



B-285579

June 13, 2000

The Honorable Robert C. Smith
Chairman
The Honorable Max Baucus
Ranking Minority Member
Committee on Environment and Public Works
United States Senate

The Honorable Thomas J. Bliley, Jr.
Chairman
The Honorable John D. Dingell
Ranking Minority Member
Committee on Commerce
House of Representatives

Subject: Nuclear Regulatory Commission: Emergency Core Cooling System
Evaluation Models

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Nuclear Regulatory Commission (NRC), entitled "Emergency Core Cooling System Evaluation Models" (RIN: 3150-AG26). We received the rule on June 5, 2000. It was published in the Federal Register as a final rule on June 1, 2000. 65 Fed. Reg. 34913.

The final rule amends the NRC's regulations to allow holders of operating licenses for nuclear power plants to reduce the assumed reactor power level used in evaluations of emergency core cooling systems (ECCS) performance. The rule provides licensees the option to apply a reduced margin for ECCS evaluation or to maintain the value of reactor power that had been mandated in the regulation. According to NRC, this action allows interested licensees to pursue small, but cost-beneficial, power uprates and reduces unnecessary regulatory burden without compromising the margin of safety of a facility.

Enclosed is our assessment of the NRC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the NRC complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Jim Wells, Director, Energy, Resources, and Science Issues. Mr. Wells can be reached at (202) 512-3841.

Robert P. Murphy
General Counsel

Enclosure

cc: Mr. Dennis K. Rathbun
Director, Office of Congressional Affairs
Nuclear Regulatory Commission

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
NUCLEAR REGULATORY COMMISSION
ENTITLED
"EMERGENCY CORE COOLING SYSTEM
EVALUATION MODELS"
(RIN: 3150-AG26)

(i) Cost-benefit analysis

The NRC conducted a regulatory analysis that included a discussion of the costs and benefits of the final rule.

Assuming that 50 of the 103 operating units chose to pursue the small power uprates permitted as a consequence of the rule change, NRC estimates the total cost to the 50 licensees to be \$754 million and \$4.3 million to NRC. The annual benefits would range from \$50 to \$135 million and lifetime benefits (approximately 17 years of remaining plant life) would be \$488 million to \$1.3 billion.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Commission has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As an independent regulatory agency, NRC is not subject to title II of the Unfunded Mandates Reform Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

The final rule was issued using the notice and comment procedures contained in 5 U.S.C. 553. On October 1, 1999, a Notice of Proposed Rulemaking was published in the Federal Register. 64 Fed. Reg. 53270. The NRC received comments from six parties, and they are discussed in the preamble to the final rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains a modification to an information collection that has already been approved by the Office of Management and Budget (OMB) and assigned control

number 3150-0011. NRC advises that the modification to the collection, an annual report, will increase the annual burden by one-half hour per response. The modification is being submitted to OMB for approval under the Act.

Statutory authorization for the rule

The final rule is issued under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553.

Executive Order No. 12866

As an independent regulatory agency, NRC is not subject to the review requirements of the order.