DOE nor the DOD has the ability to license reactors serving dual-use or commercial purposes. While there is legal precedent for alternative regulatory frameworks, it must be made clear that any DOD or DOE licensing routes are voluntary, not mandatory. Developers must not be placed in a position where they are pressured to pursue DOE or DOD authorization only to later find NRC licensing for their commercial facilities is also required, resulting in delays or duplicative reviews. Moreover, the NRC's regulatory standards serve as the foundation for nuclear deployment abroad, and it is essential that the agency remain fully engaged in reactor design and approval processes to maintain U.S. leadership in civil nuclear exports.

Given current staffing constraints, successful implementation of DOD and DOE licensing processes will likely require leveraging NRC technical expertise to support licensing review and oversight activities. Additional resources and information sharing can lead to a shortened licensing and review process. Ultimately, the implementation of this EO should result in an improved process; otherwise, DOE and national lab resources would be better spent directly supporting companies moving through the NRC's licensing process.

### Ordering the Reform of the Nuclear Regulatory Commission

As in ANS Position Statement #51,[d] ANS has long recognized a need for "well-staffed, well-funded safety regulatory authorities, which are responsible for *independently* assuring operational safety and protection of the environment by utilizing performance-based goals and risk insights derived from analysis

d. ANS Position Statement #51, *Safety of Nuclear Power*, October 2021.

*Continued*