

**ADDENDUM NO. 6 TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN U.S. DEPARTMENT OF ENERGY AND U.S. NUCLEAR REGULATORY
COMMISSION ON NUCLEAR ENERGY INNOVATION**

Cooperation and Facilitation of Successful Completion of the Infrastructure Investment and Jobs Act

I. Purpose and Scope

The purpose of the Department of Energy (DOE)/Nuclear Regulatory Commission (NRC) Memorandum of Understanding on Nuclear Energy Innovation (MOU) is to coordinate DOE and NRC (hereafter the “parties” or “party”) technical readiness and sharing of technical expertise and knowledge on advanced nuclear reactor technologies and nuclear energy innovation.

To ensure the proper sharing of technical expertise and information between the DOE and the NRC, this Sixth Addendum to the MOU (Addendum) addresses the technical coordination of DOE and NRC with respect to matters contained in the Infrastructure Investment and Jobs Act of 2021 (Pub. L. No. 117-58), commonly referred to as the Bipartisan Infrastructure Law (BIL) relating to nuclear energy, as set forth herein.

II. Authority

DOE and NRC enter into this MOU Addendum pursuant to Pub. L. No. 117-58 and Section V. Organizational Implementation of the DOE/NRC MOU on Nuclear Energy Innovation dated October 7, 2019. This Addendum does not alter the authorities or independence of the NRC and DOE or their abilities to fulfill their responsibilities.

III. Background

In the BIL of 2021, Congress directed the Secretary of Energy to upgrade the domestic power infrastructure to deliver clean, reliable energy across the country and deploy cutting-edge energy technology to achieve a zero-emissions future. The DOE Office of Nuclear Energy, specifically, is involved in multiple nuclear energy infrastructure and hydrogen activities, including the following.

DOE is required to submit to Congress a report (“Report to Congress” or “Report”) that describes how the Department could enhance energy resilience and reduce carbon emissions with the use of microreactors and small modular reactors (SMRs). DOE is also required to offer financial and technical assistance to entities to conduct feasibility studies for the purpose of identifying suitable locations for the deployment of micro-reactors, SMRs, and advanced nuclear reactors in isolated communities.

DOE is required to establish a program to support the development of at least four regional clean hydrogen hubs, including at least one that will demonstrate the production of clean hydrogen from nuclear energy.

As DOE embarks upon the above activities, the DOE acknowledges the value of, and welcomes, the participation of the U.S. Nuclear Regulatory Commission (NRC) in providing feedback, while also recognizing the need to assure the NRC's independence to avoid compromising its regulatory role. In particular, DOE may seek NRC feedback on DOE's development of (1) a strategy for developing and deploying microreactors and SMRs at DOE facilities and in remote and isolated communities, and (2) a funding opportunity announcement (FOA) for the selection of clean hydrogen hubs produced from nuclear energy. To accomplish these goals, DOE may seek NRC's technical and regulatory feedback to assure NRC regulatory requirements are clear so that (1) project participants may become familiar with the NRC's licensing processes, and (2) responses to DOE requests for information (RFI) and funding opportunities will meet DOE's goals for the project. DOE may also request that the NRC provide information on its regulatory and licensing frameworks that are relevant to DOE's selected strategies.

IV. Roles and Responsibilities of Each Party

This coordination is primarily centered around strategy development and FOA development.

DOE

- Identify a single DOE Point of Contact (POC) (Director, Office of Nuclear Reactor Deployment, DOE NE-52) to coordinate NRC-DOE interactions on the development of Report to Congress. DOE POC will work with NRC POC to:
 - Obtain NRC review of key sections of the Report that pertain to NRC equities and incorporate NRC feedback.
 - Coordinate with NRC regarding the schedule for Report development, review, and approval.
 - Coordinate key sections of the Report with NRC for technical advisor inputs. Requests for input will be provided in a generic sense, will not involve reviewing the merits of specific designs or responses to DOE's FOA, and will otherwise not compromise NRC independence and objectivity in future licensing activities.
- Identify a single DOE Point of Contact (POC) (Director, Office of Nuclear Reactor Deployment, DOE NE-52) to coordinate NRC-DOE interactions on the development of a funding opportunity announcement for the selection of clean hydrogen hubs produced from nuclear energy. DOE POC will work with NRC POC to obtain NRC review of key sections of the FOA that pertain to NRC equities and incorporate NRC feedback into the final version.
- Attend, as necessary, coordination meetings between DOE and NRC associated with the planning, execution and reporting of matters contained in the BIL.

NRC

The NRC, consistent with its role as an independent safety and security regulator, is responsible for providing accurate, current information on the NRC's regulations and licensing processes. The NRC will neither make recommendations regarding specific designs nor participate in the selection process.

The following are the anticipated NRC Roles and Responsibilities in support of selected activities within the BIL:

- Provide a single Point of Contact (Director, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation) within the NRC who will coordinate the review of the DOE Report to Congress by personnel within the NRC with the appropriate areas of expertise.
- Review and provide technical input, to the maximum extent feasible, to the Report and associated documents in areas such as:
 - Potential advanced reactor licensing pathways;
 - Expectations for applicant pre-application activities;
 - Feasibility of advanced reactor licensing timing and schedules;
 - Unique regulatory aspects related to siting microreactors and SMRs in remote locations;
 - Clarification and definitions related to NRC requirements or licensing processes, as needed; and
 - Any other appropriate areas where regulatory input may be required.
- Support the potential execution of strategies identified in the DOE Report to Congress, consistent with the NRC's role as an independent regulator.
- Provide a single Point of Contact (Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation) within the NRC who will coordinate feedback on the Hydrogen Hubs RFI and FOA by personnel within the NRC with the appropriate areas of expertise.
- Provide information to DOE with regard to the Hydrogen Hubs RFI and FOA in areas such as:
 - Expectations for applicant pre-application activities;
 - Feasibility of reactor licensing timing and schedules;
 - Unique regulatory aspects related to siting hydrogen production facilities in close proximity to nuclear power sites;
 - Regulatory aspects of extracting thermal energy for high-temperature processes.
 - Clarification and definitions related to NRC requirements or licensing processes, as needed; and
 - Any other appropriate areas where regulatory input may be required.
- Provide information to DOE and DOE Laboratory personnel on interpretation and application of NRC standards and guidance, as they relate to these relevant activities.
- Provide an interface between DOE's and NRC's General Counsels to discuss issues and clarify requirements. This interface should also discuss issues related to potential or perceived conflicts of interest.
- Attend, as necessary, coordination meetings between DOE and NRC associated with the planning, execution and reporting of matters contained in the BIL.
- Will provide DOE with general information, similar to that provided in pre-application engagement with potential applicants, to clarify regulatory requirements, licensing options

and pathways, and applicability, interpretation, and use of NRC Regulatory Guides and other NRC guidance or documentation as they relate to these activities.

V. Funding Authorization

This Addendum is neither a fiscal nor a funds obligation document and does not authorize expenditure or reimbursement of appropriated funds. To the extent activities discussed in this Addendum would require resources beyond the NRC’s existing authority, the parties may agree to enter into Implementing Interagency Agreements (IAAs), supplemental to the MOU and this Addendum, that address such activities.

VI. Organizational Conflicts-of-Interest

DOE and NRC are mindful of the conflict-of-interest requirements and obligations of the respective agencies under those requirements. DOE and NRC will work together to determine the best means to resolve any conflict-of-interest issues that may arise.

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