



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 21, 2020

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NOTICE OF REQUEST FOR COMMENT: PROPOSED RULE FOR EMERGENCY
PREPAREDNESS FOR SMALL MODULAR REACTORS AND OTHER NEW TECHNOLOGIES
(STC-20-041)

Purpose: To provide notice of (1) the publication of the U.S. Nuclear Regulatory Commission's (NRC) request for public comment on the proposed rule to provide alternative emergency preparedness for small modular reactors (SMRs) and other new technologies (ONTs), such as non-light-water reactors (LWRs) and certain non-power production or utilization facilities (e.g., medical isotope production facilities licensed under the regulations at Title 10 *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities"); (2) the publication of the NRC's draft regulatory guide DG-1350, "Performance-Based Emergency Preparedness for Small Modular Reactors, Non-Light-Water Reactors, and Non-Power Production or Utilization Facilities," for public comment; and (3) a public meeting tentatively scheduled for June 17, 2020.

Background: The NRC is proposing to amend its regulations to provide for alternative emergency preparedness requirements for SMRs and ONTs at 10 CFR Part 50 and Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." On April 17, 2017, the NRC published a draft regulatory basis for public comment (82 FR 17768). On October 12, 2018, the NRC staff provided the draft proposed rule to the Commission for approval in SECY-18-0103, "Proposed Rule: "Emergency Preparedness for Small Modular Reactors and Other New Technologies" (RIN 3150-AJ68; NRC-2015-225)," (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18134A086).

Discussion: Enclosed with this letter is the *Federal Register* notice (FRN) for the proposed amendments. The FRN was published on May 12, 2020, and posted on the Federal e-rulemaking portal <http://www.regulations.gov> under Docket No. NRC-2015-0225. The FRN can also be accessed at: <https://www.govinfo.gov/content/pkg/FR-2020-05-12/pdf/2020-09666.pdf>. The FRN describes how to submit comments. Comments on the proposed rule are due by July 27, 2020. Information about the public meeting will be posted on the NRC's Public Meeting Notice System at: <https://www.nrc.gov/pmns/mtg>.

This rulemaking would add a new subpart (10 CFR Part 50.160, "Emergency preparedness for small modular reactors, non-light-water reactors, and non-power production or utilization facilities") to the regulations that provide for alternate emergency preparedness requirements for SMRs, non-LWRs, and non-power production or utilization facilities. These requirements would adopt a performance-based, technology-inclusive, risk-informed, and consequence-oriented approach. The proposed alternative requirements address the most risk-significant aspects of emergency preparedness (e.g., classification, notification, protective

action recommendation, and mitigation) that are to be included in the emergency plan. The proposed requirements also address including in the emergency plan: 1) the contacts and arrangements made with local, State, Tribal, and Federal government agencies with responsibilities for coping with emergencies and 2) the means by which public information is provided to members of the public concerning emergency planning information, the public alert notification system, and any prompt actions that need to be taken by the public. The NRC is also specifically asking for comment as to whether there would be a need to consider an ingestion pathway emergency planning zone if the applicant or licensee provides an adequate description of the existing Federal, Tribal, State, and local Federal capabilities to interdict contaminated food and water.

Large light-water reactors that are licensed to produce greater than 1,000 MWt power; fuel cycle facilities; or currently operating non-power reactors (e.g., research and test reactors) are not included within the scope of the proposed rule. However, the NRC is seeking public comment on whether to consider a performance-based, consequence-oriented approach to emergency preparedness for large light water reactors, fuel facilities, and operating non-power production or utilization facilities in a future rulemaking.

If you have any questions regarding the emergency preparedness for SMRs and ONTs rulemaking or this correspondence, please contact the individual named below:

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Sincerely,

Lizette Roldan-Otero, Acting Chief
State Agreement Liaison Programs Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:
As stated

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