



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001**

December 15, 2010

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Edwin M. Hackett, Executive Director */RA/*
Advisory Committee on Reactor Safeguards

SUBJECT: ACRS REVIEW OF UPDATES TO 10 CFR 50.55a, "CODES AND STANDARDS"

During the 578th meeting of the Advisory Committee on Reactor Safeguards, December 2-4, 2010, we considered a request from the Office of Nuclear Reactor Regulation (NRR) with regard to our review of updates to 10 CFR 50.55a. Specifically, NRR requests that in the future ACRS decide whether to review a proposed rule at the time it is going out for public comments. The ACRS review per se would only take place at the final rule stage and only if NRR identified any substantive changes made in the final rule, from the proposed rule, as a result of response to public comments. Otherwise, NRR would not transmit any public comments or staff responses to the ACRS. Efficiency in a routine, non-controversial, rule was the main reason for NRR's proposal.

We understand your timing and scheduling issues but, at the same time, would like to keep our independent advisory role. For this reason, we propose the implementation of the following process:

1. NRR notifies the ACRS of the proposed rule (at the onset of public comment)
2. ACRS decides to:
 - review the proposed rule (staff prepares to brief ACRS)
 - not review the final rule (no further action)
 - possibly review the final rule (see Steps 3 and 4)
3. NRR provides the ACRS with the draft final rule after the staff has resolved all of the public comments and obtained concurrence from all NRR technical divisions. The delivery of the document to the ACRS can be prior or concurrently with the OGC review and concurrence. NRR identifies all the changes resulting from resolution of public comments.

4. ACRS decides to:

- review the final rule (staff prepares to brief ACRS)
- not review the final rule (no further action)

This process would apply only to 10 CFR 50.55a routine updates.

Reference:

- Memorandum to Edwin M. Hackett, "Timing of the ACRS' Decision on Whether to Review Rulemakings Which Incorporate By reference ASME Codes and Code Case Regulatory Guides," 11/23/2010 (ML103230275)

cc: A. Vietti-Cook, SECY
H. Gonzalez, OEDO
T. McGinty, NRR
H. Tovmassian, NRR
S. Helton, NRR
N. Mamish, OEDO

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