

July 22, 2022

Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Subsequent Comment from Stakeholder Groups on Letter Submitted by the American Nuclear Society (ANS) and the Breakthrough Institute (BTI) to the U.S. Nuclear Regulatory Commission on Developing a “Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors” (Regulation Identifier Number RIN-3150-AK31; Docket ID NRC-NRC-2019-0062)

Dear Ms. Andrea Veil,

On June 15, 2022, The Breakthrough Institute (BTI) and the American Nuclear Society (ANS) submitted a letter¹ to the Commission requesting a workshop, or series of workshops, to facilitate open collaboration on Framework B. On June 23, 2022, Third Way supported and reiterated the request.² In response, these NGOs were offered an opportunity to present during a June 30, 2022, advanced reactor stakeholder meeting. Both BTI and ANS presented at the stakeholder meeting. The principal NRC Part 53 management officials, however, were not present for presentations by BTI and ANS or ensuing discussions with NRC staff.

Now that the NRC staff has more fully unveiled Framework B, we are submitting this letter to request an exchange of views with NRC staff and senior NRC officials (up through and including an appropriate representative from NRR’s Executive Team) on Framework A and Framework B. We reiterate the request for a workshop with NRC staff to discuss parts of each proposed framework in greater depth. Such a workshop could achieve stakeholder alignment and be structured as outlined in the following sections.

Purpose Of Workshops:

On November 23, 2021, the Commission approved a nine-month extension for NRC staff to continue efforts to reach alignment with external stakeholders on the rulemaking scope and allow additional time for stakeholders to participate constructively in the process of developing a proposed rule. During the June 21st Commission briefing on Part 53, multiple stakeholders expressed a desire for additional dialogue. The purpose of the workshops is to enable more constructive participation in the rulemaking’s preliminary development and discuss alternative approaches on key issues that achieve NRC goals and reach alignment with stakeholders. We also seek to better understand

¹ NRC ADAMS No. ML22172A195

² NRC ADAMS No. ML22179A361

the NRC's view on how some of the new requirements for advanced reactors would be implemented.

In response to perceptions expressed by NRC senior leaders during the June 21st Commission briefing, we hope this outline of purpose, process and topics clarifies our intent. We see no legal impediments to holding such workshops. They can be held consistent with the NRC's public meeting policy. We recognize that the ultimate proposed text of the rule will be subject to public comment when the proposed rulemaking is published as provided in the Commission's regulations and the Administrative Procedure Act.

This initial workshop would cover a small number of issues to fully discuss optional approaches, including pros and cons, and work toward NRC and stakeholder alignment. The format of this workshop and its focus on an in-depth discussion of specific topics would enable more collaborative and constructive engagement than the traditional stakeholder comment meetings. Additional workshops may be needed to (1) cover additional stakeholder concerns, and (2) achieve alignment to the extent practicable.

Process:

The following steps should be taken to facilitate a productive discussion:

1. NRC will publish, at least two weeks in advance, a public meeting notice with the topics to be discussed and a description of the NRC staff's objective and intent of preliminary rule text for each topic.
2. Stakeholders seeking an opportunity to speak will provide, at least one week in advance, a description of their concerns with NRC's preliminary rule text and/or the NRC staff's objectives. The NRC will consolidate all stakeholder concerns and make them available at least one day before the meeting to allow for an informed discussion. Any stakeholder with a formulated alternative to NRC staff proposals should be accommodated by this or a future workshop.
3. NRC management and staff who are empowered to explain the rationale behind the NRC positions will be present at the meeting and prepared to respond to stakeholder concerns.
4. For stakeholders who wish to present at the workshop, presentations will include:
 - a. Excerpts of NRC draft rule text and current Part 50/52 rule text (if applicable);
 - b. The stakeholder's understanding of NRC's objective and intent;
 - c. A concise summary of the stakeholder's concerns; and
 - d. The stakeholder's recommended alternative and how it achieves the NRC staff's objective and intent (Step 1) and addresses the stakeholder's concerns.
5. The workshop(s) should allow about up to 90 minutes per topic, although more or less time may be needed to achieve alignment. Only stakeholders who have satisfied Step 2 will be allowed to participate in the main discussion.
6. Allow breaks for caucuses followed by final comments prior to closing discussion on a subject.

7. Other stakeholders will be allowed to comment during an open comment period toward the end of each topic, similar to other public stakeholder meetings.

Agenda Topics and Presenters:

The following topics are recommended for an initial workshop.

1. As Low as Reasonably Achievable (ALARA), in Frameworks A and B
 - a. Stakeholder 1
 - b. Stakeholder 2
 - c. Stakeholder N
 - d. NRC-led discussion to understand how stakeholder concerns can be addressed
 - e. Other feedback
 - f. Stakeholder caucus and final comments
2. Quality Assurance (QA) in Frameworks A and B
 - a. Stakeholder 1
 - b. Stakeholder 2
 - c. Stakeholder N
 - d. NRC-led discussion to understand how stakeholder concerns can be addressed
 - e. Other feedback
 - f. Stakeholder caucus and final comments
3. Quantitative Health Objectives (QHOs) in Frameworks A and B
 - a. Stakeholder 1
 - b. Stakeholder 2
 - c. Stakeholder N
 - d. NRC-led discussion to understand how stakeholder concerns can be addressed
 - e. Other feedback
 - f. Stakeholder caucus and final comments
4. Facility Safety Program (FSP) in Framework A
 - a. NRC's thought process and basis for proposing:
 - i. Respond to stakeholder concerns about increased burden.
 - ii. Respond to stakeholder requests from Spring 2021:
 1. Describe benefits to industry.
 2. Provide examples of how issues are addressed in FSP as compared to how they have been addressed historically.
 3. Explain how FSP is a better process.
 - b. More informed engagement on NRC staff objectives and how they might be better addressed or resolved
 - c. Open discussion for stakeholder questions and feedback
 - d. Stakeholder caucus and final comments

Although these topics are not the only topics of interest to the majority of stakeholders, they represent discrete matters that warrant fulsome discussion and can be readily

accommodated by a workshop. The amount of time needed for each topic will vary depending on the number of stakeholders who participate and level of follow-up discussion.

While we acknowledge that conflicts for some stakeholders may necessitate multiple workshops on a range of dates, we believe the schedule should be adjusted within reason to accommodate this request. In the interest of ensuring Part 53 is a usable rule, we urge the NRC staff to accommodate this request for workshops beginning as soon as practicable.

Sincerely,



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Senior Policy Advisor
Nuclear Energy Innovation
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Stephen Burns
Senior Visiting Fellow
Climate and Energy Program
Third Way

Copy: D. Roberts, DEDO
D. Dorman, EDO
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From: [Lindsey Walter](#)
To: [Veil, Andrea](#)
Cc: [Roberts, Darrell](#); [Dorman, Dan](#); [NRCExecSec Resource](#); [Marsh, Molly](#); [Powell, Amy](#); catharine.kanatas@nrc.gov; [Rani Lea Franovich](#)
Subject: [External_Sender] Letter to NRR Leadership on BTI-ANS Letter Re: Request for Workshop(s) on 10 CFR Part 53 Framework B
Date: Friday, July 22, 2022 1:34:07 PM
Attachments: [BTI & TW Letter to NRR Leadership on BTI-ANS Letter Re Request for Workshop\(s\) on 10 CFR Part 53 Framework B.pdf](#)

Dear Ms. Andrea Veil,

The subject letter is attached. We respectfully request that the letter be made publicly available on ADAMS.

Thank you for your time and consideration.

Sincerely,
Lindsey Walter

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