

FUSION



INDUSTRY ASSOCIATION

Fusion Industry Association
800 Maine Ave SW
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May 25, 2023

The Honorable Tom Carper
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

I'm writing on behalf of the Fusion Industry Association (FIA), whose 37 members are commercializing fusion energy. The FIA is the voice of the private fusion industry. As you know, on April 14, 2023 the Nuclear Regulatory Commission (NRC) voted unanimously to regulate commercial fusion under a 10 CFR Part 30 approach, building on the agency's existing process for licensing the use of byproduct materials. As the Commission noted in announcing its decision, "Dozens of companies are developing pilot-scale commercial fusion designs, and while the technology's precise future in the United States is uncertain, the agency should provide as much regulatory certainty as possible given what we know today. Licensing near-term fusion energy systems under a byproduct material framework will protect public health and safety with a technology-neutral, scalable regulatory approach."

The Commission's vote last month capped off more than two years of engagement and analysis for how best to regulate and license commercial fusion facilities. FIA would like to commend the Commission's staff and the Commissioners themselves on their openness and engagement with FIA and other fusion stakeholders during these meetings. Throughout this process, the NRC built a better understanding of the technical issues and hazards presented by fusion, and FIA appreciates the willingness of staff to engage with FIA on these issues.

The process the Commission ran to come to this conclusion was as important as the outcomes. They followed the science, engaged with a broad universe of stakeholders, asked tough questions, and came to a decision that is protective of public health and safety while providing industry with the certainty it needs to develop here in the US.

As part of that process, we would especially like to thank the Commissioners and their staff who worked diligently to understand fusion energy technology, industry's planned machines, and our commercialization timelines. Chairman Hanson and Commissioners Baran, Caputo, Crowell and Wright were accessible, open-minded, and thoughtful in their approach to regulating and licensing this new industry.

The FIA strives to be a non-partisan, policy-oriented association. For that reason, we were pleased that the vote was bipartisan and that both Commissioners Caputo and Baran gave a strong endorsement of the byproduct approach before the final vote was announced.

The FIA notes that the President has nominated Commissioner Baran for another five-year term. Commissioner Baran was a constructive voice in the NRC's deliberations on how to regulate commercial fusion under Part 30. In casting his vote, Baran noted that "...the NRC staff, Agreement States, international counterpart regulators, and many other stakeholders believe that near-term fusion energy systems are more appropriately regulated under the Part 30 byproduct material framework rather than the Part 50 utilization facility framework used for fission reactors. I agree."

Commissioner Baran's thoughtful approach to regulating commercial fusion provides our industry with the regulatory certainty we need at an important time when many fusion companies are in the process of demonstrating their proof-of-concept machines and siting their first commercial fusion power plants. As such, we support his confirmation by the US Senate to a third term to the Commission.

We appreciate this Committee's commitment to commercial fusion and look forward to working with you on these issues now and in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Holland". The signature is fluid and cursive, with the first name "Andrew" and last name "Holland" clearly distinguishable.

Andrew Holland
Chief Executive Officer
Fusion Industry Association