

OGC-LED RULEMAKINGS IN FY 2012-2014 (AS OF DECEMBER 21, 2011)

1. Waste Confidence Rule Update

This rulemaking would potentially update 10 CFR 51.23 (the Waste Confidence Rule) and the Commission's Waste Confidence Decision. If the NRC staff determines, through an environmental impact statement, that spent nuclear fuel and high level waste could be safely stored onsite at nuclear power plants beyond 120 years, then the NRC will update the Waste Confidence Rule and Decision.

The Waste Confidence Rule Update scores 40 points (15, 10, 10, 5) because:

- It is a significant contributor towards the Safety Goal and implements Strategies 1, 4, 5, and 7*.
- It is a significant contributor to Openness and implements Strategies 1, 3, 4, and 5.
- This rulemaking is directed by an SRM, which gives it a high internal priority.
- This rulemaking has received a great deal of media coverage and public interest, so it has a high public priority.

2. Civil Monetary Penalties Update

According to a nondiscretionary methodology prescribed under the Federal Civil Penalties Inflation Adjustment Act, the NRC must determine the inflation adjustment for Civil Monetary Penalties (CMPs) it assesses for (1) violations of regulations promulgated pursuant to the Atomic Energy Act, and (2) violations of the Program Fraud Civil Remedies Act. This rulemaking will amend 10 CFR Parts 2 and 13 to adjust the maximum CMPs. OGC plans to conduct this rulemaking by direct final rule by the end of FY2012.

Civil Monetary Penalties Update scores 26 points (6, 10, 10, 0) because:

- It is an indirect contributor towards the Safety Goal.
- It is a significant contributor to Effectiveness and implements Strategy 7.
- This rulemaking is directed by a Federal statute, which gives it a high internal priority.
- This rulemaking has not garnered any public interest.

3. Removal of Part 8

This rule will remove 10 CFR Part 8, which currently lists the General Counsel's interpretations of various regulatory provisions. This obsolete provision has been superseded by subsequent statutory and regulatory changes. OGC expects to finish this direct final rule in Q1FY12.

Removal of Part 8 scores 13 points (0, 6, 7, 0) because:

- It does not contribute toward any goal.
- It is a moderate contributor to Effectiveness and implements Strategy 7.
- This rulemaking responds to OMB initiatives to update outdated regulations, which gives it a medium internal priority.
- This rulemaking has no public interest.

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4. Part 140 Inflation Adjustment

Section 170t. of the Atomic Energy Act of 1954, as amended, requires the NRC to adjust for inflation the maximum total and annual standard deferred premiums in the Price-Anderson Act at least once during each 5-year period following August 20, 2003. The NRC must again amend 10 CFR Part 140 by July 1, 2013 to satisfy this requirement. The previous inflation adjustment was conducted through a final rule (73 FR 56451; Sept. 29, 2008).

The Part 140 Inflation Adjustment rulemaking scores 26 points (6, 10, 10, 0) because:

- It is an indirect contributor towards the Safety Goal.
- It is a significant contributor to Effectiveness and implements Strategies 7 and 8.
- This rulemaking is directed by a Federal statute, which gives it a high internal priority.
- This rulemaking has no public interest.

5. Update Part 95 Classification Training Requirements

This rulemaking will amend 10 CFR Part 95 to implement changes to training requirements mandated by E.O. 13526. OGC expects to issue a direct final rule in FY2012.

The Part 95 Update scores 32 points (15, 7, 10, 0) because:

- It is a significant contributor towards the Security Goal and implements Strategy 4.
- It is a moderate contributor to Operational Excellence and implements Strategies 4 and 7.
- This rulemaking is directed by an Executive Order, which gives it a high internal priority.
- This rulemaking has no public interest.