

prepare both OCNCS and PBAPS updates.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that the exemption is administrative and would not affect any plant equipment, operation, or procedures. The UFSAR contains the analysis, assumptions, and technical details of the facility design and operating parameters. Until the UFSAR is updated, the recent changes are documented in the licensee's written evaluations of changes prepared pursuant to 10 CFR 50.59, and in the NRC's Safety Evaluations for actions requiring prior approval. A delay in submitting the UFSAR update will not change the plant design or the manner in which it is operated.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resource than those previously considered in the Final Environmental Statement for OCNCS, dated December 1974, published by the Atomic Energy Commission.

#### *Agencies and Persons Consulted*

On May 11, 2004, the NRC staff consulted with the New Jersey State official, Mr. Rich Pinney of the New Jersey Department of Environmental Protection, Bureau of Nuclear Engineering, regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 26, 2004. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 23rd day of June, 2004.

For the Nuclear Regulatory Commission.

**Peter S. Tam,**

*Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

#### **NUCLEAR REGULATORY COMMISSION**

#### **Workshop on Regulatory Structure for New Plant Licensing: Technology-Neutral Framework and Options for Non-Light-Water Reactor Containment Functional Performance Requirements and Criteria**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of public workshop.

**SUMMARY:** The Nuclear Regulatory Commission has requested the staff to develop Regulatory Structure for New Plant Licensing: Technology-Neutral Framework and Options for Non-Light-Water Reactor (Non-LWR) Containment Functional Performance Requirements and Criteria. The purpose of the public workshop/meeting is to discuss and solicit comments on the draft regulatory framework for future reactors and options for non-LWR containment functional performance requirements and criteria.

**DATES:** July 27, 2004, 8:30 a.m.–4:30 p.m. July 28, 2004, 8:30 a.m.–12 p.m.

**ADDRESSES:** Nuclear Regulatory Commission Auditorium, 11545 Rockville Pike, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Margaret T. Bennett, Office of Nuclear Regulatory Research, Mail Stop: T-10 F13A, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, (301) 415-7252, e-mail: [mtb1@nrc.gov](mailto:mtb1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** This notice serves as initial notification of a public workshop to provide for the exchange of information with all stakeholders regarding the staff's efforts to develop a technology-neutral framework for future plant licensing and options for containment functional performance requirements and criteria for future non-light water reactors. The meeting will focus on the current work being performed by the NRC staff. A preliminary agenda is attached.

**Workshop Meeting Information:** The staff intends to conduct a workshop to provide for an exchange of information related to the staff's initial efforts to develop a Regulatory Structure for New Plant Licensing: Technology-Neutral Framework and options for containment functional performance requirements and criteria for future non-light water reactors. Persons other than NRC staff and NRC contractors interested in making a presentation at the workshop should notify Margaret T. Bennett, Office of Nuclear Regulatory Research, Mail Stop: T-10 G8, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, (301) 415-7252, e-mail: [mtb1@nrc.gov](mailto:mtb1@nrc.gov).

**Registration:** There is no registration fee for the workshop; however, so that adequate space, materials, etc., for the workshop can be arranged, please provide notification of attendance to Margaret T. Bennett, Office of Nuclear Regulatory Research, Mail Stop: T-10 F13A, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, (301) 415-7252, e-mail: [mtb1@nrc.gov](mailto:mtb1@nrc.gov).

*Background:* As noted in the Advanced Reactor Research Plan, a risk-informed regulatory structure that can be applied to license and regulate future reactors, regardless of their technology, could enhance the effectiveness, efficiency, and predictability (*i.e.*, stability) of new plant licensing. As such this new process, if implemented, could be available for future reactors based on a number of considerations, including the following:

- While the NRC has over 30 years of experience of licensing and regulating nuclear power plants, this experience (*e.g.*, regulations, regulatory guidance, policies and practices) has been focused on current light water-cooled reactors (LWRs) and may have limited applicability to future reactors that may be distinctly different from current LWR issues.

- The regulatory structure for current LWRs has evolved over five decades, and the bulk of this evolution occurred without the benefit of insights from probabilistic risk assessments (PRAs) and severe accident research. It is expected that future applicants will rely on PRA and PRA insights as an integral part of their license applications. In addition, it is further expected that the regulations licensing these future reactors will be risk-informed. Both deterministic and probabilistic results and insights will be used in the development of these regulations governing these reactors. Consequently, a structured approach for a regulatory structure for future reactors that provides guidance about how to use PRA results and insights will help ensure the safety of these reactors by focusing the regulations on where the risk is most likely while maintaining basic safety principles, such as defense-in-depth and safety margins.

The development of this structure will help to ensure that a structured and systematic approach is used during the development of the regulations that will govern the design construction and operation of future reactors.

The possibility of using alternatives to the traditional “essentially leak-tight” containment structures for non-LWRs has been the subject of Commission policy review, beginning with SECY-93-092, “Issues Pertaining to the Advanced Reactor (PRISM, MHTGR, and PIUS) and CANDU 3 Designs and Their Relationship to Current Regulatory Requirements,” dated April 8, 1993. More recently, in SECY-02-0139, “Plan for Resolving Policy Issues Related to Licensing Non-Light Water Reactor Designs,” dated July 22, 2002, the staff informed the Commission of its plan to develop policy options for the

design and safety performance of the containment structure and related systems for non-LWRs.

In SECY-03-0047, “Policy Issues Related to Licensing Non-Light-Water Reactor Designs,” dated March 28, 2003, staff discussed the policy issue of the conditions, if any, that would be acceptable for licensing a plant without a pressure-retaining containment building. In SECY-03-0047, the staff recommended to the Commission that (1) functional performance requirements be approved for use in establishing the acceptability of either a pressure retaining, low leakage containment or a non-pressure retaining building for future non-LWR reactor designs and, if approved, (2) the staff develop the functional performance requirements using the guidance contained in the July 30, 1993, Commission Staff Requirements Memorandum (SRM) for SECY-93-092 and the Commission’s guidance on the other issues in SECY-03-0047. In the June 26, 2003, SRM for SECY-03-0047, the Commission requested the staff to submit options and recommendations to the Commission on functional performance requirements and criteria for the containment of non-LWRs.

Options for containment functional performance requirements and criteria for future non-LWRs are under development by the staff. The final options and recommendations are due in December 2004. Public workshops on this subject were previously held on November 19, 2003, and January 14, 2004. The NRC staff is including in the July 27-28, 2004 workshop, presentations and solicitation of feedback from the public on options and recommendations. Key considerations for discussion include:

- Are the identified containment functional performance requirements being considered appropriate?
- Are the options for containment performance criteria reasonable?
- Are there other or alternative options for containment functional performance requirements and criteria which should be considered?
- What is the role of containment in relation to defense-in-depth?
- What metrics and considerations should be used to evaluate the options, including specific advantages and disadvantages?

**PRELIMINARY WORKSHOP AGENDA**

TIME	TOPIC
July 27, 2004:	

**PRELIMINARY WORKSHOP AGENDA—  
Continued**

TIME	TOPIC
8:30—8:40 .....	Introduction and Overview for Technology-Neutral Framework.
8:40—9:00 .....	Proposed Scope.
9:00—9:20 .....	Framework Roadmap.
9:20—9:40 .....	Safety Fundamentals.
9:40—10:10 .....	Public Health and Safety Objectives.
10:10—10:25 .....	BREAK
10:25—11:00 .....	Risk Objectives.
11:00—11:45 .....	Design, Construction, and Operation Objectives.
11:45—1:00 .....	LUNCH
1:00—1:30 .....	Treatment of Uncertainties.
1:30—2:00 .....	Development of Requirements.
2:00—4:00 .....	Open Discussion.
4:00—4:30 .....	Wrap-up.
July 28, 2004:	
8:30—8:40 .....	Introduction and Purpose for Non-LWR Containment Functional Performance. Requirements and Criteria.
8:40—9:20 .....	Stakeholder Presentations.
9:20—9:45 .....	NRC Staff Presentation: Background, Scope, Approach, Evaluation Metrics and Considerations.
9:45—10:00 .....	BREAK
10:00—11:15 .....	Preliminary Options for Non-LWR Containment Functional Performance. Requirements and Criteria.
11:15—11:45 .....	Open Discussion.
11:45—Noon .....	Wrap-up.

Dated at Rockville, Maryland, this 30th day of June, 2004.

For the Nuclear Regulatory Commission.

**Farouk Eltawila,**

*Director, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research.*

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