

April 21, 2004

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-04-0045 - FINAL CRITERIA
FOR THE TREATMENT OF INDIVIDUAL REQUIREMENTS IN A
REGULATORY ANALYSIS

The Commission has approved the staff's recommendation to publish the final criteria for treatment of individual requirements in a regulatory analysis in the Federal Register and to incorporate and publish these criteria in Revision 4 of NUREG/BR-0058, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," subject to the following comments and changes.

Changes to the proposed *Federal Register* notice:

1. On page 7, paragraph 1, revise line 2 to read ' ... requirements ~~is~~ by default ~~is~~ either' Revise line 9 to read ' ... review. Thus, ~~the separate~~ analyses of'
2. On page 8, 1st full paragraph (Response), the last sentence is incomplete and should be revised.
3. On page 9, 1st full paragraph, revise line 5 to read ' ... address aging of ~~on~~ components are'
4. On page 11, paragraph 2, revise line 3 to read ' ... NRC should ~~adhere to follow~~ the'
5. On page 13, delete the word "voluntary" in 6 places. (1st full paragraph, lines 1, 6, 8, and 10; next to last paragraph, line 1; last paragraph, line 1)
6. On page 3 of the appendix, Section C.(1), line 1, replace "but" with "and".

Changes to the proposed revision of NUREG/BR-0058

7. Section 4.3.4, 4th paragraph, line 8, change "affect" to "effect".

The staff should incorporate the following language from the previous SRM into the final criteria and Revision 4 to NUREG/BR-0058, so it is clear that the cost of each component of the proposed rule is separately itemized in the regulatory analysis and equates to the aggregated cost estimates. Additionally, the staff should reflect this Commission direction wherever else this issue is discussed in the *Federal Register* notice.

On page 11 of the proposed *Federal Register* notice, at the end of paragraph 1, insert the following: “Even though inclusion of individual requirements is necessary in this case, the analyst should obtain separate cost estimates for each requirement, to the extent practical, in deriving the total cost estimate presented for the aggregated requirements.”

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR