

August 26, 2009

ALL STATE LIAISON OFFICERS

**PROPOSED AMENDMENT TO 10 CFR PARTS 50 AND 52 TO ESTABLISH RISK-INFORMED EMERGENCY CORE COOLING REQUIREMENTS (FSME-09-073)**

**Purpose:** To notify the State Liaison Officers about the opportunity to comment\* on the subject proposed rule environmental assessment, which was published in the *Federal Register* on August 10, 2009 (74 FR 40006).

**Background:** The Nuclear Regulatory Commission (NRC) published the enclosed *Federal Register* Notice to amend Title 10 of the Code of Federal Regulations Parts 50 and 52 to allow current and certain future power reactor licensees and applicants to choose to implement a risk-informed alternative to the current requirements for analyzing the performance of emergency core cooling systems (ECCS) during loss-of-coolant accidents. The proposed amendments would also establish procedures and acceptance criteria for evaluating certain changes in plant design and operation based upon the results of the new analyses of ECCS performance. The NRC published an initial proposed risk-informed ECCS rule on November 7, 2005 (70 FR 67598). As the NRC staff worked to evaluate public comments and prepare a draft final rule, the Commission provided new policy guidance that resulted in substantial changes to rule requirements on which members of the public had not had an opportunity to comment. As a result, the NRC decided to republish the rule for additional public comments. The proposed rule and environmental assessment are available for public comment through notice in the *Federal Register* and can be accessed at <<http://edocket.access.gpo.gov/2009/pdf/E9-18547.pdf>>. The conclusion of the EA is the Commission's finding that no significant environmental impact will result from the proposed rule.

**Discussion:** If you have any comments on the rule and its environmental assessment, please provide them by September 24, 2009. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date. You can use the following methods to transmit your comments: (1) mail written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff; (2) fax comments to the Secretary, U.S. Nuclear Regulatory Commission, at (301) 415-1101; (3) e-mail comments to [SECY@nrc.gov](mailto:SECY@nrc.gov); and (4) provide comments via the Federal e-rulemaking portal <http://www.regulations.gov> under Docket ID NRC-2004-0006.

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\* This information request has been approved by OMB 3150-0163, expiration 10/31/2009. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission (NRC), Washington, DC 20555-0001, or by Internet e-mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0163), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

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If you have any questions regarding this correspondence, please contact the individual named below.

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Sincerely,

**/RA/**

Mark R. Shaffer  
Division of Intergovernmental Liaison  
and Rulemaking  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosure:  
*Federal Register* Notice

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