Environmental Assessment Supporting Final Rule: Power Reactor Security Requirements

U.S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation

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UNITED STATES NUCLEAR REGULATORY COMMISSION

ENVIRONMENTAL ASSESSMENT AND FINDING OF

NO SIGNIFICANT IMPACT

The U.S. Nuclear Regulatory Commission (NRC) is amending the security requirements for nuclear power reactors. The security requirements being amended by the power reactor security rulemaking are: § 73.55, § 73.56, 10 CFR part 73, appendix B, and 10 CFR part 73, appendix C. Additionally, the NRC is adding three new requirements to Parts 50 and 73 respectively: § 50.54(hh), § 73.54, and § 73.58. Finally, the rulemaking makes conforming changes to other sections of part 73, part 72, part 50, and part 52 to 1) ensure that cross-referencing between the various security regulations in part 73 is preserved, 2) implement cyber security plan submittal requirements, and 3) preserve requirements for licensees who are not within the scope of this rule.

Historical Background and Overview

The basis for this rulemaking has been derived from several sources. First, prior to the events of September 11th, the NRC had already undertaken an effort to revise its existing security regulations in part 73, as noted in SECY-01-0101 (June 4, 2001). The existing security regulations in part 73 have not been substantially revised for nearly 30 years. After September 11th, that rulemaking effort was delayed for obvious reasons, but the need to reorganize, improve and update the existing security regulations persists. This rulemaking built upon the efforts of the prior rulemaking.

Second, following the terrorist attacks on September 11, 2001, the NRC issued a series of orders to ensure that nuclear power plants and other licensed facilities continued to have effective security measures in place given the changing threat environment. Through these orders, the Commission supplemented the Design Basis Threat (DBT) as well as mandated for specific training enhancements, access authorization enhancements, and enhancements to defensive strategies, mitigative measures, and integrated response. Additionally, through generic communications, the Commission specified expectations for enhanced notifications to the NRC for certain security events or suspicious activities. The four security orders that were issued to licensees were:

- EA-02-026, "Interim Compensatory Measures (ICM) Order," issued February 25, 2002 (March 4, 2002; 67 FR 9792);
- EA-02-261, "Access Authorization Order," issued January 7, 2003 (January 13, 2003; 68 FR 1643);
- EA-03-039, "Security Personnel Training and Qualification Requirements (Training) Order," issued April 29, 2003 (May 7, 2003; 68 FR 24514); and
- EA-03-086, “Revised Design Basis Threat Order,” issued April 29, 2003 (May 7, 2003; 68 FR 24517).

Nuclear power plant licensees revised their physical security plans, access authorization programs, training and qualification plans, and safeguards contingency plans in response to these Orders. The NRC completed its review and approval of all of the revised security plans on October 29, 2004. These plans incorporated the enhancements required by the orders. While the specifics of these enhancements are protected as Safeguards Information consistent with 10 CFR 73.21, in general the enhancements resulted in such measures as increased patrols, augmented security forces and capabilities, additional security posts, additional physical

barriers, vehicle checks at greater standoff distances, enhanced coordination with law enforcement authorities, augmented security and emergency response training, equipment, and communication, and more restrictive site access controls for personnel, including expanded, expedited, and more thorough employee background investigations.

Finally, the Energy Policy Act of 2005 (EPAct 2005) signed into law on August 8, 2005, contained several provisions relevant to security at nuclear power plants. Section 653, for instance, which added Section 161A. to the Atomic Energy Act of 1954, as amended (AEA), concerns use of an expanded arsenal of weapons, including machine guns and semi-automatic assault weapons by NRC licensees as well as imposing certain requirements for fingerprint-based firearms background checks. As noted below, because of considerations that have arisen during the course of this rulemaking, the final rule no longer specifically addresses any provisions of the EPAct of 2005.

This final rulemaking amends the security requirements for power reactors. The following existing sections and appendices in 10 CFR part 73 have been revised as a result:

- 10 CFR 73.55, Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.
- 10 CFR 73.56, Personnel access authorization requirements for nuclear power plants.
- 10 CFR part 73, appendix B, Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties.
- 10 CFR part 73, appendix C, Licensee safeguards contingency plans.

The amendments also add two new sections to part 73 and a new paragraph to 10 CFR part 50:

- 10 CFR 73.54, Cyber security requirements.
- 10 CFR 73.58, Safety/security interface requirements for nuclear power reactors.

- 10 CFR 50.54(hh), Mitigative strategies and response procedures for potential or actual aircraft attacks.

Proposed Rule Background

Recipients of the post-September 11th orders were notified that the requirements in those orders were considered interim measures, and that the NRC ultimately intended to reassess those requirements and undertake a rulemaking that would codify generically-applicable security requirements and revise the Commission's existing security regulations. To that end, on October 26, 2006, the Commission issued the proposed Power Reactor Security Rulemaking (71 FR 62664). The proposed rule was originally published for a 75-day public comment period. In response to several requests for extension, the comment period was extended on two separate occasions (72 FR 480 and 72 FR 8951), eventually closing on March 26, 2007. The NRC received 48 comment letters. In addition, the NRC held two public meetings in Rockville, MD, and Las Vegas, NV on November 15 and 29, 2006, respectively, to solicit public comment. The NRC held a third public meeting on March 9, 2007, to facilitate stakeholder understanding of the proposed rule requirements and thereby result in more informed comment on the proposed rule provisions.

In addition to proposing requirements that were similar to those that had previously been imposed by the various orders, the proposed rule also contained several new provisions that the Commission determined would provide additional assurance of licensee capabilities to protect against the DBT. These new provisions were identified by the Commission during implementation of the security orders, while reviewing the revised site security plans that had been submitted by licensees for NRC review and approval, while conducting the enhanced baseline inspection program, and through evaluation of the results of force-on-force exercises.

As identified in the proposed rule, these new provisions included such measures as cyber security requirements, safety/security interface reviews, functional equivalency of the central and secondary alarm stations, uninterruptable backup power for detection and assessment equipment, and video image recording equipment (71 FR 62666-62667). Further, the proposed rule also incorporated provisions of the EPAct of 2005, as described above. Most of these new requirements are now reflected in this final rule.

The NRC also published a supplemental proposed rule on April 10, 2008, (73 FR 19443) seeking additional stakeholder comment on two provisions of the rule for which the NRC had decided to provide additional detail. The supplemental proposed rule also proposed to move these requirements from appendix C to part 73 in the proposed rule to section 50.54 in the final rule.

Three petitions for rulemaking were also considered as part of the power reactor security rulemaking, consistent with the resolution and closure process for the subject petitions (PRM-50-80, PRM-73-11, and PRM-73-13). Refer to section II of the final rule *Federal Register* notice for a discussion of the NRC's consideration of the petitions.

Significant New Requirements in the Final Rule

The final power reactor security rulemaking contains a number of significant new requirements (versus the requirements currently in the Code of Federal Regulations) listed below:

a. Safety/Security interface requirements. These requirements are located in new section 73.58. The safety/security interface requirements explicitly require licensee to manage and assess the potential adverse interactions between security activities and other plant activities that could compromise either plant security or plant safety. The requirements direct licensees to assess and manage these interactions so that neither safety nor security is

compromised. These requirements address, in part, a Petition for Rulemaking (PRM 50-80) that requested the establishment of regulations governing proposed changes to the facilities which could adversely affect the protection against radiological sabotage.

b. Mixed-oxide (MOX) fuel requirements. These requirements are codified into new § 73.55(l) for reactor licensees who propose to use MOX fuel in concentrations of 20 percent or less. These requirements provide enhancements to the normal radiological sabotage-based physical security requirements for the protection of the MOX fuel from theft or diversion. These requirements reflect the Commission's view that the application of security requirements for the protection of formula quantities of strategic special nuclear material set forth in part 73, which would otherwise apply because of the MOX fuel's low plutonium content and the weight and size of the MOX fuel assemblies, is unnecessary to provide adequate protection for this material. The MOX fuel security requirements are consistent with the approach implemented at Catawba Nuclear Station through the MOX lead test assembly effort in 2004.

c. Cyber security requirements. These requirements are codified as new § 73.54 and designed to provide high assurance that digital computer and communication systems and networks are adequately protected against cyber attacks, up to and including the design basis threat as established by § 73.1(a)(1)(v). These requirements are substantial improvements upon the requirements imposed by the February 25, 2002 Order. In addition to requiring that all new applications for an operating or combined operating license include a cyber security plan, the rule will also require currently operating licensees to submit a cyber security plan to the NRC for review and approval by way of license amendment pursuant to 10 CFR § 50.90 within 180 days of the effective date of this rule. In addition, applicants who have submitted an application for an operating license or combined operating license currently under review by the NRC must amend their applications to include a cyber security plan. For both current and new licensees,

the cyber security plan will become part of the licensee's licensing basis in the same manner as other security plans.

d. Mitigative strategies and response procedures for potential or actual aircraft attacks. These requirements are set forth in new paragraph 50.54(hh). Paragraph 50.54(hh)(1) establishes the necessary regulatory framework to facilitate consistent application of Commission requirements for preparatory actions to be taken in the event of a potential aircraft or actual threat to a nuclear power reactor facility. Paragraph 50.54(hh)(2) requires licensees to develop guidance and strategies for addressing the loss of large areas of the plant due to explosions or fires from a beyond-design basis event through the use of readily available resources and by identifying potential practicable areas for the use of beyond-readily-available resources. Requirements similar to these were previously imposed under section B.5 of the February 25, 2002, ICM Order; specifically, the "B.5.a" and the "B.5.b" provisions.

e. Access authorization enhancements. Section 73.56 has been substantially revised to incorporate lessons learned from the Commission's implementation of the order requirements, and to improve the integration of the access authorization and security program requirements. The rule includes an increase in the rigor for many elements of the pre-existing access authorization program requirements. In addition, the access authorization requirements include: new requirements for individuals who have electronic means to adversely impact facility safety, security or emergency preparedness; enhancements to the psychological assessments requirements; required use of information sharing systems between reactor licensees; expanded behavioral observation requirements; requirements for reinvestigations of criminal and credit history records for all individuals with unescorted access; and 5-year psychological reassessments for certain critical job functions.

f. Training and qualification enhancements. These requirements are set forth in appendix B to part 73 and include modifications to training and qualification program requirements based on insights gained from implementation of the security orders, NRC reviews of site security plans, implementation of the enhanced baseline inspection program and evaluations of force-on-force exercises. These new requirements include additional physical requirements for unarmed security personnel to assure these personnel meet minimum physical requirements commensurate with their duties. The new requirements also include a minimum age requirement of 18 years for unarmed security officers, enhanced minimal qualification scores for testing required by the training and qualification plan, qualification requirements for security trainers, armorer certification requirements, program requirements for on-the-job training, and qualification requirements for drill and exercise controllers.

g. Physical security enhancements. The rule imposes new physical security enhancements in the revised section 73.55 that were identified by the NRC during implementation of the security orders, reviews of site security plans, implementation of the enhanced baseline inspection program, and NRC evaluations of force-on-force exercises. Significant new requirements in section 73.55 include a requirement that the central alarm station (CAS) and secondary alarm station (SAS) have functionally equivalent capabilities such that no single act in accordance with the design basis threat of radiological sabotage can disable the key functions of both CAS and SAS. Additions also include requirements for new reactor licensees to locate the SAS within a site's protected area, ensure that the SAS is bullet resistant, and limit visibility into the SAS from the perimeter of the protected area. Revisions to section 73.55 also include requiring uninterruptible backup power supplies for detection and assessment equipment, video image recording capability, and new requirements for protection of the facility against waterborne vehicles.

Significant Changes in the Final Rule

A number of significant changes were made to the proposed rule as a result of public comments and are now reflected in the final rule. Those changes are outlined below:

a. Bifurcation of Enhanced Weapons Requirements. As discussed above, section 161A. of the AEA permits the NRC to authorize the use of certain enhanced weapons in the protective strategies of specific designated licensees once guidelines are developed by the NRC and approved by the Attorney General (from section 653 of EPAct 2005). In anticipation of the completion of those guidelines, the proposed rule contained several provisions that would have described the requirements for the use of enhanced weapons and for firearms background checks for certain security personnel (i.e., proposed § 73.18 and § 73.19). Since the guidelines have not yet received the approval of the Attorney General, the NRC decided to separate that portion of the proposed rule to be continued as a separate rulemaking, accordingly this final rule does not contain any provisions related to the implementation of Section 161A.

b. Cyber Security Requirements. Another change to this final rulemaking is the re-location of cyber security requirements. Cyber security requirements had been located in the proposed rule in paragraph 73.55(m). These requirements are now placed into new section 73.54 as a separate section within part 73. These requirements were placed into a stand-alone section to enable the cyber security requirements to be made applicable to other types of facilities and applications through future rulemakings. Establishing these requirements as a stand-alone section also necessitated creating accompanying licensing requirements. Since the cyber security requirements were originally proposed as part of the physical security program, and thus the physical security plan, a licensee's cyber security plan under the proposed rule would have been part of the license through that licensing document. Once separated, the NRC identified the need to establish separate licensing requirements for the licensee's cyber security plan that would require the plan to be part of a new application for a license issued under part 50 or part 52, as well as continue to be a condition of either type of license. Conforming changes were therefore made to sections 50.34, 50.54, 52.79, and 52.80 to address this

consideration. As noted above and in section 73.54, for current reactor licensees, the rule requires the submission a new cyber security plan to the NRC for review and approval within 180 days of the effective date of the rule. Current licensees are required to submit their cyber security plans by way of a license amendment pursuant to 10 CFR § 50.90. In addition, applicants for an operating license or combined operating license who have submitted their applications to the NRC prior to the effective date of the rule are required to amend their applications to the extent necessary to address the requirements of 73.54.

c. Performance Evaluation. The Performance Evaluation Program requirements that were in proposed appendix C to part 73, are moved, in their entirety, to appendix B to part 73 as these requirements describe the development and implementation of a training program for training the security force in the response to contingency events.

d. Mitigative strategies and response procedures for potential or actual aircraft attacks. Another significant change to this rulemaking is the re-location of and the addition of clarifying rule language to the beyond-design basis mitigative measures and potential aircraft threat notification requirements that were previously located in proposed part 73 appendix C. Those requirements are now set forth in 10 CFR 50.54(hh). This change was made, in part, in response to stakeholder comments that part 73 appendix C was not the appropriate location for these requirements since the requirements were not specific to the licensee's security organization. The NRC agreed and relocated the requirements accordingly, and provide more details to the rule language to ensure that the intent of these requirements was clear. As noted above, the NRC issued a supplemental proposed rule seeking additional stakeholder comment on these proposed changes to the rule.

e. Section 73.71 and Appendix G. The proposed power reactor security rulemaking contained proposed requirements for section 73.71 and appendix G to part 73. The Commission intended to make few changes to these regulations based on public comments. However, these provisions are not contained in this final rulemaking. Because the enhanced

weapons rulemaking will include potential changes to section 73.71 and appendix G, the Commission decided that revisions to these regulations were better suited for that rulemaking.

f. Security Plan Submittal Requirements The proposed rule would have required current licensees to revise their physical security plan, training and qualification plans, and safeguards contingency plan to incorporate the new requirements, and submit these security plans for NRC review and approval. The final rule no longer requires these security plans (with the exception of the cyber security plan as discussed above) to be submitted for prior NRC review and approval, and instead allows licensees to make changes in accordance with existing licensing provisions such as § 50.54(p) or § 50.90, as applicable. The Commission determined that this was an acceptable approach since most of the requirements established by this rule are substantially similar to the requirements that had been imposed by the security orders, and all licensee security plans were recently reviewed and approved by the NRC in 2004 following issuance of the those orders. Additionally, many of the additional requirements in the final rule are already current practices that were implemented following an industry-developed, generic security plan template that was reviewed and approved by the NRC. For the requirements that go beyond current practices, the Commission does not expect that changes that would be required by this rule would result in decreases of effectiveness in licensee's security plan. For implementation of those new requirements, licensees should therefore consider whether their plans could be revised in accordance with the procedures described in § 50.54(p). However, if a licensee believes that a plan change may reduce the effectiveness of a security plan, or if the licensee desires NRC review and approval of the plan change, then the proposed plan revision should be submitted to the NRC for review and approval as a license amendment per § 50.90.

With respect to applicants who have already submitted an application to the Commission for an operating license or combined operating license as for the effective date of this rule, those applicants are required by this rule to amend their applications to the extent necessary to address the requirements of the new rule.

g. EPAct of 2005 Provisions. The proposed rule contained a number of proposed requirements that were designed to address security-related provisions of the EPAct of 2005. With respect to Section 653 of the EPAct of 2005, the enhanced weapons and firearms background check requirements have been moved to a separate rulemaking. The only other provisions of the EPAct of 2005 that the NRC had considered during this rulemaking were in Section 651, which concerns matters related to the triennial NRC-evaluated, force-on-force exercises, the NRC's mitigation of potential conflicts of interest in the conduct of such exercises, and the submission of annual reports by the NRC to Congress. Because the statute requires the NRC to be directly responsible for implementation of those requirements, the Commission has determined that there is no need for them to be specifically reflected in the NRC's regulations. The NRC has fully complied with all of the requirements of Section 651 in its conduct of force-on-force evaluations since the EPAct of 2005, and has submitted three annual reports to Congress during that time.

h. Definitions. The proposed rule contained a number of definitions, primarily related to the proposed enhanced weapons requirements. As noted previously, the enhanced weapons provisions and firearms backgrounds checks have been separated into a separate rulemaking, so codifying those definitions is no longer appropriate in this rulemaking. Regarding the other proposed rule definitions of safety/security interface, security officer, and target sets, the NRC concluded that these terms are better addressed in guidance, and accordingly the final rule does not contain these provisions.

Conforming Changes

Conforming changes to the requirements listed below are made to 1) ensure that cross-referencing between the various security regulations in part 73 is preserved, 2) implement cyber security plan submittal requirements, and 3) preserve requirements for licensees who are not within the scope of this rule. The following requirements contain conforming changes:

- Section 50.34, “Contents of construction permits and operating license applications; technical information” is revised to align the application requirements with the revisions to appendix B to 10 CFR part 73, the addition of section § 73.54 to part 73, and the addition of § 50.54(hh) to part 50.
- Section 50.54, “Conditions of licenses” is revised to conform with the revisions to sections in appendix C to 10 CFR part 73. In accordance with the introductory paragraph to section 50.54, revisions to this section are also made applicable to combined licenses issued under part 52.
- Section 52.79, “Contents of applications; technical information in the final safety analysis report” is revised to align the application requirements with the revisions to appendix C to 10 CFR part 73 and the addition of section § 73.54 to part 73.
- Section 52.80, “Contents of applications; additional technical information” is revised to add the application requirements for § 50.54(hh) to part 50.
- Section 72.212, “Conditions of general license issued under § 72.210” is revised to reference the appropriate revised paragraph designations in § 73.55.
- Section 73.8, “Information collection requirements: OMB approval” is revised to add the new requirements (§§ 73.54, and 73.58) to the list of sections with Office of Management and Budget (OMB) information collection requirements. A corrective revision to § 73.8 is made to reflect OMB approval of existing information collection requirements for NRC Form 366 under existing § 73.71.
- Section 73.70, “Records” is revised to reference the appropriate revised paragraph designations in § 73.55 regarding the need to retain a record of the registry of visitors. Additionally, § 73.81, “Criminal penalties” which sets forth the sections within part 73 that are not subject to criminal sanctions under the AEA, would remain unchanged since willful violations of the new §§ 73.54 and 73.58 may be subject to criminal sanctions.

Appendix B and appendix C to part 73 require special treatment in this rulemaking to preserve, with a minimum of conforming changes, the current requirements for licensees and

applicants who are not within the scope of this rule. Accordingly, sections I through V of part 73 appendix B remain unchanged to preserve the current training and qualification requirements for all applicants, licensees, and certificate holders who are not within the scope of this rulemaking, and the new language for power reactor security training and qualification (revised in this rulemaking) is added as section VI. Part 73 appendix C is divided into two sections, with section I maintaining all current requirements (for licensees and applicants not within the scope of this rule such as Category I strategic special nuclear material licensees and research and test reactor licensees), and section II containing all new requirements related to power reactor contingency response.

ENVIRONMENTAL ASSESSMENT

Identification of the Action:

1) Make generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001, based upon experience and insights gained by the Commission during implementation of those orders;
2) Add several new requirements that resulted from insights from implementation of the security orders, review of site security plans, and implementation of the enhanced baseline inspection program and force-on-force exercises;
3) Update the regulatory framework in preparation for receiving license applications for new reactors; and,
4) Consider the issues raised in three petitions for rulemaking (consistent with the petition closure and resolution process) during the development of the final rule requirements.

The Need for the Action:

The action is principally needed because the NRC has determined that the security requirements similar to those previously imposed by orders following the attacks of September 11, 2001, and which applied only to existing licensees, should be made generically applicable to all power reactor applicants and future licensees. The requirements of this rulemaking represent the NRC's view on the security requirements that are necessary for the adequate protection of the public health and safety and the common defense and security, or have been determined to be substantial security enhancements. In addition, the NRC is taking this action to accomplish the other stated objectives above.

Environmental Impacts of the Proposed Action:

This environmental assessment focuses on those aspects of the power reactor security rulemaking where there is a potential for the revised requirements to affect the environment. The NRC has concluded that there will be no significant radiological environmental impacts associated with implementation of the final power reactor security rule requirements for the following reasons:

(1) The revision to the power reactor security requirements does not result in changes to the design basis requirements for the structures, systems, and components (SSCs) in affected licensees' facilities that function to limit the release of radiological effluents during and following postulated accidents. All the SSCs associated with limiting the releases of offsite radiological effluents will therefore continue to be able to perform their functions, and as a result, there is no significant radiological effluent impact. The NRC also notes that the safety-security interface requirements (new section § 73.58) are added to Part 73 to explicitly require, what was previously implicitly required by the regulations, that plant activities should not adversely security activities and that security activities should not adversely affect plant safety (otherwise licensees would fail to

comply with the governing requirements in the applicable area). The NRC expects that § 73.58 will enhance safety and security.

(2) The standards and requirements applicable to radiological releases and effluents are not affected by the power reactor security rulemaking and continue to apply to the SSCs affected by the power reactor security rulemaking.

The principal effect of this action is to revise the governing regulations pertaining to power reactor security, make generically applicable security requirements similar to those previously imposed post 9/11 orders, and to add additional requirements consistent with the rulemaking objectives discussed earlier. None of the revisions affect current occupational exposure requirements, consequently the NRC has concluded that this action has no impact on occupational exposure.

For the reasons discussed above, the action does not significantly increase the probability or consequences of accidents, nor result in changes being made in the types of any effluents that may be released off-site, and there is no significant increase in occupational or public radiation exposure.

With regard to potential non-radiological impacts, implementation of the rule requirements does not have a significant impact on the environment. Though the requirements of this rule may result in some licensees to make modifications at their facilities, the NRC does not anticipate such modifications to have any significant environmental impact. In addition, the revised requirements 1) do not affect any historic sites, and 2) do not affect non-radiological plant effluents. Therefore, there is no significant non-radiological environmental impact associated with this final rule action.

Accordingly, the NRC concludes that there is no significant environmental impact associated with the final rulemaking action.

Alternatives to the Proposed Action:

As an alternative to the rulemakings described above, the NRC staff considered not taking the action (i.e., the "no-action" alternative). Not revising the security regulations results in no change in current environmental impacts since the requirements would result in no significant environmental impact. Therefore, taking no action results in no net change to the environmental impact. However, the no action alternative would leave the existing security requirements intact, and as such, the NRC's security requirements for nuclear power plants would not reflect the requirements that the NRC has concluded are necessary for the adequate protection of the public health and safety and the common defense and security. This "no action" would not only affect the security at currently operating reactors, but would also hinder the NRC's ability to impose adequate security measures on future nuclear power plants. Failure to codify these security requirements would also significantly impact the NRC's statutory obligation under the Atomic Energy Act of 1954, as amended, (AEA) to establish rules or regulations that are necessary to provide for the adequate protection of the health and safety of the public and be in accord with the common defense and security.

Alternative Use of Resources:

This action does not involve the use of any resources not previously considered by the NRC in its past environmental statements for issuance of operating licenses for the facilities that are affected by this action.

Agencies and Persons Consulted:

The NRC staff developed the rule and this environmental assessment. The NRC provided state liaison officials with a copy of the proposed rule and requested comment. No comments were received on the environmental assessment. No other agencies were consulted.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the environmental assessment, the NRC concludes that the action will not result in a significant effect on the quality of the human environment. Accordingly, the NRC did not prepare an environmental impact statement for the action.

Documents may be examined and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Library component on the NRC web site http://www.nrc.gov (Electronic Reading Room).

Dated at Rockville, Maryland, this th day of , 2008.

FOR THE NUCLEAR REGULATORY COMMISSION

Michael J. Case, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation