

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

November 21, 2019

Pete T. Gaynor
Acting Administrator
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

Kristine L. Svinicki
Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Acting Administrator Gaynor and Chairman Svinicki:

We support the establishment of risk-informed emergency preparedness (EP) requirements for advanced nuclear technologies. We request the Nuclear Regulatory Commission (NRC) and the Federal Emergency Management Agency (FEMA) recognize the improved safety systems of advanced nuclear reactor designs as the NRC develops those applicable EP requirements.

Clean, reliable nuclear energy powers our nation's homes and businesses. As the energy sector continues to transform, maintaining and expanding the use of nuclear energy is vital to preserve the cornerstone of our electricity infrastructure. The development and deployment of advanced nuclear technologies can fulfill that need.

The Atomic Energy Act grants NRC the sole authority to license and oversee the safety of our nation's civilian nuclear power industry.¹ FEMA's Radiological Emergency Preparedness (REP) Program² provides a crucial complementary role by interfacing with state, local, and tribal stakeholders to assure NRC licensees meet all offsite emergency preparedness requirements. NRC must consult FEMA as EP regulations are revised.

As part of our efforts to facilitate the deployment of advanced nuclear technologies, Congress passed, and President Trump signed into law, the Nuclear Energy Innovation and Modernization Act (NEIMA). NEIMA requires NRC establish a risk-informed, technology-inclusive regulatory framework to license and oversee advanced nuclear technologies. EP requirements are a part of this framework.

The Commission is currently considering an NRC staff proposal³ to establish new EP requirements and implementing guidance for Small Modular Reactors (SMRs) and other advanced nuclear technologies. The proposal is based on a consequence-oriented, risk-informed, performance-based, and technology-inclusive approach. We urge the Commission to support requirements that align with NEIMA's risk-informed framework and we expect FEMA's consultation will constructively support achieving this goal.

¹ AEA directs NRC licenses and regulates the civilian use of radioactive materials to provide "reasonable assurance of adequate protection of the public health and safety."

² FEMA's coordinates with state, local, and tribal governments to "prevent, protect against, mitigate the effects of, respond to, and recover from commercial nuclear power plant emergencies." For more information, see: <https://www.fema.gov/radiological-emergency-preparedness-program>

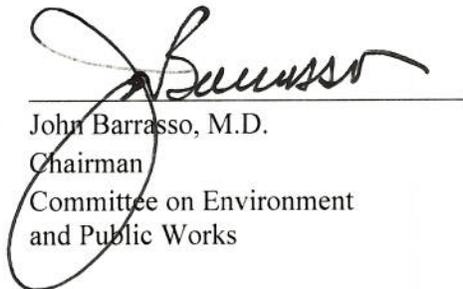
³ <https://www.nrc.gov/reactors/new-reactors/regs-guides-comm/ep-smr-other.html>

The Environmental Protection Agency's (EPA) Protection Action Guides (PAGs) set the federal government's guidelines for radiation dose exposure that would trigger public safety measures during a radiological event. We support NRC staff using the PAGs guidelines as part of the methodology to determine Emergency Planning Zone (EPZ) requirements. NRC conducts a technical analysis of the risk profile and safety systems of advanced reactor designs as part of its licensing process. If NRC's technical review finds the design would not exceed the guidelines established by the EPA PAGs, the EPZ should be sized accordingly.

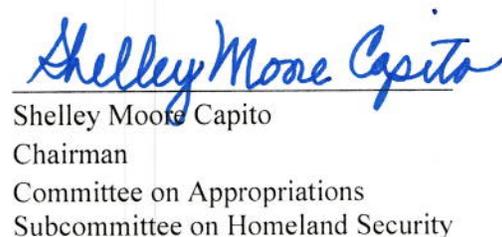
We recognize that advanced nuclear technology designs are still under development and will require further NRC review and approval. While those reviews are underway, we support NRC issuing relevant permits conditional on a final reasonable assurance determination that no potential offsite release of radiation would exceed the thresholds established by the PAGs.

We appreciate your leadership to establish EP requirements that provide a pathway to approve and deploy advanced nuclear technologies. We look forward to your reply.

Sincerely,



John Barrasso, M.D.
Chairman
Committee on Environment
and Public Works



Shelley Moore Capito
Chairman
Committee on Appropriations
Subcommittee on Homeland Security