

November 13, 2020

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

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ADD: Carla Cruz-Roque, Mary Neely
Comment (5)
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CITATION 85 FR 56275

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

Dear Ms. Doane:

On September 11, 2020, the NRC requested comments on its update of the NRC's Fiscal Years (FY) 2022-2026 Strategic Plan. Specifically, the NRC requested input on the agency's strategic goals, actions to realize those goals, and how to address key challenges and external factors.

We appreciate the progress being made by the NRC on its journey to become a modern, risk-informed regulator. These efforts have resulted in significant progress in multiple areas, including risk-informing of licensing and streamlining of processes and procedures. As identified in the NRC Futures Assessment, the NRC and the nuclear industry face a dynamic and evolving future. At the same time, 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 carbon-free generation like safe nuclear power. Safe nuclear power, overseen by a strong, independent regulator, is an essential element of meeting the nation's goals and the NRC Strategic Plan should guide the agency's conduct.

The current U.S. fleet is performing at unprecedented levels of safety, reliability, and cost-competitiveness.¹ However, the next five to seven years are arguably the most critical period for the U.S. nuclear power industry in over 40 years. Consequently, the FY 2022-2026 NRC Strategic Plan requires more fundamental changes than prior revisions. We encourage the NRC to redouble its efforts to ensure that it is functioning as a modern, risk-informed regulator and is executing 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.

¹ NEI 20-04, "The Nexus Between Safety and Operational Performance in the U.S. Nuclear Industry," March 2020; Nuclear by the Numbers Fact Sheet, August 2020 (available at <https://www.nei.org/CorporateSite/media/filefolder/resources/fact-sheets/nei-nuclear-by-the-numbers-092520-final.pdf>).

The industry's 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."²
- Evolving Context for NRC's Mission. Failure to recognize the broader context within which NRC is regulating could hinder the nation's ability to reach its carbon reduction goals. Congress has signaled that safe nuclear power must play a role in addressing the nation's future energy needs through numerous bipartisan legislative actions. In carrying out its mission, 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. Given the NRC's current focus on transforming into a "modern, risk-informed regulator," the next Strategic Plan should specify a bold vision for organizational, cultural, and regulatory transformation. In light of the NRC staff's own acknowledgement of the need for transformation, simply "updating" the existing plan is insufficient. Rather, the NRC should look at this update as an opportunity to demonstrate its commitment to change.
- The Strategic Plan Should Reflect the Agency's Goal to be a Modern, Risk-informed Regulator. The Strategic Plan should serve as a foundational framework, setting forth the agency's commitment to becoming a "modern, risk-informed regulator," and drive the application of that fundamental concept by those carrying out the NRC's mission during this critical period. The vision, strategies, and actions of a modern, risk-informed regulator must account for the improved use of current scientific knowledge, understanding of technology and risk, decades of industry operating experience and sustained high-levels of safety performance attained by the U.S. industry.
- The Strategic Plan Should Identify Elimination of Unnecessary Regulatory Burden as a Priority. The NRC's statutory mandate to provide reasonable assurance of adequate protection does not and has never been interpreted to maintain obsolete regulatory approaches. It allows for the NRC to adjust requirements and expectations over time, regardless of whether this means "less" or "more" regulation. A critical point is that the agency has the authority to determine "necessary" regulatory burden and should take action to remove "unnecessary" regulatory burden on the industry. The NRC's

² 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).

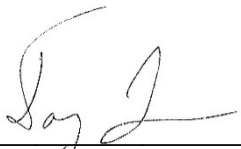
Strategic Plan can provide much needed clarity that eliminating “unnecessary” regulatory burden does not mean reducing safety.

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

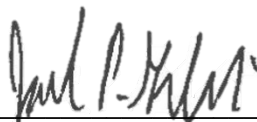
- The NRC Should Take Bold Steps to Implement the Goals and Objectives Agencywide, Including Continuous Reinforcement. We recommend that the NRC’s next Strategic Plan be communicated to the staff at all levels much more comprehensively than in past years to ensure that every employee understands that they are accountable for embracing the objectives contained in the Plan as they carry out their work. Progress in achieving the objectives should also be communicated publicly in clear and transparent manner.
- 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 understand that members of the Advanced Reactor developer community are also providing input. 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 industry and the public.

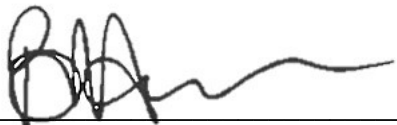
We appreciate the opportunity to provide comments on the development of the NRC FY 2022-2026 Strategic Plan and we hope they will assist the NRC’s efforts during a critical period for the U.S. nuclear power industry and the nation. If you have questions, please contact Doug True at 202-739-8093 (det@nei.org).



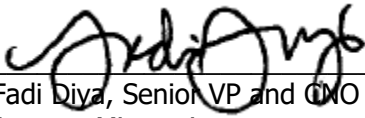
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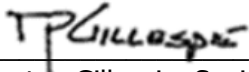
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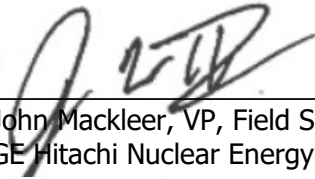
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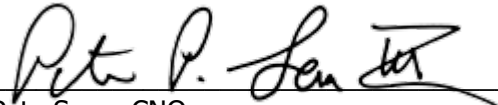
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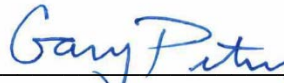
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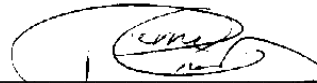
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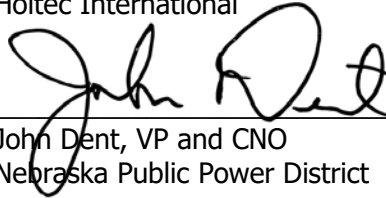
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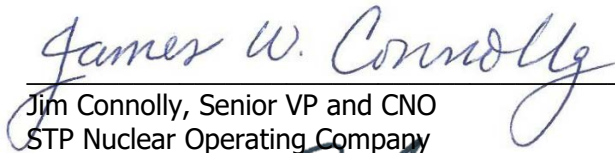
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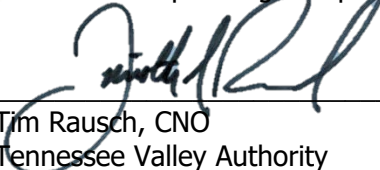
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