U.S. Nuclear Regulatory Commission

Statement of Regulatory Priorities for Fiscal Year 2023

I. Introduction

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. Our regulatory mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure the adequate protection of public health and safety and promote the common defense and security. As part of our mission, we regulate 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, we license the import and export of radioactive materials.

As part of our regulatory process, we routinely conduct comprehensive regulatory analyses that examine the costs and benefits of contemplated regulations. We have developed internal procedures and programs to ensure that we impose only necessary requirements on our licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

Our regulatory priorities for fiscal year (FY) 2023 reflect our safety and security mission and will enable us to achieve our three strategic goals described in NUREG-1614, Volume 8, "Strategic Plan: Fiscal Years 2022–2026," issued April 2022 (*https://www.nrc.gov/reading-*

rm/doccollections/nuregs/staff/sr1614/v8/index.html): (1) ensure the safe and secure use of radioactive materials, (2) continue to foster a healthy organization, and (3) inspire stakeholder confidence in the NRC.

II. Regulatory Priorities

This section contains information on some of our most important and significant regulatory actions that we are considering issuing in proposed or final form during FY 2023. This report does not include the NRC's high-priority rulemaking titled "Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning" (RIN 3150-AJ59; NRC-2015-0070) due to the timeframe for reporting; the agency expects to publish the final rule during FY 2024. The agency's portion of the Unified Agenda of Regulatory and Deregulatory Actions contains additional information on NRC rulemaking activities and on a broader spectrum of our upcoming regulatory actions. We also provide additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, on our Web site at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html*.

A. NRC Priority Rulemakings

Proposed Rules

American Society of Mechanical Engineers Code Cases and Update Frequency

(RIN 3150-AK23; NRC-2018-0291): This rulemaking would incorporate by reference into the NRC's regulations the latest revision to regulatory guides that list the American Society of Mechanical Engineers Code Cases that the NRC finds to be acceptable (or conditionally acceptable). This rulemaking also would amend the NRC's regulation to revise the frequency of the in-service testing and in-service inspection program updates.

Enhanced Weapons for Spent Fuel Storage Installations and Transportation—Section 161A Authority (RIN 3150-AJ55; NRC-2015-0018): This rulemaking would amend the NRC's regulations to implement the authority in Section 161A of the Atomic Energy Act of 1954, as amended, related to access to enhanced weapons and associated firearms background checks for the protection of spent nuclear fuel.

Renewing Nuclear Power Plant Operating Licenses—Environmental Review (RIN 3150-AK32; NRC-2018-0296): This rulemaking would amend the NRC's environmental protection regulations by updating the environmental effect findings of renewing the operating license of a nuclear power plant. These findings would be based on a programmatic analysis under the National Environmental Policy Act. The rule will affect operating power reactor licensees that seek an initial or subsequent renewed operating license.

Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors (RIN 3150-AK31; NRC-2019-0062): This rulemaking would establish an optional technology-inclusive regulatory framework for use by applicants for new commercial advanced nuclear reactors.

Final Rules

Fitness-for-Duty Drug Testing Program Requirements (RIN 3150-AI67; NRC-2009-0225):

This rulemaking amends the NRC's regulations to revise the drug testing requirements for fitness-for-duty programs to align more closely with changes in the 2008 and 2017
U.S. Department of Health and Human Services' "Mandatory Guidelines for Federal Workplace

Drug Testing Programs."

B. Significant Final Rules

The rulemaking activity below meets the requirements of a significant regulatory action in

Executive Order 12866, "Regulatory Planning and Review," signed September 30, 1993, because it is likely to have an annual effect on the economy of $100 million or more.

Revision of Fee Schedules: Fee Recovery for FY 2023 (RIN 3150-AK58; NRC-2021-0024):

This rule amends the NRC's fee schedules for licensing, inspection, and annual fees charged to agency applicants and licensees.