

December 22, 2022

Chair Christopher T. Hanson; Commissioner Jeff Baran; Commissioner David A. Wright;
Commissioner Annie Caputo; Commissioner Bradley R. Crowell
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for balanced NGO stakeholder participation at the NRC Commission briefings

Dear Commissioners,

I write to express concerns about the December 8, 2022, Commission briefing on the Overview of Advanced Reactor Fuel Activities, in which the following stakeholders were offered the opportunity to engage the Commission: Andrew Griffith, Department of Energy; Sander van Til, Nuclear Research and Consultancy Group; Jennifer Wheeler, TRISO-X; Dr. Christina Back, General Atomics; James Volmer, TerraPower; Dr. Rusty Towel, Abilene Christian University; and, Dr. Edwin Lyman, Union of Concerned Scientists (UCS).

While we applaud the NRC for extending an opportunity for members of the NGO community to contribute to the discussion, we object to the decision to limit NGO participation to a single NGO, UCS, that does not reflect the balance of opinion among NGO's regularly engaged with the NRC.

Open discussion and debate at Commission meetings with NGOs, as well as other stakeholders, on advanced reactor topics is, of course, welcome. Facilitating a discussion requires that a range of viewpoints and perspectives be present and represented. UCS stressed a number of concerns regarding advanced fuel qualification and advanced fuel performance, implying that the NRC was being pressured to accelerate approvals by weakening its safety standards for the demonstration of fuel performance and equating efforts to assure the timely licensing of advanced reactors with compromising safety in the licensing process. These views are not widely shared by most NGOs that have been engaged in NRC proceedings related to the licensing of advanced reactors.

Although other non-NGO stakeholder panelists countered the claims presented by UCS, it is important for the Commission to recognize the critical difference between government and

industry stakeholders and NGOs. As independent, civil society entities bringing broader public interest concerns to issues regarding licensing and regulation of advanced reactors, NGOs play a different role.

In response to questioning from Commissioner Crowell, Lyman further expressed satisfaction with and support for the NRC staff's work on the proposed Part 53 rule and engagement with stakeholders. While this may be true for Lyman and UCS, it is not a sentiment that is widely shared within the NGO community. To the contrary, both NGO and industry stakeholders have repeatedly urged the staff to engage stakeholders more seriously in the development of the proposed rule and have consistently raised concerns that the current proposal is overly burdensome and complicated while failing to comport with congressional direction to develop a risk-informed and performance-based framework for advanced reactor licensing.

This recent commission briefing reflects a pattern that we, along with other stakeholders, have recently observed. Despite a notable increase in NGO engagement at NRC public meetings over the last several years, there has been an absence of NGO participation in many NRC Commission briefings. When NGO participation is solicited, it has almost exclusively been offered to Dr. Lyman and UCS.

It is our view that this failure to solicit a fuller range of perspectives from the NGO community through direct engagement with the Commission has proven harmful to informed, constructive decision-making on matters related to the licensing of advanced reactors that are critical to the national interest. Moving forward, we would request that the commission and staff provide more opportunities for NGOs representing a more diverse set of perspectives to directly engage with the Commission at future briefings. A consistently well-balanced representation of NGOs representing the public's interest is crucial to informing meaningful actions by the commission. In this regard, we, along with other members of the NGO community, which has spent countless hours attending NRC proceedings and reviewing and commenting on NRC proposals, should be given equal opportunities to participate and contribute to these meetings.

Sincerely,

Ted Nordhaus
Founder and Executive Director
The Breakthrough Institute
Washington, DC 20005

Chair Resource

From: Ted Nordhaus <ted@thebreakthrough.org>
Sent: Tuesday, December 27, 2022 11:07 AM
To: Chair Resource; CMRBARAN Resource; CMRWright Resource; CMRCaputo Resource; CMRCrowell Resource
Cc: Wesley Held; Adam Stein; Rani Lea Franovich
Subject: [External_Sender] NGO participation in Commission briefings
Attachments: Letter to the Commission.pdf

Dear Commissioners,

Please find attached and pasted below correspondence related to the December 8th commission briefing advanced reactor fuel activities. We respectfully request that the commission solicit a broader range of NGO perspectives in future commission briefings.

Thank you for your consideration.

Ted

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Washington, DC 20005

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Ted Nordhaus, Founder and Executive Director
Breakthrough Institute
2054 University Ave, Suite 500
Berkeley, CA 94704

My cell phone is 510-410-8011