From: jkj@connect-usa.com
To: RegulatoryAffairs@nuscalepower.com; RulemakingComments Resource
Cc: Malave-Velez, Yanely; Chowdhury, Prosanta
Subject: [External_Sender] NuScale SMR Standard Plant Design Certification Application
Date: Monday, July 19, 2021 6:16:58 PM

Office of the Secretary, US Nuclear Regulatory Commission
And
NuScale Power LLC

Dear Madam or Sir,
With your agreement, I would like to access, professionally review and comment on the proprietary, physical security and safeguards information relating to the NuScale Module Reactor Design Certification (Docket ID NRC-2017-0029) that is currently the subject of proposed rulemaking. See FR-2021-07-01. My request includes but is not limited to a request for document TR-0416-48929 (NuScale Design of Physical Security Systems). I offer the following information for your consideration:

(1) The name of this design certification is the NuScale SMR Design Certification; the rulemaking identification number is RIN 3150-AJ98; the rulemaking docket number, is NRC-2017-0029; and the Federal Register
citation for this rule is FR-2021-07-01 (https://www.govinfo.gov/content/pkg/FR-2021-07-01/html/2021-13940.htm) .

(2) The name of the requester is James Joosten, 25131 Chambliss Ct., Gaithersburg, MD 20882.

(3) The identity of the individual. seeking access is the same, myself.

(4) The information is needed in order to provide meaningful and professional comments on the U.S. national security benefits, risks, and public safety ramifications of the NuScale 'first-of-a-kind' reactor design.

(a) Specifically, I would like to review and comment on the design features and safety/safeguards analyses which protect the owner/operators and public from acts of terrorism, sabotage, the insider threat, vehicle and aircraft impacts, and certain 'beyond design basis accidents'. These analyses and design features are not fully described in the information that has been publicly released.

(b) QUALIFICATIONS - I note that I am a nuclear engineer with a Masters degree in Nuclear Engineering and Engineering Physics. I have over 40 years of experience in the design, construction, commissioning, operation, regulation and decommissioning of commercial nuclear reactors. I have examined over 150 nuclear facilities worldwide; I was a prior Technical Assistant to an NRC Commissioner and to the NRC Executive Director for Operations wherein I reviewed many reactor license applications and generic safety issues. I also hold a Masters degree in National Security Studies. I also was a manager for one of the nation's largest nuclear utilities. I previously supervised the technical staff for the reactor primary and safeguards systems.I held a Senior Reactor Operator and Nuclear Fuel Handler license. I supervised the control room of two reactors in the Chicago suburbs and was responsible for compliance with all NRC regulations including safeguards, physical security and emergency response requirements. As a member of the pubic, I am well qualified to

review and comment on these physical security and SGI aspects of the NuScale design. I propose to handle the materials and review them in a mutiually agreed secure location such as NRC headquarters in Rockville or DOE's offices in Germantown.

Consistent with 10CFR Sec. 73.2 and 73.22(b)(1), I believe that I have a need to know this specific information because Congress and the U.S. Nuclear Regulatory Commission (NRC) consider public involvement in, and information about their rule making activities to be a cornerstone of strong, fair regulation of the nuclear industry. As such, the NRC believes that nuclear regulation should be transacted as openly and candidly as possible to maintain and enhance the public's confidence. Ensuring appropriate openness explicitly recognizes that the public must be informed about, and have a reasonable opportunity to participate meaningfully in, the NRC's regulatory processes. Public review and commentary is not possible, if reactor and security experts in the public are significantly barred from accessing the information underpinning the design analysis and certification.

I am specifically requesting those plant design, analysis, and emergency response related documents which have been withheld from the general public review and which address physical security, safeguards, and national security concerns so that I may independently assess and comment upon the adequacy of the physical protection measures, strengths or weaknesses in the plant design, proposed security analyses, adequacy of the smaller EPZ, and sufficiency of emergency response features, if appropriate. For example, I would like to review and comment upon the ability of the structures, systems, components, and proposed reduced staffing levels to withstand a physical attack, insider threat, beyond design basis accidents; the capabilities of the plant instrumentation and accident monitoring systems to deal with these events and loss of power events since the design does not include normal safety grade backup power systems. Moreover, there is currently an open border with Mexico through which more than a million unknown individuals have entered in just the last six months.Tensions with American adversaries such as Russia, China, Iran, Venezuela, and North Korea are increasing.Therefore the strength and resiliency of the NuScale design to withstand physical attack, terrorist and insider threats, is of growing relevance.

This request for proprietary and SGI has been copied directly to the applicant, NuScale. Additionally I have attempted to review the applicant's latest FSER and DCA submittals to the NRC. HOWEVER - As has been reported, DOE provided more than $400 million to support the design, licensing and siting of the NuScale Power Module. The application itself amounted to over 12,000 pages and included more than 2 million pages of additional documents. NuScale itself spent well over 5 years preparing the documents and the 3000+ staff of the NRC spent 42 months reviewing the DC application documents. Consequently, I believe that the NRC rule currently places an unreasonably short expectation on the public for review and comment. Namely, it seems unreasonable to expect even an expert member of the public to match those resources within just 10-25 days from rule publication - especially given the impacts of the Covid-19 pandemic on NRC records access and on other operations.

I note that my request comes as quickly as I could generate it, and within about 10-11 business days after the issuance of the federal register notice. Unfortunately, I could not practically identify missing material and generate the request sooner given the enormous quantity of material to be reviewed for this DCA rulemaking; the fact that many of the NRC website hyperlinks to this DCA information (e.g., RAIs) are broken or inoperable; the difficult access to the NRC Public Document Room and Technical Library; the applicant's decision to exclude unusual quantities of design information from general public review; the uniqueness

of the new reactor design; the unusually large number of regulatory waivers requested by the applicant; and even due to restrictions on accessing the NuScale website. Consequently, I think my access request is timely.

The SGI access process should not be an impediment if a reasonable approach is taken. As a former licensed Senior Reactor Operator, I have held public trust and safety/security responsibility in the past. I held clearances with the NRC and recently underwent a background check. I am willing to submit any required SF-85 forms and form Fd-258 as required by 10 CFR part 2, subpart C; Sec. 73.22(b)(2); and the Atomic Energy Act. I may even be exempt from the SF-85 requirement. I am prepared to immediately submit the necessary forms, NDA, and application fee upon the NRC's determination that the requester has established a need to know the Physical security and SGI. Please provide a secure access method for my SF-85 materials and payment. Also, I am an industry consultant. I have full confidence in the NuScale's team and will work closely with them.

In short, I look forward to your prompt reply and agreement to permit public review and commentary on the nuclear safety, physical security, and safeguards aspects of this NuScale DCA.

Sincerely,
// James Joosten//
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