NUCLEAR REGULATORY COMMISSION (NRC)

Statement of Regulatory Priorities

Under the authority of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) regulates the processing and utilization of source, byproduct, and special nuclear material. The NRC's regulatory mission is to ensure that civilian uses of nuclear materials and facilities are carried out with proper regard for the protection of public health and safety, the environment, and national security. The NRC regulates the operation of nuclear power plants and fuel cycle plants; the safeguarding of nuclear materials from theft and sabotage; the safe transportation of nuclear materials; the decommissioning and return to safe use of licensed facilities that are no longer in operation; and the medical, industrial, and research applications of nuclear material.

The NRC's regulatory priorities for the next fiscal year are to ensure that:

1. Nuclear power plants and other licensed facilities are operated safely and that licensees are adequately prepared to respond to accidents;

2. The basic principles and criteria that would allow decommissioned lands and structures to be released for unrestricted use are codified; and

3. Evolutionary and advanced reactor designs may be reviewed and licensed effectively and efficiently.

The NRC is addressing its regulatory initiatives in a manner that is consistent with the President's regulatory philosophy. The NRC routinely conducts comprehensive regulatory analyses that examine the costs and benefits of contemplated regulations as part of its regulatory process. The NRC has been aggressive and innovative in expanding the scope of public and industry participation in its most significant rulemakings. For example, the NRC has conducted several public workshops and established an electronic bulletin board to facilitate participation in the rulemaking to establish radiological criteria for decommissioning. The NRC has also developed internal procedures and programs to ensure that only necessary requirements are imposed on its licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

NRC

PROPOSED RULE STAGE

---

161. STEAM GENERATOR TUBE INTEGRITY

Priority:

Other Significant

Reinventing Government:

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority:

42 USC 2201; 42 USC 5841

CFR Citation:

10 CFR 50

Legal Deadline:

None

Abstract:

The Nuclear Regulatory Commission (NRC) plans to develop a rule pertaining to steam generator tube integrity. The objective of the rule would be to maintain adequate assurance of steam generator tube integrity while allowing a more appropriate approach to steam generator surveillance and maintenance activities at nuclear power plants. Steam generator degradation is a significant issue affecting current pressurized water reactors.

Statement of Need:

The NRC plans to develop a rule pertaining to steam generator tube integrity (i.e., maintaining an extremely low overall probability of steam generator tube leakage that could result in core damage or exceeding allowable offsite doses). The proposed rule would allow a more flexible approach to maintaining steam generator tube integrity through a balance of preventative, inspection and repair, and mitigative measures that reflect current industry-wide operating experience. The regulatory action is intended to:

1. Improve the scope and methods for inspecting steam generator tubing;

2. Provide incentives to continue to improve inspection methods;

3. Develop plugging/repair criteria based on the most appropriate nondestructive parameters, thereby improving enforceability of the criteria and eliminating unnecessary conservatism; and

4. Reflect appropriate considerations of related systems issues.

Operating experience indicates that the current regulatory requirements need to be more stringent in some areas while in other areas they are overly conservative. To date this situation has been dealt with on a plant specific basis, when necessary. However, a generic approach to dealing with steam generator issues is necessary to effectively update inspection and repair criteria.

Summary of the Legal Basis:

The NRC is authorized to promulgate new rules. The new rule that will be developed on steam generator integrity will be in accordance with the provisions of 10 CFR Part 50.109 on backfitting.

Alternatives:

The primary alternative would be to continue with resource intensive plant-specific ad hoc licensing in the area of ensuring adequate steam generator tube integrity. Public comments provided in response to the advance notice of proposed rulemaking indicate agreement on the part of industry that rulemaking is the preferred regulatory means for addressing this issue.

Anticipated Costs and Benefits:

The regulatory action would result in a decrease in costs in some areas (e.g., steam generator tube repair costs, avoidance/delay of steam generator replacement costs), and an increase in cost in other areas (e.g., inspection costs). The regulatory action may also result in a decrease in personnel exposure. Since the proposed rule is intended to be performance based, a major benefit would be in providing a more flexible and cost-effective regulatory program pertaining to maintaining steam generator tube integrity.

Risks:

The regulatory action will result in increases in safety margins.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/94	59 FR 47817
ANPRM Comment Period End	12/05/94	
NPRM	12/00/95	
Final Action	06/00/96	

Small Entities Affected:

None

Government Levels Affected:

None

Agency Contact:

Tim Reed
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
Phone: 301 415-1462

RIN: 3150–AF04

NRC

162. ● REPORTING RELIABILITY AND AVAILABILITY INFORMATION FOR RISK-SIGNIFICANT SYSTEMS AND EQUIPMENT

Priority:

Other Significant

Legal Authority:

42 USC 2201; 42 USC 5841

CFR Citation:

10 CFR 050

Legal Deadline:

None

Abstract:

The proposed rule would amend the Nuclear Regulatory Commission's (NRCs) regulations to require that licensees for commercial nuclear power reactors report summary reliability and availability data for risk-significant systems and equipment to the NRC. The proposed rule would also require licensees to maintain onsite, and to make available for NRC inspection, records and documentation that provide the basis for the summary data reported to the NRC. This proposed rule is necessary to improve public health and safety, to reduce economic burden by focusing NRC and licensee attention on the most risk-significant issues, and to support generic and plant-specific regulatory actions. The proposed rule would substantially improve licensee implementation of the evaluation and goal setting aspects required by the maintenance rule and NRC's oversight of licensee's implementation of the maintenance rule.

Statement of Need:

The NRC plans to amend its regulations to require that licensees for commercial nuclear power reactors report summary reliability and availability data for risk-significant systems and equipment to the NRC. The NRC also plans to require licensees to maintain onsite, and to make available for NRC inspection, records and documentation that provide the basis for the summary data reported to the NRC. This action is necessary to substantially improve: (1) licensees' implementation of the NRC's maintenance rule, (2) the NRC's oversight of maintenance rule implementation, and (3) the NRC's ability to make risk-effective regulatory decisions. The NRC is authorized to promulgate new rules. This action will enhance both efficiency and protection of public health and safety.

Alternatives:

One alternative would be to continue the status-quo. Other alternatives include: (1) direct collection of data by NRC inspectors and (2) voluntary submittal of data by licensees.

Anticipated Costs and Benefits:

The regulatory action would increase costs for collection, reporting, and processing of reliability and availability data. These increased costs would be outweighed by substantial savings as a result of improving implementation and oversight of the NRC's maintenance rule and moving towards risk-based regulation and attendant regulatory relief.

Risks:

The regulatory action is expected to help reduce overall risk by improving implementation and oversight of the NRC's maintenance rule and helping to focus NRC and industry attention on the most risk-significant aspects of power plant operation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	10/00/95	
Final Action	06/00/96	

Small Entities Affected:

None

Government Levels Affected:

None

Agency Contact:

Dennis Allison
Nuclear Regulatory Commission
Office for Analysis and Evaluation of Operational Data
Washington, DC 20555
Phone: 301 415-6835

RIN: 3150–AF33

NRC

163. ● REVISION OF FEE SCHEDULES; 100% FEE RECOVERY, FY 1996

Priority:

Economically Significant

Legal Authority:

42 USC 2201; 42 USC 5841

CFR Citation:

10 CFR 170; 10 CFR 171

Legal Deadline:

Final, Statutory, September 30, 1996.

Omnibus Budget Reconciliation Act of 1990

Abstract:

This proposed rule would amend the Nuclear Regulatory Commission's (NRCs) regulations regarding the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The amendments are necessary to recover approximately 100 percent of the NRC budget authority for fiscal year 1996 less the amounts appropriated from the Nuclear Waste Fund. The Omnibus Budget Reconciliation Act of 1990 (OBRA-90) requires that the NRC accomplish the 100 percent recovery through the assessment of fees.

Statement of Need:

This rulemaking will amend the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The amendments are necessary to recover approximately 100 percent of the NRC budget authority for fiscal year 1996 less the amounts appropriated from the Nuclear Waste Fund. The Omnibus Budget Reconciliation Act of 1990 (OBRA-90) requires that the NRC accomplish the 100-percent recovery through the assessment of fees. The NRC assesses two types of fees to recover its budget authority. License and inspection fees are assessed under the authority of the Independent Offices Appropriation Act to recover the costs of providing individually identifiable services to specific applicants and licensees (10 CFR part 170). OBRA-90 requires that the NRC recover the full cost to the NRC of all identifiable regulatory service that each applicant or licensee receives. The NRC recovers generic and other regulatory costs not recovered through 10 CFR Part 170 fees through the assessment of annual fees under the authority of OBRA-90 (10 CFR Part 171). Annual fee charges are consistent with the guidance in the Conference Committee Report on OBRA-90 that the NRC assess the annual charge under the principle that licensees who require the greatest expenditure of the agency's resources should pay the greatest annual fee.

Summary of the Legal Basis:

The Omnibus Budget Reconciliation Act requires that the NRC recover approximately 100 percent of its budget authority, less the amount appropriated for the Nuclear Waste Fund, for fiscal years 1991 through 1998. The Act requires that the fees for fiscal year 1996 must be collected by September 30, 1996. Therefore, the final rule is to become effective by August 1, 1996.

Alternatives:

Because this action is mandated by statute and the fees must be assessed through rulemaking, the NRC did not consider alternatives to this action.

Anticipated Costs and Benefits:

The cost to NRC licensees is the NRC fiscal year 1996 budget authority less the amount appropriated from the Nuclear Waste Fund. The dollar amount is not yet determined but is expected to be in a range close to $503.8 million.

Risks:

Not applicable.

Timetable:

Action	Date	FR Cite
NPRM	04/00/96	
Final Action	07/00/96	

Small Entities Affected:

None

Government Levels Affected:

None

Agency Contact:

C. James Holloway, Jr.
Office of the Controller
Nuclear Regulatory Commission
Washington, DC 20555
Phone: 301 415-7724

RIN: 3150–AF39

NRC

FINAL RULE STAGE

164. RADIOLOGICAL CRITERIA FOR DECOMMISSIONING OF NUCLEAR FACILITIES

Priority:

Other Significant

Legal Authority:

42 USC 2201; 42 USC 5841

CFR Citation:

10 CFR 020; 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 051; 10 CFR 070; 10 CFR 072

Legal Deadline:

None

Abstract:

The proposed rule would amend the Commission's regulations to codify the basic principles and radiological criteria that would allow decommissioned lands and structures to be released for unrestricted public use. In the final rule entitled, ''General Requirements for Decommissioning Nuclear Facilities'' (June 27, 1988; 53 FR 24018), the need and urgency for guidance with respect to residual contamination criteria were expressed. At that time, it was anticipated that an interagency working group organized by the Environmental Protection Agency (EPA) would develop necessary Federal guidance. However, in the absence of significant progress by the interagency working group, the Commission has directed that the NRC expedite rulemaking because the requirements, once final, will provide licensees with an incentive to complete site decommissioning.

The proposed rule would establish basic radiological criteria for release of lands and structures. Measurables, in the form of surface and volume radioactive concentrations and site radioactivity inventory values, would be provided in supporting regulatory guidance. These combined activities should benefit the public, industry, and the NRC, providing a risk-based framework upon which decommissioning activities and license terminations can be accomplished. The framework will ensure adequate protection of public health and safety and identify residual radioactivity criteria upon which licensees can confidently develop reasonable and responsible decommissioning plans.

Statement of Need:

The Nuclear Regulatory Commission (NRC) is proposing to amend 10 CFR 20 of its regulations to provide specific radiological criteria for the decommissioning of soils and structures. The proposed criteria would apply to the decommissioning of all facilities licensed under 10 CFR Parts 30, 40, 50, 60, 61, 70, and 72, as well as other facilities subject to the Commission's jurisdiction under the Atomic Energy Act and the Energy Reorganization Act. The NRC would apply these criteria in determining the adequacy of remediation of residual radioactivity resulting from the possession or use of source, byproduct, and special nuclear material. The proposed rule is intended to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be remediated before a site can be considered decommissioned.

The NRC has developed the basis for the residual contamination levels in light of changes in basic radiation protection standards, improvements in remediation and radiation detection technologies, decommissioning experience obtained during the past 15 years, and comments received from public workshops held as part of this rulemaking effort. This rulemaking has been closely coordinated with the EPA from both a policy standpoint and for the technical underpinnings. The EPA was a key participant in the rulemaking workshops conducted for the rulemaking. EPA is preparing a parallel rulemaking. In addition, under the framework of a Memorandum of Understanding (MOU) between NRC and EPA, EPA will make a determination that the NRC rulemaking provides a sufficient level of protection for public health and safety and for the environment. This coordination will minimize the expenditure of Federal resources, provide a consistent regulatory approach for all facilities, and avoid a duplication of effort or overlapping regulations.

Summary of the Legal Basis:

This proposed rule is being developed under the authority of the Atomic Energy Act of 1954, as amended.

Alternatives:

The NRC presently allows decommissioning on a site-specific basis using existing guidance. The NRC could continue to allow decommissioning to proceed on a case-by-case basis. However, the NRC believes that codifying radiological criteria for decommissioning would provide a more effective method of and a broadly understood set of standards to be used in protecting public health and the environment at decommissioned sites.

Anticipated Costs and Benefits:

The proposed rule would establish a clear and consistent regulatory basis for determining the extent to which lands and structures must be remediated before a site can be decommissioned. The Commission believes that inclusion

of criteria in the regulations will result in more efficient and consistent licensing actions related to the numerous and frequently complex site decontamination and decommissioning activities anticipated in the future. Therefore, the proposed rule would use NRC and licensee resources more efficiently, be applied consistently to all types of licenses, create a predictable basis for decommissioning planning, and eliminate the protracted delays in decommissioning because licensees wait for generic regulatory criteria before proceeding with decommissioning of their facilities. The proposed rule would, for the most part, codify existing regulatory practice. It is not expected to result in any significant additional cost to the industry, the government, or the public. In fact, efficiencies produced by codifying and stabilizing regulatory practice in this area should result in an overall reduction in costs associated with decommissioning nuclear facilities. It is not possible to quantify the extent of these cost reductions at this time.

Risks:

This rulemaking would ensure that decommissioning will be carried out without undue impact on public and occupational health and safety and the environment. The proposed rule ensures a stable framework to accomplish decommissioning and achieves a stable level of costs for risks averted. The proposed amendments enhance the existing regulatory framework by providing a clear and consistent regulatory basis for determining the extent to which lands and structures must be remediated before a site can be decommissioned. The Commission believes that inclusion of radiological criteria in the regulations will result in more efficient and consistent licensing actions related to the numerous and frequently complex site decontamination and decommissioning activities anticipated in the future and reduce the risk to public health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/22/94	59 FR 43200
NPRM Comment Period End	12/20/94	
Final Action	02/00/96	

Small Entities Affected:

Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected:

State, Local, Federal

Agency Contact:

Charleen Raddatz
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
Phone: 301 415-6251

RIN: 3150–AD65

NRC

165. DESIGN CERTIFICATION FOR ADVANCED BOILING WATER REACTOR (ABWR)

Priority:

Other Significant

Legal Authority:

42 USC 2201; 42 USC 5841

CFR Citation:

10 CFR 052

Legal Deadline:

None

Abstract:

The proposed rule would revise the Nuclear Regulatory Commission's (NRCs) regulations by certifying the U.S. Advanced Boiling Water Reactor (ABWR) standard design in accordance with the requirements of Part 52. If a standard design is certified, then an applicant for a combined license that references the certified design will be assured of receiving an approval for the portion of the plant that was approved in the certification rulemaking. This amendment references the design control document (DCD) and sets forth the process for changing information in the DCD. GE Nuclear Engineering is currently preparing the DCD for ABWR design, which will contain the design information that will be certified by the rule and approved by the rule (so-called Tier 1 and 2 information). The NRC is reviewing two applications for standard design certifications for two evolutionary nuclear power plant designs pursuant to Part 52 (see ''Design Certification for System 80'' (RIN 3150-AF15).

Statement of Need:

The NRC has reviewed and approved two applications for design certification for evolutionary standard light-water reactor designs under the Commission's regulations in 10 CFR 52. The applicants for these design certifications are GE Nuclear Energy and Asea Brown Boveri-Combustion Engineering for the ABWR and System 80+ standard designs. The NRC has published two proposed rules which when published as final rules will provide design certification for these two designs by referencing the design information in separate appendices to Part 52. The Commission's certification of approved standard designs is necessary to provide for the early resolution of licensing issues and a more predictable licensing process. Ideally, a future applicant will reference a certified design in an application for a combined license to construct and operate a nuclear power plant. Design certification by rulemaking is accomplished pursuant to Commission regulations set out in 10 CFR 52 under the authority of the Atomic Energy Act of 1954, as amended. The Energy Policy Act of 1992, signed into law on October 24, 1992, largely codifies the Commission's regulations in 10 CFR 52. The Commission believes that standardization of plant designs will enhance the safety and reliability of future nuclear power plants while requiring fewer resources in their safety reviews.

Alternatives:

The Commission's regulations in 10 CFR part 52, subpart B, provide for design certification of standard nuclear power plant designs through rulemaking. Design certification is a procedural mechanism to effect the early resolution of licensing issues and encourage the use of standardized designs. These regulations were promulgated, in part, to provide a stable and predictable process for the licensing of future nuclear power plants. There is no alternative to rulemaking for the certification of a particular design.

Anticipated Costs and Benefits:

It may not be possible to quantify the costs and benefits of these rulemakings. Much depends on the extent to which the industry pursues standardization. However, if the industry finds in its interest to proceed with the development of nuclear power, there is every reason to expect that the safety and economic benefits of standardization will far outweigh the up-front costs of design and Commission certification.

Risks:

The standards used in the review of design certification applications are, in general, the same standards in effect for current nuclear power plants. However, standardization of plant designs will enhance the safety and reliability of future nuclear power plants while

requiring fewer resources in their safety reviews.

Timetable:

Action	Date	FR Cite
ANPRM	11/03/93	58 FR 58664
ANPRM Comment Period End	01/03/94	
NPRM	04/07/95	60 FR 17902
NPRM Comment Period End	08/07/95	
Final Action	03/00/96	

Small Entities Affected:

None

Government Levels Affected:

None

Agency Contact:

Jerry N. Wilson
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555-0001
Phone: 301 415-3145

RIN: 3150–AE87

NRC

166. DESIGN CERTIFICATION FOR SYSTEM 80+

Priority:

Other Significant

Legal Authority:

42 USC 2201; 42 USC 5841

CFR Citation:

10 CFR 052

Legal Deadline:

None

Abstract:

The proposed rule would revise the Nuclear Regulatory Commission's (NRCs) regulations by certifying the System 80+ standard design in accordance with the requirements of Part 52. If a standard design is certified, then an applicant for a combined license that references the certified design will be assured of receiving an approval for the portion of the plant that was approved in the certification rulemaking. This amendment references the design control document (DCD) and sets forth the process for changing information in the DCD. ABB-Combustion Engineering is currently preparing the DCD for the System 80+ design, which will contain the design information that will be certified by the rule and approved by the rule (so-called Tier 1 and 2 information). The NRC is reviewing two applications for standard design certifications for two evolutionary nuclear power plant designs pursuant to part 52 (See ''Design Certification for Advanced Boiling Water Reactor (ABWR)'' (RIN 3150-AE87).

Statement of Need:

The NRC has reviewed and approved two applications for design certification for evolutionary standard light-water reactor designs under the Commission's regulations in 10 CFR part 52. The applicants for these design certifications are GE Nuclear Energy and Asea Brown Boveri-Combustion Engineering for the ABWR and System 80+ standard designs. The NRC has published two proposed rules which when published as final rules will provide design certification for these two designs by referencing the design information in separate appendices to part 52. The Commission's certification of approved standard designs is necessary to provide for the early resolution of licensing issues and a more predictable licensing process. Ideally, a future applicant will reference a certified design in an application for a combined license to construct and operate a nuclear power plant. Design certification by rulemaking is accomplished pursuant to Commission regulations set out in 10 CFR part 52. The Commission believes that standardization of plant designs will enhance the safety and reliability of future nuclear power plants while requiring fewer resources in their safety reviews.

Alternatives:

The Commission's regulations in 10 CFR Part 52, Subpart B, provide for design certification of standard nuclear power plant designs through rulemaking. Design certification is a procedural mechanism to effect the early resolution of licensing issues and encourage the use of standardized designs. These regulations were promulgated, in part, to provide a stable and predictable process for the licensing of future nuclear power plants. There is no alternative to rulemaking for the certification of a particular design.

Anticipated Costs and Benefits:

It may not be possible to quantify the costs and benefits of this rulemaking. Much depends on the extent to which the industry pursues standardization. However, if the industry finds in its interest to proceed with the development of nuclear power, there is every reason to expect that the safety and economic benefits of standardization will far outweigh the up-front costs of design and Commission certification.

Risks:

The standards used in the review of design certification applications are, in general, the same standards in effect for current nuclear power plants. However, standardization of plant designs will enhance the safety and reliability of future nuclear power plants while requiring fewer resources in their safety reviews.

Timetable:

Action	Date	FR Cite
ANPRM	11/03/93	58 FR 58664
ANPRM Comment Period End	01/03/94	
NPRM	04/07/95	60 FR 17924
NPRM Comment Period End	08/07/95	
Final Action	03/00/96	

Small Entities Affected:

None

Government Levels Affected:

None

Agency Contact:

Jerry N. Wilson
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
Phone: 301 415-3145

RIN: 3150–AF15

BILLING CODE 7590-01-F