



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

July 5, 2016

COMSECY-16-0012

PLEASE RESPOND BY:
July 21, 2016

MEMORANDUM TO: Chairman Burns
Commissioner Svinicki
Commissioner Baran

FROM: Victor M. McCree */RA by Michael R. Johnson for/*
Executive Director for Operations

SUBJECT: CORRECTION TO FEDERAL REGISTER NOTICE
DISCONTINUING RULEMAKING ACTIVITIES

The purpose of this memorandum is to submit for Commission review and approval a correction to language used in the Commission-approved *Federal Register* notice (FRN) on the discontinuation of rulemaking activities. In SECY-16-0021, "Discontinuation of Rulemaking Activities," dated February 29, 2016, the U.S. Nuclear Regulatory Commission (NRC) staff requested Commission approval to discontinue a number of planned or proposed rulemaking activities and to publish an FRN to inform the public of this decision (Accession No. ML16063A134 in the NRC's Agencywide Documents Access and Management System (ADAMS)). In the staff requirements memorandum (SRM) for SECY-16-0021, the Commission approved the NRC staff's recommendation to discontinue eight activities, and directed staff to defer activities on two rulemakings—"Geologic Repository Operations Area Security and Material Control and Accounting Requirements" and "Geologic Repository Operations Area Security Fitness-for-Duty Requirements"—until such time as funding for geologic disposal activities is restored (ADAMS Accession No. ML16141A042). In addition, the Commission approved publication of the associated FRN subject to the edits provided in the enclosure to the SRM.

In its discussion of the rulemaking activity in Section VI, "Approach to Risk-Informed, Performance-Based Requirements for Nuclear Power Reactors," the NRC staff states that "...the NGNP [Next Generation Nuclear Plant] project was terminated and the NRC no longer had a viable demonstration project." However, the NRC staff recently became aware of an error in this discussion regarding the status of the NGNP project. The actual status of the project is described in letters dated October 17, 2011, from Secretary of Energy Steven Chu to Congressional committees that have oversight of the U.S. Department of Energy. In those letters, Secretary Chu states that "...[g]iven current fiscal constraints, competing priorities, projected cost of the prototype, and inability to reach agreement with industry on cost share, the Department will not proceed with the Phase 2 design activities at this time...." The NRC staff has modified the FRN to more clearly reflect the current status of the NGNP project.

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The Commissioners

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Enclosure 1 compares the original Commission-approved description of Section VI, "Approach to Risk-Informed, Performance-Based Requirements for Nuclear Power Reactors," after incorporation of the text directed by the SRM with a markup of the proposed staff changes and revisions. The last column shows how the revised description would change after the staff-proposed changes are incorporated into the FRN.

The staff requests approval to publish the FRN in Enclosure 2, which reflects the changes shown in Enclosure 1.

SECY, please track.

Enclosures:

1. Comparison of *Federal Register* Notice Section VI Changes
2. *Federal Register* Notice

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ADAMS Accession Number: ML16165A253 (Package)

*via e-mail concurrence

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