

Mr. Cass Sunstein, Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Sunstein:

In response to Executive Order 12866, "Regulatory Planning and Review," dated October 4, 1993, I am enclosing the U.S. Nuclear Regulatory Commission's (NRC's) fiscal year (FY) 2011 Regulatory Plan. Our plan includes a discussion of our regulatory priorities and describes the major rulemaking action that the NRC expects to issue in final form in FY 2011.

Questions regarding the NRC's FY 2011 Regulatory Plan may be directed to Ms. Leslie Terry, Team Leader, Rules Team, Division of Administrative Services, Office of Administration, at 301-492-3679.

Sincerely,

Gregory B. Jaczko

Enclosure:
[NRC FY 2011 Regulatory Plan](#)

U.S. Nuclear Regulatory Commission's Fiscal Year 2011 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 ensure that civilian uses of nuclear materials and facilities are carried out in a manner that will protect public health and safety and the environment and that will not be inimical to the common defense and security of the United States. 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 fiscal year (FY) 2011 Regulatory Plan is not indicative of all rulemakings ongoing in FY 2011. The NRC anticipates publication of the following major rule in FY 2011:

The NRC will update its requirement to recover approximately 90 percent of its budget authority in FY 2011, not including amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities (nonfee items), through fees to NRC licensees and applicants. The NRC receives 10 percent of its budget authority (not including nonfee items) from the general fund each year to pay for the cost of agency activities that do not provide a direct benefit to NRC licensees, such as international assistance and Agreement State activities (as defined under Section 274 of the Atomic Energy Act of 1954, as amended).

The NRC's other regulatory priorities for FY 2012 and beyond includes the following:

- Revise the environmental protection requirements for renewing nuclear power plant operating licenses.
- Develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents at nuclear power plants.
- Certify new designs for nuclear power plants and amend existing approved designs.
- Specify the requirements for a site-specific analysis to demonstrate compliance with low-level waste disposal performance objectives, and the technical requirements needed for this analysis.

Enclosure

- Amend the regulations that govern the medical use of byproduct material related to reporting and notifications of medical events to clarify requirements for permanent implant brachytherapy.
- Expand the options for independent storage of spent nuclear fuel by amending and approving new spent fuel storage cask designs.
- Revise the fitness-for-duty requirements specific to drug and alcohol testing of employees working at nuclear power plants and other licensed facilities, and amend the fatigue management requirements pertaining to personnel who perform quality control and quality verification functions.
- Enhance security at fuel cycle facilities and impose firearms guidelines for nuclear power plants and fuel cycle facilities.

In addition to the previously stated priorities, additional regulatory priorities may be required due to: (1) recommendations from a task force established to examine the NRC's regulatory requirements, programs, processes, and implementation in light of information from the Fukushima Daiichi site in Japan, following the March 11, 2011, earthquake and tsunami; and (2) other emerging events.