U.S. Nuclear Regulatory Commission's Fiscal Year 2014 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) 2014 and FY 2015; (2) the other significant rulemakings that the NRC expects to publish in final form in FY 2014; and (3) the other significant rulemakings that the NRC expects to publish in final form in FY 2015 and beyond. For each rule and rulemaking, the NRC is including a citation to an applicable *Federal Register* notice, which provides further information, a summary of the legal basis for the rule or rulemaking, an explanation of why the NRC is pursuing the rule or rulemaking, the rulemaking's schedule, and contact information.

B.1. Major Rules (FY 2014)

The NRC will have published one major rule in final form by the end of FY 2014.

Revision of Fee Schedules; Fee Recovery for FY 2014 (Regulation Identifier Number (RIN) 3150-AJ32)

Through this rule, the NRC will amend the licensing, inspection, and annual fees charged to its applicants and licensees. The 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 2014, not including amounts appropriated for Waste Incidental to Reprocessing and amounts appropriated for generic homeland security activities. These fees represent the cost of the NRC's services provided to applicants and licensees. The proposed rule was published in the *Federal Register* (FR) on April 14, 2014 (79 FR 21036), and the comment period ended on May 14, 2014.

B.2. Major Rules (FY 2015)

The NRC anticipates publishing one major rule in final form in FY 2015.**Revision of Fee Schedules; Fee Recovery for FY 2015** – The NRC will update its requirement to recover approximately 90 percent of its budget authority in FY 2015.

C.1. Other Significant Rulemakings (FY 2014)

The NRC has published four other significant rulemakings in final form in FY 2014. All four rules update the NRC's list of approved spent fuel storage casks to include amendments to Certificates of Compliance (CoC). Final rules were published in the FR as follows:

> **Transnuclear, Inc. Standardized NUHOMS® Cask System; Amendment No. 11 to CoC No. 1004 (RIN 3150-AJ10)**, was published on December 27, 2013 (78 FR 78693), and effective on January 7, 2014.
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> **HI-STORM 100 Cask System; Amendment No. 9 to CoC No. 1014 (RIN 3150-AJ12)**, was published on December 26, 2013 (78 FR 78165), and effective on March 11, 2014.
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> **Transnuclear, Inc. Standardized NUHOMS® Cask System; Amendment No. 13 to CoC No. 1004 (RIN 3150-AJ28)**, was published on March 10, 2014 (79 FR 13192). The final rule will be effective on May 24, 2014.
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> **Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3 to CoC No. 1029 (RIN 3150-AJ31)**, was published on April 15, 2014 (79 FR 21121). The NRC is in the process of considering comments received on this direct final rule.

The NRC will have published two CoC rules in final form in FY 2014.

> **Two CoC Rulemakings (RIN 3150-AJ30; and RIN 3150-AJ39)** – These rulemakings allow a power reactor licensee to store spent fuel in approved cask designs under a general license.

C.2. Other Significant Rulemakings (FY 2015 and beyond)

The other significant rulemakings that the NRC anticipates publishing in final form in FY 2015 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 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML111861807).

Station Blackout Mitigation Strategies (RIN 3150-AJ08)

This rulemaking addresses Fukushima Dai-ichi Near-Term Task Force Recommendations 4 and 7. The NRC published a draft regulatory basis for public comment in the FR on April 10, 2013 (78 FR 21275), supporting the potential amendment of its regulations for nuclear power plant licensees and their station blackout mitigation strategies. The NRC issued a final regulatory basis for rulemaking in a document published in the FR on July 23, 2013 (78 FR 44035).

Performance-Based Emergency Core Cooling System Acceptance Criteria (RIN 3150-AH42)

The proposed rule was published in the FR on March 24, 2014 (79 FR 16106). The 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. The proposed rule addresses two petitions for rulemaking (PRMs). On April 22, 2014 (79 FR 22456), a document was published in the FR extending the comment period until August 21, 2014.

Strengthening and Integrating Onsite Emergency Response Capabilities (RIN 3150-AJ11)

This rulemaking addresses Fukushima Dai-ichi Near-Term Task Force Recommendation 8. The draft regulatory basis for this rulemaking was published in the FR on January 8, 2013 (78 FR 1154). The NRC solicited stakeholder feedback on why the NRC finds rulemaking necessary to revise its regulations governing the integration and enhancement of requirements for onsite emergency response capabilities. The final regulatory basis for this rulemaking was published in the FR on October 25, 2013 (78 FR 63901). Preliminary proposed rule language was made available in a document published in the FR on November 15, 2013 (78 FR 68774).

Medical Use of Byproduct Material (formerly titled: Preceptor Attestation Requirements) (RIN 3150-AI63)

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. This rule would also make changes that would allow Associate Radiation Safety Officers to be named on a medical license, and make other clarifications. This rulemaking would also consider a request filed in a 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 (ADAMS Accession No. ML12072A299), subsume a proposed rule previously published under RIN 3150-AI26, “Medical Use of Byproduct Material-Amendments/Medical Event Definition” [NRC-2008-0071].

10 CFR [Title 10 of the *Code of Federal Regulations*] Part 26 Drug and Alcohol Testing (RIN 3150-AJ15)

This proposed rule would amend the drug testing requirements of 10 CFR Part 26, "Fitness-for-Duty Programs," to incorporate lessons learned from implementing the 2008 10 CFR Part 26 final rule; enhance the identification of new testing subversion methods; and require the evaluation and testing of semi-synthetic opiates, synthetic drugs and urine, and use of chemicals or multiple prescriptions that could result in a person being unfit for duty.

Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (RIN 3150-AI49)

The proposed rule was published in the FR on February 2, 2011 (76 FR 6200). A supplemental proposed rule was published in the FR on January 10, 2013 (78 FR 2214). This proposed rule would implement the NRC's authority under the new Section 161A of the Atomic Energy Act of 1954, as amended, and revise existing regulations governing security event notifications.

Cyber Event Notification Rule (RIN 3150-AJ37)

This rule would establish a new section in 10 CFR Part 73, "Physical Protection of Plants and Materials," for cyber security event notifications. This rule was originally proposed as part of the Enhanced Weapons rulemaking (RIN 3150-AI49).

Site-Specific Analysis (Disposal of Unique Waste Streams) (RIN 3150-AI92)

The proposed rule would amend the Commission's regulations to require both currently operating and future low-level radioactive waste disposal facilities to enhance safe disposal of low-level radioactive waste by conducting a performance assessment and an intruder assessment to demonstrate compliance with performance objectives in 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste." Preliminary proposed rule language was made available in a document published in the FR on May 3, 2011 (76 FR 24831). The regulatory basis for rulemaking was made available in a document published in the FR on December 7, 2012 (77 FR 72997). On January 8, 2013 (78 FR 1155), the NRC published a document correcting the title and the ADAMS accession number of the regulatory basis document referenced in the document that was published on December 7, 2012.

10 CFR Part 26 Drug Testing – U.S. Department of Health and Human Services (HHS) Guidelines (RIN 3150-AI67)

The proposed rule would amend the Commission's regulations to selectively align drug testing requirements in 10 CFR Part 26 with Federal drug testing guidelines issued by HHS. The regulatory basis was published in the FR on July 1, 2013 (78 FR 39190).

Waste Confidence Rule Update (RIN 3150-AJ20)

The proposed rule was published in the FR on September 13, 2013 (78 FR 56776). The proposed rule would revise the NRC's generic determination on the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal. The NRC has prepared a draft generic environmental impact statement to support this proposed rule (78 FR 56621). The Commission proposes to conclude that the generic environmental impact statement generically addresses the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor and supports the determinations that it is feasible to safely store spent nuclear fuel beyond the licensed life for operation of a reactor and to have a mined geologic repository within 60 years following the licensed life for operation of a reactor. The proposed rule also would clarify that the generic determination applies to a license renewal for an independent spent fuel storage installation. In addition, the proposed rule would make conforming amendments to the Commission's 2013 findings on the environmental effects of renewing the operating license of a nuclear power plant to address issues related to the storage of spent nuclear fuel after a reactor's licensed life for operation and the offsite radiological impacts of spent nuclear fuel and high-level waste disposal. On November 7, 2013 (78 FR 66858), a document was published in the FR that extended the comment period until December 20, 2013.