



May 4, 2026

U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Subject: Public Comment on NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War (Docket ID NRC-2025-1503)

Dear NRC Staff,

The Nuclear Innovation Alliance (NIA) is an independent, non-profit, non-partisan “think-and-do” tank whose mission is to help create the conditions for success for new nuclear energy so it can play a major role as an energy security and climate solution. Through policy analysis, research, outreach, and education, NIA is catalyzing the next era of nuclear energy. We focus on regulatory modernization, federal and state policy, and enabling private investment to support new reactor commercialization while meeting national environmental and energy security goals.

NIA appreciates the opportunity to comment on the proposed NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War rulemaking published on April 2nd, 2026.

NIA supports the Commission’s objective of enabling more efficient licensing pathways by leveraging prior federal work. NIA previously evaluated the historical context, tracing the statutes that assign authority for NRC to license and regulate commercial nuclear reactors, DOE to ‘authorize’ nuclear reactors for research activities, and DoD to permit the operation of nuclear reactors for military use. NIA also explored interagency interfaces, agreements, and delegations, which shape the coordination of nuclear reactor oversight. (See our [three-agency brief here.](#)) If done well, NRC’s proposed rule could reduce unnecessary duplication, accelerate deployment timelines, and better align federal investments in new reactor development with successful commercial outcomes.

However, efficiency alone is not sufficient. For this pathway to succeed, it must also preserve, and visibly reinforce, the NRC’s independence, credibility, and predictability. These attributes are essential not only for safety, but for durable regulatory reform that can withstand public scrutiny as well as changes in administrations and markets.

Below are key areas where additional clarification would strengthen the rule and improve its effectiveness.

1. Role of Guidance

The effectiveness of this proposed rule relies heavily on the content and clarity of the associated guidance. The proposed rule states that there will be “publicly available guidance applicable to the review of applications for NRC Class 103 licenses that reference a Department of Energy or Department of War authorization” and that such guidance would “facilitate licensing of future commercial nuclear plants.” NIA appreciates that draft interim guidance has already been released.

NIA encourages the Commission to refine this guidance and to provide greater clarity on how this pathway will function in practice, particularly for first-of-a-kind applicants. Given the central role of guidance in implementing this rule, NIA recommends that the Commission finalize and publish implementation guidance in close coordination with the final rule, and provide a clear process for continued public engagement on guidance development.

2. NRC Independence and Use of Prior Authorizations

NIA strongly agrees with the Commission’s stated position that there will be no “rubber stamping” of Department of Energy (DOE) or Department of War/Defense (DOW/DOD) approvals and that the NRC will maintain independent decision-making authority.

To reinforce this principle, the final rule should explicitly clarify that prior DOE or DOW/DOD authorization may inform, but does not substitute for, the NRC’s independent safety determination. The Commission emphasized in public discussion that “no other federal agency is going to tell NRC what decision to make,”¹ underscoring that NRC retains full authority to make independent safety findings. Clear articulation of this principle is essential to maintaining public confidence and ensuring the long-term durability of this approach.

3. Mapping and Demonstration of Compliance

The proposed rule requires applicants to identify how attributes of prior DOE or DOW/DOD authorization satisfy NRC regulations, but it does not define expectations for how this demonstration should be structured. The proposed rule requires that “[a]ny reference to such a design must identify how attributes of the authorization satisfy NRC regulations.”

NIA recommends that the NRC establish a clear and predictable framework for applicants to map prior work to NRC requirements, including identification of gaps, differences in assumptions, and conditions of applicability. This aligns with NRC statements that applicants will need to map prior work to NRC requirements in order to support efficient reviews.

At the same time, NIA does not recommend overly prescriptive requirements that could introduce unnecessary burden or duplication. A balanced approach, with clear expectations combined with implementation flexibility, will best support efficient and consistent outcomes.

¹ ANS Nuclear News story [NRC proposed rule for licensing reactors authorized by DOE, DOD](#)

4. Scope Alignment Across Agencies

The rule's efficiency gains depend on alignment of scope across DOE, DOW/DOD, and NRC reviews. However, these agencies operate under different frameworks, standards, and objectives.

NIA recommends that the NRC continue to strengthen coordination mechanisms, such as memoranda of understanding, with DOE and clarify coordination pathways with the DOW/DOD. In addition, guidance for NRC reviewers should clearly define how differences in scope, such as lifecycle considerations, siting, emergency planning, and decommissioning, are identified and addressed in NRC application review. NRC staff have noted that some elements required for commercialization, such as decommissioning, full lifecycle considerations, and NEPA, may not be fully addressed in DOE pilot programs.

Providing clarity in this area will improve predictability for applicants and reduce the risk of inconsistent application across projects.

5. Advisory Committee on Reactor Safeguards (ACRS)

NIA recommends clarifying how the Advisory Committee on Reactor Safeguards (ACRS) will engage in reviews that rely on prior DOE or DOW/DOD work. In particular, ACRS review should focus on the NRC staff's independent safety evaluation. As with any ACRS review, ACRS should limit its focus to novel issues. Such novel issues could arise with respect to the DOE or DOD technical work or the reasonableness of the extent to which NRC's relies on prior federal analyses.

Where the NRC elects to accept prior federal evaluations, ACRS should assess whether that reliance is technically justified within the context of the NRC's safety determination. For example, ACRS may appropriately evaluate whether it is reasonable for NRC to rely on DOE analyses for a given safety function or topical area, particularly where differences in mission project scope, regulatory standards, or site-specific considerations could affect applicability. This preserves ACRS's role in providing independent advice on safety-significant matters without creating duplicative review of prior federal work.

Conversely, referencing prior federal work should not, in itself, trigger retroactive ACRS review of those underlying analyses. ACRS's role is not to re-evaluate DOE's technical conclusions directly, but to advise on whether NRC's reliance on those conclusions is appropriate for the application under consideration.

Finally, where DOE evaluations address novel or first-of-a-kind issues that are likely to be referenced in a future NRC application, DOE and applicants may benefit from seeking optional ACRS engagement during the DOE review process. Early input on such issues could help streamline subsequent NRC review and reduce uncertainty for applicants.

Clear guidance on these points will help avoid duplicative review and ensure that ACRS continues to fulfill its statutory role efficiently and effectively.

6. Transparency and Public Confidence

NIA supports the NRC’s longstanding commitment to transparency and appreciates the Commission’s statements that this pathway will not reduce the level of public visibility into licensing decisions. NRC staff indicated that “the public shouldn’t see any difference in terms of level of transparency” and that information will continue to be collected and shared as in other licensing reviews.

To reinforce this commitment, NIA recommends clarifying that Final Safety Analysis Reports will include clear, traceable explanations of how prior DOE or DOW/DOD work satisfies NRC requirements, rather than relying on high-level or summary statements.

Maintaining a robust and accessible public record will be critical to sustaining public confidence and supporting stakeholder participation.

7. Terminology and Clarity

The proposed rule and associated materials use both “Department of War” and “Department of Defense.” While this may reflect recent executive direction, NIA recommends maintaining consistent terminology, such as “military”, where possible to avoid confusion for applicants.

NIA considers this a secondary issue relative to the substantive questions of scope, independence, and implementation.

8. Applicability Across Licensing Stages

NIA recommends that the NRC clarify how this rule applies across licensing stages, including construction permits and operating licenses, to ensure consistent expectations for applicants.

NIA supports the Commission’s effort to enable more efficient licensing pathways by leveraging prior federal work. This is a promising approach that could meaningfully accelerate advanced reactor deployment. To succeed, however, the rule must balance efficiency with credibility and predictability. Getting this balance right will determine whether this pathway becomes a durable feature of the regulatory system. In addition, as noted in our licensing efficiency report (See our [Licensing Efficiency Report here](#)), substantial learning by doing occurs as license applicants and the NRC staff work through new processes. NIA recommends that NRC work with applicants to glean lessons learned and adapt its approach over time.

NIA appreciates the Commission’s leadership on this issue and the opportunity to provide input. If you have any questions, please contact Miranda McGuire at mmcguire@nuclearinnovationalliance.org.

Sincerely,

Judi Greenwald
President & CEO
Nuclear Innovation Alliance