Enclosure 1

Federal Register **Notice Section VI after Incorporating SRM Changes**	**Federal Register Notice Section VI with Proposed Staff Changes and Revisions**	**Federal Register Notice Section VI with Final Revisions**
On May 4, 2006 (71 FR 26267), the NRC published an ANPR in the *Federal Register* to request public comment on an approach that would have established a comprehensive set of risk-informed and performance-based requirements applicable for all nuclear power reactor technologies as an alternative to current requirements. At the time the ANPR was published, the NRC already had an ongoing effort to revise some specific regulations to make them risk-informed and performance-based. The rulemaking would have used operating experience, lessons learned from the rulemaking activities, and advances in the use of risk-informed technology to focus NRC and industry resources on the most risk-significant aspects of plant operations to better protect public health and safety. The set of new alternative requirements would have been intended primarily for new nuclear power reactors, although they would have been available to existing reactor licensees. The ANPR included 73 questions about the proposed rulemaking scope and plan. The NRC received 15 comment submittals from the regulated industry, consensus standard committees, private individuals, and a foreign regulatory body. Many of the public comments supported the concept of a risk-informed, performance-based regulatory framework and the development of technology-neutral regulations. Some public comments recommended that it was too soon to develop the proposed framework and that the NRC and the industry needed to pilot the licensing of advanced reactor technology using the current 10 CFR parts 50 and 52 frameworks to identify	On May 4, 2006 (71 FR 26267), the NRC published an ANPR in the *Federal Register* to request public comment on an approach that would have established a comprehensive set of risk-informed and performance-based requirements applicable for all nuclear power reactor technologies as an alternative to current requirements. At the time the ANPR was published, the NRC already had an ongoing effort to revise some specific regulations to make them risk-informed and performance-based. The rulemaking would have used operating experience, lessons learned from the rulemaking activities, and advances in the use of risk-informed technology to focus NRC and industry resources on the most risk-significant aspects of plant operations to better protect public health and safety. The set of new alternative requirements would have been intended primarily for new nuclear power reactors, although they would have been available to existing reactor licensees. The ANPR included 73 questions about the proposed rulemaking scope and plan. The NRC received 15 comment submittals from the regulated industry, consensus standard committees, private individuals, and a foreign regulatory body. Many of the public comments supported the concept of a risk-informed, performance-based regulatory framework and the development of technology-neutral regulations. Some public comments recommended that it was too soon to develop the proposed framework and that the NRC and the industry needed to pilot the licensing of advanced reactor technology using the current 10 CFR parts 50 and 52 frameworks to identify	On May 4, 2006 (71 FR 26267), the NRC published an ANPR in the *Federal Register* to request public comment on an approach that would have established a comprehensive set of risk-informed and performance-based requirements applicable for all nuclear power reactor technologies as an alternative to current requirements. At the time the ANPR was published, the NRC already had an ongoing effort to revise some specific regulations to make them risk-informed and performance-based. The rulemaking would have used operating experience, lessons learned from the rulemaking activities, and advances in the use of risk-informed technology to focus NRC and industry resources on the most risk-significant aspects of plant operations to better protect public health and safety. The set of new alternative requirements would have been intended primarily for new nuclear power reactors, although they would have been available to existing reactor licensees. The ANPR included 73 questions about the proposed rulemaking scope and plan. The NRC received 15 comment submittals from the regulated industry, consensus standard committees, private individuals, and a foreign regulatory body. Many of the public comments supported the concept of a risk-informed, performance-based regulatory framework and the development of technology-neutral regulations. Some public comments recommended that it was too soon to develop the proposed framework and that the NRC and the industry needed to pilot the licensing of advanced reactor technology using the current 10 CFR parts 50 and 52 frameworks to identify

challenges. Some comments did not support the framework as described in the ANPR because it did not require specific design standards and asserted that it did not adequately employ consensus standards that have been demonstrated as adequate and safe for existing reactors. The NRC staff considered all the comments received. In SECY-07-0101, "Staff Recommendations Regarding a Risk-Informed and Performance-Based Revision to 10 CFR Part 50," dated June 14, 2007 (ADAMS Package Accession No. ML070790253), the NRC staff requested that the Commission defer the rulemaking activity until after the development of the licensing strategy for the Next Generation Nuclear Plant (NGNP) or receipt of an application for design certification or a license for the Pebble Bed Modular Reactor. In the SRM for SECY-07-0101, dated September 10, 2007 (ADAMS Accession No. ML072530501), the Commission approved the NRC staff's recommendation to defer the rulemaking activity. In the same SRM, the Commission approved the NRC staff's proposal to provide a recommendation on initiating a rulemaking 6 months after the development of the licensing strategy for the NGNP was finalized. Subsequently, the NGNP project was terminated and the NRC no longer had a viable demonstration project. The NRC has decided not to proceed with this rulemaking activity or continue to expend resources tracking this rulemaking, which is now 10 years old. The NRC has several initiatives underway that would further risk-inform and performance-base the regulatory framework. Discontinuing this particular rulemaking would	challenges. Some comments did not support the framework as described in the ANPR because it did not require specific design standards and asserted that it did not adequately employ consensus standards that have been demonstrated as adequate and safe for existing reactors. The NRC staff considered all the comments received. In SECY-07-0101, "Staff Recommendations Regarding a Risk-Informed and Performance-Based Revision to 10 CFR Part 50," dated June 14, 2007 (ADAMS Package Accession No. ML070790253), the NRC staff requested that the Commission defer the rulemaking activity until after the development of the licensing strategy for the Next Generation Nuclear Plant (NGNP) or receipt of an application for design certification or a license for the Pebble Bed Modular Reactor. In the SRM for SECY-07-0101, dated September 10, 2007 (ADAMS Accession No. ML072530501), the Commission approved the NRC staff's recommendation to defer the rulemaking activity. In the same SRM, the Commission approved the NRC staff's proposal to provide a recommendation on initiating a rulemaking 6 months after the development of the licensing strategy for the NGNP was finalized. **In 2011, the U.S. Department of Energy decided not to proceed with Phase 2 design activities because of fiscal constraints, competing priorities, projected cost of the prototype, and inability to reach a cost share agreement with the industry.** ~~Subsequently, the NGNP project was terminated and the NRC no longer had a viable demonstration project. The~~ **As a result, the NRC no longer has a viable demonstration project to reference. Therefore, the** NRC has decided	challenges. Some comments did not support the framework as described in the ANPR because it did not require specific design standards and asserted that it did not adequately employ consensus standards that have been demonstrated as adequate and safe for existing reactors. The NRC staff considered all the comments received. In SECY-07-0101, "Staff Recommendations Regarding a Risk-Informed and Performance-Based Revision to 10 CFR Part 50," dated June 14, 2007 (ADAMS Package Accession No. ML070790253), the NRC staff requested that the Commission defer the rulemaking activity until after the development of the licensing strategy for the Next Generation Nuclear Plant (NGNP) or receipt of an application for design certification or a license for the Pebble Bed Modular Reactor. In the SRM for SECY-07-0101, dated September 10, 2007 (ADAMS Accession No. ML072530501), the Commission approved the NRC staff's recommendation to defer the rulemaking activity. In the same SRM, the Commission approved the NRC staff's proposal to provide a recommendation on initiating a rulemaking 6 months after the development of the licensing strategy for the NGNP was finalized. In 2011, the U.S. Department of Energy decided not to proceed with Phase 2 design activities because of fiscal constraints, competing priorities, projected cost of the prototype, and inability to reach a cost share agreement with the industry. As a result, the NRC no longer has a viable demonstration project to reference. Therefore, the NRC has decided not to proceed with this rulemaking activity or continue to expend resources tracking this rulemaking, which is now 10 years old. The

not preclude other ongoing or future risk-informed, performance-based initiatives. The NRC is open to new opportunities to explore a risk-informed, performance-based licensing strategy. In the past 2 years, there has been renewed U.S. industry and Executive Branch interest in advanced non-light water reactors (LWRs). The NRC is working to develop a regulatory process to address the unique aspects of these designs within the current regulatory framework. A new risk-informed, performance-based framework has the potential to address some of these unique aspects assuming that the necessary supporting data is available. Currently the advanced non-LWR designs have not reached a level of maturity that would support development of a regulatory basis for rulemaking. When supporting data is available, the NRC staff would reevaluate the need for rulemaking.	not to proceed with this rulemaking activity or continue to expend resources tracking this rulemaking, which is now 10 years old. The NRC has several initiatives underway that would further risk-inform and performance-base the regulatory framework. Discontinuing this particular rulemaking would not preclude other ongoing or future risk-informed, performance-based initiatives. The NRC is open to new opportunities to explore a risk-informed, performance-based licensing strategy. In the past 2 years, there has been renewed U.S. industry and Executive Branch interest in advanced non-light water reactors (LWRs). The NRC is working to develop a regulatory process to address the unique aspects of these designs within the current regulatory framework. A new risk-informed, performance-based framework has the potential to address some of these unique aspects assuming that the necessary supporting data is available. Currently the advanced non-LWR designs have not reached a level of maturity that would support development of a regulatory basis for rulemaking. When supporting data is available, the NRC staff would reevaluate the need for rulemaking.	NRC has several initiatives underway that would further risk-inform and performance-base the regulatory framework. Discontinuing this particular rulemaking would not preclude other ongoing or future risk-informed, performance-based initiatives. The NRC is open to new opportunities to explore a risk-informed, performance-based licensing strategy. In the past 2 years, there has been renewed U.S. industry and Executive Branch interest in advanced non-light water reactors (LWRs). The NRC is working to develop a regulatory process to address the unique aspects of these designs within the current regulatory framework. A new risk-informed, performance-based framework has the potential to address some of these unique aspects assuming that the necessary supporting data is available. Currently the advanced non-LWR designs have not reached a level of maturity that would support development of a regulatory basis for rulemaking. When supporting data is available, the NRC staff would reevaluate the need for rulemaking.