UPDATING REGULATORY GUIDES

The U. S. Nuclear Regulatory Commission (NRC), Office of Nuclear Regulatory Research (RES) established a regulatory guide review team (RGRT) to review and categorize existing regulatory guides in all 10 divisions of the NRC Regulatory Guide Series. In general, regulatory guides describe acceptable methods that licensees can use to implement and demonstrate compliance with specific parts of the Commission's regulations, as well as the techniques that the staff uses to evaluate specific problems or postulated accidents and the data that the staff needs to review applications for permits or licenses. Within that broad description, the guides are grouped into 10 divisions, which focus on (1) power reactors, (2) research and test reactors, (3) fuels and materials facilities, (4) environmental and siting, (5) materials and plant protection, (6) products, (7) transportation, (8) occupational health, (9) antitrust and financial review, and (10) general guidance.

On the basis of its review, the RGRT determined that 34 of the 352 existing regulatory guides do not require any action at this time because they have been withdrawn or recently issued. The RGRT reviewed and categorized the remaining 318 existing regulatory guides based on the types of documents that they reference and endorse, as follows:

- codes and standards
- staff positions
- industry technical papers
- two or more of the above

The RGRT also prioritized the existing regulatory guides (as high-, medium-, or low-priority) based on the following criteria:

- Is there an existing user need request for the regulatory guide?
- Is there a need for the regulatory guide in a current licensing activity but no formal user need?
- How much time has elapsed since the last update of the regulatory guide?

Regulatory guides meeting the first prioritization criterion and that have not been updated for at least 10 years received a high rating; a medium rating was assigned to a regulatory guide if it had been updated within the last 5 years; a low rating was assigned to a regulatory guide if it had been updated within the last 3 years or if there was no regulatory concern associated with the guide.

ATTACHMENT 1

The results of this prioritization are shown in the table below:

Table 1 - REGULATORY GUIDE PRIORITIZATION

Priority	Staff Position	Endorsement of Code & Standard	Mixture	TOTAL
High	28	5	6	39
Medium	19	21	4	44
Low	142	84	9	235
TOTAL	189	110	19	318

The RGRT then estimated the resources required to update the 110 existing regulatory guides that endorse consensus codes and standards and another 19 that endorse a mixture of codes/standards and staff positions. Specifically, the RGRT determined that updating these two groups of regulatory guides will require 22 full-time equivalents (1 FTE for every 5 guides) for those that endorse only codes and standards, and another 6.3 FTE (1 FTE for every 3 guides) for those that endorse a mixture of codes/standards and staff positions. The staff further estimates that legal support provided by the NRC's Office of the General Council (OGC) will require 2.2 FTE (0.1 FTE for every 5 guides) for those guides that endorse only codes and standards, and another 0.63 FTE (0.1 FTE for every 3 guides) for those guides that endorse a mixture of codes/standards and staff positions.

The difference in these resource estimates derives from the differences in complexity between regulatory guides that endorse only codes and standards and those that endorse a mixture of codes/standards and staff positions. On that basis, the RGRT assumed that one staff member can update five regulatory guides per year if those guides endorse only codes and standards, but would require additional time to update those that endorse a mixture of codes/standards and staff positions.

Resources were not estimated for updating the Regulatory Guides that solely contain one or more staff positions because the resource estimates for such guides must be performed on a guide specific basis due to the large variations in subject matter and technical complexity inherent in the guides.