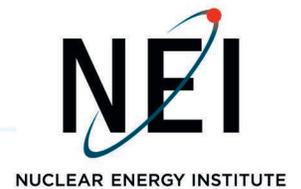


**JENNIFER L. UHLE, PH.D.**  
Vice President, Generation & Suppliers

1201 F Street, NW, Suite 1100  
Washington, DC 20004  
P: 202.739.8164  
jlu@nei.org  
nei.org



September 8, 2021

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

**Subject:** NRC's Retrospective Review of Administrative Requirements

**Project Number: 689**

Dear Ms. Doane:

When the U.S. Nuclear Regulatory Commission (NRC) began the current Retrospective Review of Administrative Requirements (RROAR) four years ago<sup>1</sup>, the Nuclear Energy Institute (NEI)<sup>2</sup> believed this was an opportunity for the agency to modernize its reporting requirements and to reduce unnecessary regulatory burden imposed on licensees. Our belief was based upon the principles outlined in Executive Order (EO) 13563<sup>3</sup> and EO 13579<sup>4</sup> that "independent regulatory agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned." The industry and the NRC staff have invested a great deal of time and resources on this effort.

Unfortunately, RROAR has proven to be a missed opportunity without tangible progress to date, and in our view, has not met the spirit of the EOs. Based on what we have most recently learned about the RROAR project from the June 30, 2021 and August 19, 2021 public meetings and the public release of the staff's response<sup>5</sup> to NEI's 31 recommendations on reforming 115 reporting requirements within the scope of RROAR,<sup>6</sup> it seems the NRC staff's review of the 299 reporting requirements in 10 CFR Parts 11-140 has focused on defending the *status quo*.

---

<sup>1</sup> As detailed in the attachment to NEI's letter of March 10, 2021, Andrew Mauer to John Lubinski, "NRC's Retrospective Review of Administrative Requirements," (ADAMS ML21076A334), the NRC's efforts on retrospective review trace back to a draft plan published in November 2012.

<sup>2</sup> The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

<sup>3</sup> Executive Order 13563, "Improving Regulation and Regulatory Review," January 18, 2011, Section 6, "Retrospective Analyses of Existing Rules," Federal Register Volume 76, Number 14, pages 3821-3822, January 21, 2011.

<sup>4</sup> Executive Order 13579, "Regulation and Independent Regulatory Agencies," July 11, 2011, Section 2, "Retrospective Analyses of Existing Rules," which clarified the applicability of EO 13563 to independent regulatory agencies in addition to executive branch agencies addressed by EO 13563.

<sup>5</sup> SECY-21-0056: Evaluation of Stakeholder Input on Retrospective Review of Administrative Requirements, June 1, 2021, ADAMS ML21013A026

<sup>6</sup> Letter from James E. Slider (NEI) to Andrew G. Carrera (NRC), "Comments on the NRC's Retrospective Review of Administrative Requirements [85 FR 6103]; Docket ID NRC-2017-0214," ADAMS ML20128J340, submitted via regulations.gov.

Ms. Margaret M. Doane

September 8, 2021

Page 2

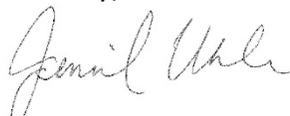
NEI's recommendations on this project were based upon what has been learned over the past 40 years of operating experience and the cumulative burden associated with reporting requirements that do not result in commensurate safety benefit. Many of our recommendations suggested the NRC reconsider the value of regulations that might seem to be minimally burdensome individually, but in the aggregate impose on key plant staff and management a burdensome distraction from focusing on safety. In addition, many of the reporting regulations were established when the industry and the NRC were less mature. In some cases, it is obvious the regulation was intended to address a novel or emergent situation (e.g., regulations that specify submitting an initial report by a date that now is long past). In other cases, the regulation appears to be based on a presumption that the facilities or programs subject to the regulation would be developing new features to address new requirements. There are also instances in which multiple regulations address part or all of a given situation or address similar or related situations, sometimes in different ways. Overlap and inconsistency in these applicable regulations make it harder for licensees to determine what is required or how to meet the requirement in the most efficient manner possible.

Based upon the staff's response to our comprehensive input submitted in May 2020, it is evident that the potential streamlining the staff is willing to consider is inconsequential, especially when compared to the level of effort expended on the RROAR project. Our May 2020 comment letter indicated that in many instances we were unable to determine whether or how the NRC actually uses the reports that licensees submit. The NRC's comment resolution lacked transparency, was inconsistent with the Principles of Good Regulation, and did little to help stakeholders understand the basis for the recommendations, including how the NRC actually uses the reports. The NRC could have saved a great deal of time and effort if, before inviting comments on the entire corpus of administrative requirements, the staff had informed the public which of those requirements they would not reconsider for any reason.

Continuing on the current path will in our estimation lead to results that are unlikely to make a meaningful difference to the NRC, industry or the public. Therefore, we do not see the benefit in continuing to spend significant resources on this effort.

If you have questions on this matter, please contact me.

Sincerely,



Jennifer L. Uhle

cc: John Lubinski, NMSS, NRC  
Robert Lewis, NMSS, NRC