



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20505-0001

November 13, 1998

Mr. Erik Godwin
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

Dear Mr. Godwin:

Under the Congressional Review provisions of the Small Business Regulatory Enforcement Fairness Act ("the Act") (5 U.S.C. §§ 801-808), your office determines whether final agency actions are "major rules" for purposes of the Act. Enclosed you will find brief descriptions of four final actions that the Nuclear Regulatory Commission may issue in the next 30 to 90 days. These are new actions which have not yet been submitted for your review. We believe that these actions are not "major rules" under the Act.

If you agree with our determinations, please indicate your concurrence on this letter, and fax the letter to me at 301-415-5144.

If you have any questions about these actions, please call me at 301-415-7162.

Sincerely,

David L. Meyer, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

Enclosures:

- 1. Generic Letter
- 2. NUREG/CR-5609
- 3. NUREG/CR5593
- 4. 10 CFR Part 50

12/1/98

O-M-B concurs with NRC's determinations.

~ Erik R Godwin

DATE: November 1998

AGENCY: Nuclear Regulatory Commission

TITLE OF ACTION: Unilateral Changes to Facility Licensee Quality Assurance Programs

LEVEL OF SIGNIFICANCE: Not a major rule

UPCOMING ACTION: Direct Final Rule

AGENCY IDENTIFICATION: 10 CFR Part 50

DATE OF ISSUANCE: Estimated January 1999

STATUTORY OR JUDICIAL DEADLINE: N/A

DESCRIPTION OF ACTION: This direct final rule is being developed to amend the NRC's regulations related to facility licensees authority to make changes to previously approved quality assurance (QA) programs without prior NRC approval. This action is in response to a petition for rulemaking submitted by the Nuclear Energy Institute requesting the NRC to amend its regulations to allow unilateral QA program changes in instances where the licensee can demonstrate that the change does not constitute an unresolved safety issue. The NRC agrees that a broader range of changes than those permitted under the existing regulation in 10 CFR 50.54(a) should be made available for the facility licensees but disagrees with the NEI's proposed threshold. Thus, the NRC is publishing this direct final rule to provide immediate relief in several QA programmatic areas which are considered administrative and routine. As a follow-on effort the NRC will develop, in concert with industry and other interested parties, an alternative to the 10 CFR 50.54(a)(3) "reduction in commitment" criterion to further broaden the range of changes that can be made to licensee QA programs without prior NRC approval.