October 21, 2020, letter throughout those public discussions.

Consistent with the NRC's vision of becoming a modern, risk-informed regulator, the staff is placing a high priority on its efforts to develop an open, predictable, and transparent rulemaking process. Among other things, these efforts include releasing preliminary proposed rule language to solicit feedback and better inform the staff's proposals. We fundamentally believe that continued engagement with the NEI and our other stakeholders is paramount to developing a high quality, transformative 10 CFR Part 53 rule and associated guidance. As such, we look forward to engaging with NEI and others during our upcoming November 18, 2020, public meeting (ADAMS Accession No. ML20309A524) to discuss this important topic.

Finally, while the NRC may not follow the precise steps NEI proposed in the October 21 letter, we believe the NRC's proposed plan (see "Response to Staff requirements - SECY-20-0032- 'Rulemaking Plan on Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors,'" dated November 2, 2020 (ADAMS Accession No. ML20288A251)) and the current efforts associated with the 10 CFR Part 53 rulemaking activities are consistent with NEI's views and goals related to achieving the efficient licensing of safe advanced nuclear technologies.

If you have any questions regarding the status of the rulemaking activities, please contact Robert (Bob) Beall by telephone at 301-415-3874 or by e-mail to Robert.Beall@nrc.gov.

Sincerely,

John R. Tappert, Director
Division of Rulemaking, Environmental, and
Financial Support
Office of Nuclear Material Safety and Safeguard

SUBJECT: RESPONSE TO NEI INPUT ON THE NRC RULEMAKING PLAN ON RISK-INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR ADVANCED REACTORS (RIN-3150-AK31; NRC-2019-0062)
DATED: November 16, 2020

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