

U.S. Nuclear Regulatory Commission's Fiscal Year 2015 Regulatory Plan

A. Statement of Regulatory Priorities

Under the authority of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the U.S. Nuclear Regulatory Commission (NRC) regulates the possession and use of source, byproduct, and special nuclear material. The NRC's regulatory mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. As part of its mission, the NRC regulates the operation of nuclear power plants and fuel-cycle plants; the safeguarding of nuclear materials from theft and sabotage; the safe transport, storage, and disposal of radioactive materials and wastes; the decommissioning and safe release for other uses of licensed facilities that are no longer in operation; and the medical, industrial, and research applications of nuclear material. In addition, the NRC licenses the import and export of radioactive materials.

As part of its regulatory process, the NRC routinely conducts comprehensive regulatory analyses that examine the costs and benefits of contemplated regulations. The NRC has developed internal procedures and programs to ensure that it imposes only necessary requirements on its licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

The NRC's Regulatory Plan contains a statement of: (1) the major rules that the NRC expects to publish in final form in fiscal year (FY) 2015 and FY 2016; (2) the other significant rulemakings that the NRC expects to publish in final form in FY 2015; and (3) the other significant rulemakings that the NRC expects to publish in final form in FY 2016 and beyond. Major rules include rules that are likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Other significant rulemakings include rules that are not economically significant but are considered important by the agency. For each major rule and other significant rulemaking, the NRC is including a citation, if available, to an applicable *Federal Register* (FR) notice that provides further information, a summary of the legal basis, an explanation of why the NRC is pursuing the major rule or other significant rulemaking, the schedule, and contact information.

B.1. Major Rules (FY 2015)

The NRC will have published one major rule in final form by the end of FY 2015.

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015 (Regulation Identifier Number (RIN) 3150-AJ44) - Through this rule, the NRC will amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended, which requires the NRC to recover through fees approximately 90 percent of its budget authority in FY 2015, not including amounts appropriated for Waste Incidental to Reprocessing, the Nuclear Waste Fund, generic homeland security activities, and Inspector General services for the Defense Nuclear

Facilities Safety Board. These fees represent the cost of NRC services provided to applicants and licensees. The proposed rule was published in the FR on March 23, 2015 (80 FR 15475), and the comment period ended on April 22, 2015.

B.2. Major Rules (FY 2016)

The NRC anticipates publishing one major rule in final form in FY 2016.

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016 – The NRC will update its requirement to recover approximately 90 percent of its budget authority in FY 2016.

C.1. Other Significant Rulemakings (FY 2015)

The NRC will have published nine other significant rulemakings in final form in FY 2015.

Economic Simplified Boiling-Water Reactor Design Certification (RIN 3150-AI85), was published on October 15, 2014 (79 FR 61943), and effective November 14, 2014.

Definition of a Utilization Facility (RIN 3150-AJ48), was published on October 17, 2014 (79 FR 62329), and effective on December 31, 2014.

Approval of American Society of Mechanical Engineers' Code Cases (RIN 3150-AI72), was published on November 5, 2014 (79 FR 65775), and effective on December 5, 2014.

Holtec International HI-STORM FLOOD/WIND System (RIN 3150-AJ40), was published on October 3, 2014 (79 FR 59623), and effective on December 17, 2014.

NAC International MAGNASTOR® System (RIN 3150-AJ39), was published on January 29, 2015 (80 FR 4757), and effective on April 14, 2015.

Holtec International HI-STORM 100 Cask System (RIN 3150-AJ47), was published on February 5, 2015 (80 FR 6430). Because the NRC received at least one significant adverse comment in response to the companion proposed rule (80 FR 6466), the agency withdrew the direct final rule on April 20, 2015 (80 FR 21639). The NRC will address the adverse comments received on the companion proposed rule in a pending final rule.

Holtec International HI-STORM FLOOD/WIND System (RIN 3150-AJ52), was published on March 19, 2015 (80 FR 14291). The final rule is scheduled to become effective on June 2, 2015, unless significant adverse comments are received.

NAC International MAGNASTOR® System (RIN 3150-AJ50), was published on April 15, 2015 (80 FR 20149). The final rule will be effective on June 29, 2015, unless significant adverse comments are received by May 15, 2015.

One Certificate of Compliance rulemaking (RIN 3150-AJ58) – This rulemaking will allow power reactor licensees to store spent fuel in an approved cask design under a general license.

The NRC has proposed one other significant rulemaking in FY 2015.

Low-Level Radioactive Waste Disposal (RIN 3150-AI92), was published on March 26, 2015 (80 FR 16082). This proposed rule amends the NRC’s regulations governing low-level radioactive waste (LLRW) disposal facilities to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for LLRW acceptance based on the results of these analyses, to facilitate implementation, and to better align the requirements with current health and safety standards. The related guidance document, NUREG-2175, “Guidance for Conducting Technical Analyses for 10 CFR Part 61,” was published for comment in the same issue of the FR (80 FR 15930). The proposed rule would affect licensees, license applicants, and the Agreement States. Comments on the proposed rule and draft NUREG are due by July 24, 2015.

C.2. Other Significant Rulemakings (FY 2016 and beyond)

The other significant rulemakings that the NRC anticipates publishing in FY 2016 and beyond are listed below. Some of these regulatory priorities are a result of recommendations from the Fukushima Dai-ichi Near-Term Task Force. In 2011, the NRC established this task force to examine regulatory requirements, programs, processes, and implementation based on information from the Fukushima Dai-ichi site in Japan, following the March 11, 2011, earthquake and tsunami (see “Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident,” dated July 12, 2011 (the NRC’s Agencywide Documents Access and Management System Accession No. ML111861807)).

Mitigation Strategies for Beyond Design Basis Events (RIN 3150-AJ49) - This proposed rule combines two activities for which documents have been published in the FR: Onsite Emergency Response Capabilities (RIN 3150-AJ11; NRC-2012-0031) and Station Blackout Mitigation Strategies (RIN 3150-AJ08; NRC-2011-0299). The rule would amend the NRC’s regulations applicable to power reactors to provide requirements for the mitigation of beyond-design-basis events that includes station blackout mitigation strategies and enhanced onsite emergency response capabilities.

Performance-Based Emergency Core Cooling System Acceptance Criteria (RIN 3150-AH42; 79 FR 16105) - This proposed rule would replace prescriptive requirements with performance-based requirements, incorporate recent research findings, and expand applicability to all fuel designs and cladding materials. Further, the proposed rule would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris on long-term cooling.

Containment Protection and Release Reduction for Mark I and Mark II Boiling Water Reactors (RIN 3150-AJ26) - This proposed rule would amend the NRC's regulations to provide a performance-based option for filtering strategies with drywell filtration and severe accident management of boiling-water reactor Mark I and Mark II containments. The proposed rule would also define performance-based requirements to prevent the release of significant amounts of radioactive material from containment following the dominant severe accident sequences at boiling-water reactors with Mark I and Mark II containments and would establish acceptance criteria for confinement strategies.

Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (RIN 3150-AI49) - This proposed rule would implement the NRC's authority under Section 161a of the Atomic Energy Act of 1954, as amended, and revise existing regulations governing security event notifications.

Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments (RIN 3150-AI63; 79 FR 42409) - The proposed rule would amend medical use regulations related to medical event definitions for permanent implant brachytherapy; training and experience requirements for authorized users, medical physicists, Radiation Safety Officers, and nuclear pharmacists; and requirements for the testing and reporting of failed molybdenum/technetium and rubidium generators. The proposed rule would also make changes that would allow Associate Radiation Safety Officers to be named on a medical license and make other clarifications. Further, this rulemaking would consider a request filed in a petition for rulemaking (PRM), PRM-35-20, to “grandfather” certain board-certified individuals, and per Commission direction in the Staff Requirements Memorandum dated August 13, 2012, to SECY-12-0053, subsume a proposed rule previously published under RIN 3150-AI26, “Medical Use of Byproduct Material-Amendments/Medical Event Definition” [NRC-2008-0071].

Physical Protection for Category I, II, and III Special Nuclear Material (RIN 3150-AJ41) - This proposed rule would incorporate numerous post-September 11, 2001, security orders in regulations, develop a revised material attractiveness approach for special nuclear material, and update transportation security regulations.