U.S. Nuclear Regulatory Commission's Fiscal Year 2013 Regulatory Plan

A. 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 U.S. Nuclear Regulatory Commission (NRC) regulates the possession and use of source, byproduct, and special nuclear material. The NRC's regulatory mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials, to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. The NRC regulates the operation of nuclear power plants and fuel-cycle plants; the safeguarding of nuclear materials from theft and sabotage; the safe transport, storage, and disposal of radioactive materials and wastes; the decommissioning and safe release for other uses of licensed facilities that are no longer in operation; and the medical, industrial, and research applications of nuclear material. In addition, the NRC licenses the import and export of radioactive materials.

As part of its regulatory process, the NRC routinely conducts comprehensive regulatory analyses that examine the costs and benefits of contemplated regulations. The NRC has developed internal procedures and programs to ensure that it imposes only necessary requirements on its licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

The NRC's Regulatory Plan contains a statement of the major rules that the Commission expects to publish in the current fiscal year (FY) and a description of the other significant rulemakings that the Commission expects to work on during the current FY, the coming FY, and beyond.

B.1. Major Rules (FY 2013)

The NRC will have published two major rules (Regulation Identifier Numbers (RIN) 3150-AJ19 and 3150-AI12) by the end of FY 2013.

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2013 (RIN 3150-AJ19)

Through this rule, the NRC will amend the licensing, inspection, and annual fees charged to its applicants and licensees in order to continue fulfilling the NRC's statutory requirement to recover approximately 90 percent of its budget authority in FY 2013. This recovery does not include amounts appropriated for waste incidental to reprocessing, and for generic homeland security activities (non-fee items). Each year, the NRC receives 10 percent of its budget authority from the general fund controlled by the U.S. Treasury to pay for the cost of agency activities that do not provide a direct benefit to NRC licensees. These activities include international assistance and Agreement State activities (as defined under Section 274 of the Atomic Energy Act of 1954, as amended). The comment period for the proposed rule ended on April 8, 2013.

Physical Protection of Byproduct Material (RIN 3150-AI12)

Through this rule, the NRC will amend the Commission's regulations to codify security requirements for the use of Category 1 and Category 2 quantities of radioactive material.

The objective of this action is to ensure that effective security measures are in place to prevent the use of radioactive materials for malevolent purposes. The rule also addresses background investigations and access controls, enhanced security, and enhanced transportation security for Category 1 and Category 2 quantities of radioactive material. This rulemaking subsumes RIN 3150-AI56, "Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property, Part 37 of Title 10 of the *Code of Federal Regulations* (10 CFR)." Most of these requirements were previously imposed by the NRC and Agreement States between 2003 and 2005 using orders and other regulatory mechanisms. The final rule was effective on May 20, 2013.

B.2. Major Rules (FY 2014)

The NRC anticipates publishing one major rule in FY 2014.

- Revision of Fee Schedules and Fee Recovery for FY 2014 – The NRC will update its requirement to recover approximately 90 percent of its budget authority in FY 2014.

C.1. Other Significant Rulemakings (FY 2013)

The NRC anticipates completing two other significant rulemakings in FY 2013.

- Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses (RIN 3150-AI42) - The rule amends the Commission's regulations that provide the environmental protection requirements for renewing nuclear power plant operating licenses. This final rule will redefine the number and scope of the environmental impact issues that must be addressed by the NRC and applicants during license renewal environmental reviews. This rule incorporates lessons learned and knowledge gained from license renewal environmental reviews conducted by the NRC since 1996. This rule is in the final rule stage.

- Domestic Licensing of Source Material – Amendments and Integrated Safety Analysis (RIN 3150-AI50) - The final rule would amend the Commission's regulations by adding additional requirements for source material licensees that possess significant quantities of uranium hexafluoride. The rule would require these licensees to conduct integrated safety analyses. This rule is in the final rule stage.

C.2. Other Significant Rulemakings (FY 2014)

The NRC's other significant rulemakings for FY 2014 and beyond are listed below. Some of these regulatory priorities are a result of recommendations from the Near-Term Task Force established by the NRC in 2011 to examine regulatory requirements, programs, processes, and implementation based on information from the Fukushima Dai-ichi site in Japan, following the March 11, 2011, earthquake and tsunami (*see* "Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident," dated July 12, 2011 (Agencywide Documents Access and Management System Accession No. ML111861807)).

- Station Blackout Mitigation Strategies (RIN 3150-AJ08) – (addresses Fukushima Dai-ichi Near-Term Task Force Recommendations 4 and 7). A request for comment containing specific questions on the draft regulatory basis and draft rule concepts was published in the *Federal Register* on April 10, 2013 (78 FR 21275) to solicit stakeholder feedback. The NRC's draft regulatory basis supports the potential amendment of its regulations for nuclear power plant licensees and their station blackout mitigation strategies.

- Performance-Based Emergency Core Cooling System Acceptance Criteria (RIN 3150-AH42) – The proposed rule would replace prescriptive requirements with performance-based requirements, incorporate recent research findings, and expand applicability to all fuel designs and cladding materials. Further, the proposed rule would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris on long-term cooling.

- Strengthening and Integrating Onsite Emergency Response Capabilities (RIN 3150-AJ11) – (addresses Fukushima Dai-ichi Near-Term Task Force Recommendation 8). The draft regulatory basis for this rulemaking was published in the *Federal Register* on January 8, 2013 (78 FR 1154). The NRC solicited stakeholder feedback on why the NRC finds rulemaking necessary to remedy shortcomings in its regulations governing the integration and enhancement of requirements for onsite emergency response capabilities.

- Medical Use of Byproduct Material (Formerly titled: Preceptor Attestation Requirements) (RIN 3150-AI63) - The proposed rule would amend medical use regulations related to medical event definitions for permanent implant brachytherapy; training and experience requirements for authorized users, medical physicists, Radiation Safety Officers, and nuclear pharmacists; and requirements for the testing and reporting of failed molybdenum/technetium and rubidium generators; make changes that would allow Associate Radiation Safety Officers to be named on a medical license, and make other clarifications. This rulemaking would also consider a request filed in a petition for rulemaking (PRM), PRM-35-20, to "grandfather" certain board-certified individuals, and per Commission direction in the Staff Requirements Memorandum dated August 13, 2012, to SECY-12-0053, subsume a proposed rule previously published under RIN 3150-AI26, Medical Use of Byproduct Material-Amendments/Medical Event Definition [NRC-2008-0071].

- 10 CFR Part 26 Drug and Alcohol Testing (RIN 3150-AJ15) – The proposed rule would amend the drug testing requirements of 10 CFR Part 26, "Fitness-for-Duty Programs," to incorporate lessons learned from implementing the 2008 Part 26 final rule, enhance the identification of new testing subversion methods, and require the evaluation and testing of semi-synthetic opiates, synthetic drugs and urine, and use of chemicals or multiple prescriptions that could result in a person being unfit for duty.

- Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (RIN 3150-AI49) – The proposed rule would implement the NRC's authority under the new Section 161a of the Atomic Energy Act of 1954, as amended, and revise existing regulations governing security event notifications.

- Site-Specific Analysis (Disposal of Unique Waste Streams) (RIN 3150-AI92) – The proposed rule would amend the Commission's regulations to require both currently operating and future low-level radioactive waste disposal facilities to enhance safe disposal of low-level radioactive waste by conducting a performance assessment and an intruder assessment to demonstrate compliance with performance objectives in 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste."

- 10 CFR Part 26 Drug Testing – U.S. Department of Health and Human Services (HHS) Guidelines (RIN 3150-AI67) – The proposed rule would amend the Commission's regulations to selectively align drug testing requirements in 10 CFR Part 26 with Federal drug testing guidelines issued by HHS.

- Two Certificate of Compliance Rulemakings (RIN 3150-AJ10; RIN 3150-AJ12) – These rulemakings would allow a power reactor licensee to store spent fuel in approved cask designs under a general license.

- Waste Confidence Rule Update (RIN 3150-AJ20) – The proposed rule would update 10 CFR 51.23, "Temporary Storage of Spent Fuel after Cessation of Reactor Operation - Generic Determination of No Significant Environmental Impact," and the Commission's Waste Confidence Decision.