



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

October 2, 2020

SECRETARY

MEMORANDUM TO: Margaret M. Doane
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-20-0032 - RULEMAKING
PLAN ON “RISK-INFORMED, TECHNOLOGY-INCLUSIVE
REGULATORY FRAMEWORK FOR ADVANCED REACTORS
(RIN-3150-AK31; NRC-2019-0062)”

The Commission has approved the staff’s proposed approach for a rulemaking to develop the regulatory infrastructure to support the licensing of advanced nuclear reactors, with the exception of using an advanced notice of proposed rulemaking (ANPR). The staff should accelerate its timeline while balancing the need to produce a high-quality, thoroughly vetted regulation. Within 30 days of the issuance of this memorandum, the staff should provide the Commission a schedule with milestones and resource requirements to achieve publication of the final rule by October 2024. The staff should inform the Commission of key uncertainties impacting publication of the final rule by that date. The staff should inform this rulemaking with lessons learned from early advanced reactor reviews. The staff should also consider the appropriate treatment of fusion reactor designs in our regulatory structure by developing options for Commission consideration on licensing and regulating fusion energy systems.

The Commission has also approved the staff’s requested delegation of the signature authority for the release of preliminary rule language to the Division Director within the Office of Nuclear Material Safety and Safeguards. The staff should implement the development and intermittent release of preliminary draft rule language, followed by public outreach and dialogue, and then further iteration on the language until the staff has established the rudiments of its proposed rule for Commission consideration. While the Commission has approved the staff’s determination that review by the Committee to Review Generic Requirements (CRGR) will not be necessary because the backfit regulations do not apply, prior to sending the proposed rule to the Commission for its review and approval the staff should engage the CRGR on whether the Committee wishes to request an opportunity to review the proposed rule for any unintended backfit issues and provide comment to the staff.

The staff may need to develop requirements at a high level and utilize guidance documents to address details and technology-specific considerations, therefore, the staff should continue to work prospectively with stakeholders to identify and develop necessary regulatory guidance and technical bases.

Since the use of an ANPR was disapproved, the requested delegation of signature authority for the ANPR to the Executive Director for Operations is obviated.

The Commission has approved the staff's determination that this rulemaking falls within the scope of the Advisory Committee on Reactor Safeguards (ACRS) charter and that the staff should meet with the ACRS during the development of the regulations and guidance.

cc: Chairman Svinicki
Commissioner Baran
Commissioner Caputo
Commissioner Wright
Commissioner Hanson
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP (via E-Mail)
PDR