

November 13, 2020

SUNI Review Complete
Template=ADM-013
E-RIDS=ADM-03

Margaret Doane
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ADD: Carla Cruz-Roque, Mary Neely
Comment (4)
Publication Date: 9/16/2020
CITATION 85 FR 56275

Subject: Comments on Development of NRC's Strategic Plan for Fiscal Years 2022 Through 2026
(Docket ID NRC-2020-0194)

Dear Ms. Doane:

We are pleased to provide input in response to the NRC's request for comments on its update of the NRC's Fiscal Years (FY) 2022-2026 Strategic Plan. A great deal has changed since the development of the NRC's last Strategic Plan, especially with regard to small modular reactors (SMRs) and advanced reactors.

The nation, and the world, are grappling with the need to reduce carbon emissions and many U.S. utilities are making carbon reduction commitments that require advanced nuclear power to complement other carbon-free generation like wind and solar. We appreciate the progress being made by the NRC on its journey to become a modern, risk-informed regulator. While these efforts have resulted in notable progress in moving toward a more safety-focused approach to reactor licensing, there is still much more to do. Safe and cost-competitive nuclear power, overseen by a strong, independent and efficient regulator, is an essential element of long-term success for nuclear technology and the NRC Strategic Plan should guide the agency's role in this challenge.

Six years ago, when the current Strategic Plan was being developed, these technologies were an emerging consideration. Today, all of our companies have SMR/advanced reactor designs that are being prepared for, or are already under active review by the NRC staff. In addition, a number of projects are planning to initiate construction in the next five years. The next five to seven years are a critical period for SMR and advanced reactor technology. Consequently, the FY 2022-2026 NRC Strategic Plan requires a new focus on the goals, strategies, and activities that support the timely and efficient licensing of these new technologies.

To this end, we encourage the NRC to redouble its efforts to become a more modern, risk-informed regulator and execute its radiological safety and security mission in the most effective and efficient manner possible. This will ensure that in executing its mission, the NRC does not maintain or erect unnecessary barriers to achieving the broader policy objectives of the Atomic Energy Act—that atomic energy shall make the maximum contribution to the general welfare—particularly at a time when nuclear power must play a vital role in addressing carbon reduction goals. Further, the manner in which the Strategic Plan is implemented should drive this needed change.

Our input to the formulation of the NRC's 2022-2026 Strategic Plan is divided into the following elements:

The Strategic Plan Must Reflect a Shift in NRC's Implementation of its Mission in Light of the Broader Context of U.S. Energy Policy

- Recognition of Broader U.S. Energy Policy Objectives. From the beginning, a primary objective of the Atomic Energy Act has been to enable the safe use of atomic energy to the maximum benefit of the general welfare. Given the vital role that nuclear power plays in combating the threat posed by climate change, this objective is more urgent now than ever before. The NRC should view and implement its mission through the lens of the broader U.S. policy of nuclear energy making "the maximum contribution to the general welfare" and encouraging "widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public."¹
- U.S. Nuclear Technology Supports National Security. The role of U.S. nuclear technologies does not stop at U.S. borders. The NRC is the global gold standard for regulators. Approval of SMRs and advanced nuclear technologies support U.S. national security interests by enabling safe, NRC-approved, nuclear technologies to be deployed in countries that are also looking to harness nuclear carbon-free energy as part of their carbon reduction/energy strategies. The deployment of these NRC-approved technologies ensures reactors in other countries adhere to proper safety and security standards, as well as enabling the U.S. to build long-term relationships with these countries.
- Evolving Context for NRC's Mission. Failure to recognize the broader context within which NRC is regulating nuclear energy could hinder the nation's ability to reach its carbon reduction and national security goals through imposition of unnecessary burden. Congress has signaled that safe nuclear power must play a role through numerous bipartisan legislative actions. This is particularly true with respect to SMRs and advanced reactors where both legislative actions and appropriations have signaled the need to move forward expeditiously and efficiently. Consequently, the NRC should strive to make the safe use of nuclear technology possible in order to ensure that nuclear energy is available to fulfill its needed role in the nation's response to climate change.

The Strategic Plan Must Drive Real Transformation

- The Strategic Plan Should be Truly Transformational. The next Strategic Plan should specify a bold vision for organizational, cultural, and regulatory transformation of the NRC. This is particularly relevant to the licensing of SMRs and advanced reactors. The innovative nature of SMRs and advanced reactors challenge the existing NRC processes and will be extremely relevant to NRC activities and priorities over this time period, as multiple designs progress through NRC reviews and licensing. The Strategic Plan should address how the NRC will adapt to this challenge and meet the efficiency and timeliness needs of the industry.
- The Strategic Plan Should Reflect the Agency's Goal to be a Modern, Risk-informed Regulator. SMRs and advanced reactors have inherent safety characteristics that are very different than the current fleet. A modern, risk-informed regulator should recognize these characteristics to create more timely and efficient processes for the licensing of the inherently safe designs. The vision, strategies, and actions of a modern, risk-informed regulator must account for the inherent levels of safety of

¹ Atomic Energy Act of 1954, as amended (P.L. 83-703), §§ 1.a, 3.c-d., 42 U.S.C. §§ 2011(a), 2013(c)-(d).

advanced designs, the improved use of scientific knowledge and methods, and our modern understanding of technology and risk.

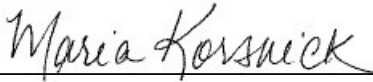
- The Strategic Plan Should Identify Elimination of Unnecessary Regulatory Burden as a Priority. Advanced technology presents an opportunity to greatly reduce unnecessary regulatory burden. The NRC has the authority to determine “necessary” regulatory burden and should take action to remove “unnecessary” regulatory burden in the licensing of advanced designs. Consistent with this, the application of “reasonable assurance” should account, where appropriate, for inherent safety and security features of advanced designs. The NRC’s Strategic Plan can provide much needed clarity that eliminating “unnecessary” regulatory burden does not mean reducing safety.

The Goals and Objectives Provided in the Strategic Plan Must be Continuously Reinforced

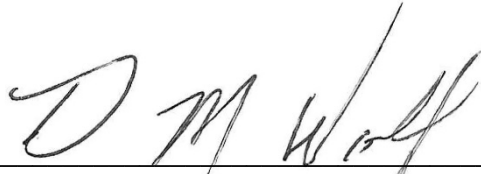
- The NRC Should Take Bold Steps to Implement the Goals and Objectives Agencywide, Including Continuous Reinforcement. We recommend that the NRC’s next Strategic Plan be communicated to the staff at all levels much more comprehensively than in past years to ensure that every employee understands that they are accountable for embracing the objectives contained in the Plan as they carry out their work. This particularly applies to the staff that will be involved in the licensing of SMRs and advanced reactors as they will have ideal opportunities to truly transform the NRC into a modern risk-informed regulator.
- The Strategic Plan Should Reincorporate Goals and Objectives Related to Agency Management and Performance. Prior to the current FY 2018-2022 Strategic Plan, the NRC’s Strategic Plan contained goals related to agency performance. These are worthy goals and should be reinstated. Current guidance from the Office of Management and Budget in Circular A-11, Section 230, encourages agencies to adopt Stewardship Objectives. Many of the challenges that the NRC is currently grappling with, including transformation, modernization, becoming more risk-informed, and establishing a culture of innovation that is willing to embrace change fit well into a Stewardship Objective. The NRC Strategic Plan could serve as the platform to unify all of these objectives and provide an improved guidepost to which the NRC staff can refer.

We are providing this input to specifically address SMRs and advanced reactors, which we believe supplements the input provided by the Chief Nuclear Officers of NEI’s Nuclear Strategic Issues Advisory Committee. As the NRC develops the Strategic Plan, we encourage continued dialogue with stakeholders. We request that the 2021 Regulatory Information Conference be considered as a venue for further discussion with the advanced reactor community, the industry and the public.

We appreciate the opportunity to provide comments on the development of the NRC FY 2022-2026 Strategic Plan and we hope these will assist the NRC’s efforts during a critical period for the U.S. nuclear power industry. If you have questions, please contact Doug True at 202-739-8093 (det@nei.org).



Maria Korsnick, President & CEO
Nuclear Energy Institute



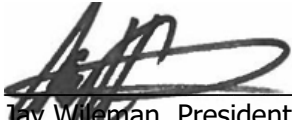
Don Wolf, Chairman and CEO
Advanced Reactor Concepts, LLC



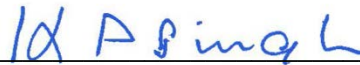
Ken Camplin, President, Nuclear Services Group
BWX Technologies, Inc.



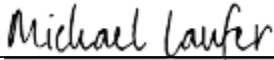
Gary Mignogna, President and CEO
Framatome, Inc



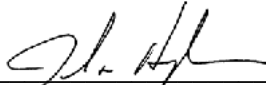
Jay Wilman, President and CEO
GE Hitachi Nuclear Energy



Kris Singh, President and CEO
Holtec International



Michael Laufer, CEO
Kairos Power, LLC



John Hopkins, Chairman and CEO
NuScale Power, LLC.



Jacob DeWitte, CEO
Oklo, Inc.



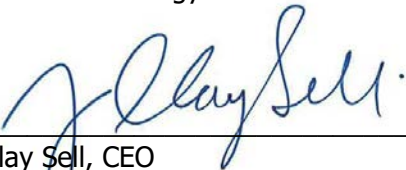
Christopher Levesque, President and CEO
TerraPower LLC



Charles Pardee, President
Terrestrial Energy USA



David Durham, President, WECTEC LLC and
Senior VP, WEC
Westinghouse Electric Company



Clay Sell, CEO
X Energy, LLC

- c: The Honorable Kristine L. Svinicki, Chairman, NRC
The Honorable Jeff M. Baran, Commissioner, NRC
The Honorable Annie Caputo, Commissioner, NRC
The Honorable David A. Wright, Commissioner, NRC
The Honorable Christopher T. Hanson, Commissioner, NRC
NRC Document Control Desk