

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Wright
SUBJECT: SECY-20-0032: RULEMAKING PLAN ON “RISK-
INFORMED, TECHNOLOGY-INCLUSIVE
REGULATORY FRAMEWORK FOR ADVANCED
REACTORS (RIN-3150-AK31; NRC-2019-0062)”

Approved X Disapproved X Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STARS

Yes X

No

Signature

July 23, 2020

Date

**Commissioner Wright's Comments on SECY-20-0032: Rulemaking Plan on
"Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors
(RIN-3150-AK31; NRC-2019-0062)"**

This paper highlights the staff's extensive efforts and outreach on these complex regulatory issues. I appreciate the staff's commitment to using this rulemaking to implement the Commission's long-standing goals of increasing the use of risk-informed and performance-based approaches to advanced nuclear reactors. The staff's plan sets forth an effective and innovative path to develop regulations to address performance requirements, design features, and programmatic controls for a variety of advanced reactor designs. I agree with the staff that the NRC should look for opportunities and efficiencies that may support earlier completion of the rulemaking so that applicants seeking to deploy advanced reactor technology have a timely, reliable, and effective regulatory framework. This is consistent with the NRC's Principles of Good Regulation and the Nuclear Energy Innovation and Modernization Act (NEIMA), which authorizes appropriations through fiscal year 2024 to complete this rulemaking.

Therefore, I approve the staff's recommended rulemaking plan to develop the regulatory infrastructure to support the licensing of advanced nuclear reactors, but the staff should accelerate its timeline to correspond to appropriations authorized by NEIMA.

I support the staff's plan to continue its public outreach activities during this rulemaking process. I commend the staff for its innovative recommendation to release draft language for comment before it comes to the Commission. This approach should maximize early engagement and feedback on proposed language and help identify and resolve issues before the rule reaches the Commission. Therefore, I approve the staff's recommendation to delegate signature authority for the release of preliminary rule language to the Director, Division of Rulemaking, Environmental, and Financial Support in the Office of Nuclear Material Safety and Safeguards. However, I agree with the Chairman that an advance notice of proposed rulemaking (ANPR) is not necessary given NEIMA's direction and the significant engagement and efforts already undertaken on these topics. Therefore, I disapprove the staff's recommendation to publish an ANPR and the delegation of signature authority for an ANPR to the Executive Director for Operations.

I also approve the staff's recommendation regarding the Advisory Committee on Reactor Safeguards review. Finally, I agree with the staff's conclusion that review by the Committee to Review Generic Requirements is unnecessary because the backfit regulations do not apply.