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Examine comments received, the draft environmental assessment and findings of no significant impact, and the draft regulatory analysis at: The NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC; the PDR's mailing address is Mail Stop LL-6, Washington, DC 20555; phone (202) 634-3273; fax (202) 634-3343. Copies of the documents may be obtained from the PDR for a fee. These documents may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for this rulemaking.

The NRC also requests public comment on Draft NUREG-1493, "Performance-Based Containment Leak Test Program." A free single copy of draft NUREG-1493 may be requested by written request to the U.S. Nuclear Regulatory Commission, ATTN: Distribution Section, Room P1-37, Washington, DC 20555; fax (301) 504-2260. Comments on draft NUREG-1493 may be submitted to: Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publication Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Hand deliver comments on draft NUREG-1493 to 11545 Rockville Pike, Maryland between 7:45 a.m. and 4:15 p.m. on Federal workdays. Comments on draft NUREG-1493 may be submitted

electronically as indicated above under the ADDRESSES heading.

FOR FURTHER INFORMATION CONTACT: Dr. Moni Dey, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6443, e-mail mkd@nrc.gov

SUPPLEMENTARY INFORMATION:

Background

The NRC is proposing to amend 10 CFR part 50, appendix J in an effort to relax and allow alternatives to those requirements that are prescriptive and marginal to safety and yet impose a significant regulatory burden on licensees. NRC reactor licensees are required currently to conduct periodic primary reactor containment leakage testing in accordance with 10 CFR part 50, appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors." Appendix J is currently prescriptive in that it specifies leak test frequencies, pretest requirements, test methods, and reporting requirements.

NRC's Marginal to Safety/Regulatory Improvement Program

In 1984, the NRC staff initiated a program to make regulatory requirements more efficient by eliminating those with marginal impact on safety. The NRC's initiative to eliminate requirements marginal to safety recognizes both the dynamic nature of the regulatory process and that the importance and safety contribution of some existing regulatory requirements may not have been accurately predicted when adopted or may have diminished with time. The availability of new technical information and methods justify a review and modification of existing requirements.

The NRC solicited comments from industry on specific regulatory requirements and associated regulatory positions that needed reevaluation. The Atomic Industrial Forum conducted a survey providing most of industry's input, published for the NRC as NUREG/CR-4330¹, "Review of Light Water Reactor Regulatory Requirements," Vol. 1, April 1986. A list of 45 candidates for potential regulatory modification were identified.

¹ Copies of NUREGs may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013/7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is available for inspection and/or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

The NRC's review of the list selected Appendix J as one of seven areas requiring further analysis (NUREG/CR-4330, Vols. 2 and 3, dated June 1986 and May 1987). The NRC also conducted a survey of its staff concerning their expertise in a particular area, experience in regulation, and knowledge of regulatory requirements. The NRC staff survey identified 54 candidates, a number of which were previously identified in the earlier survey. The NRC's assessment of this list also selected appendix J as a potential candidate for modification.

The NRC published in the **Federal Register**, for comment, a proposed revision to appendix J on October 29, 1986 (51 FR 39538) to update acceptance criteria and test methods based on experience in applying the existing requirements and advances in containment leak testing methods, resolve interpretive questions, and reduce the number of exemption requests. The October 29, 1986, proposed rule is being withdrawn from further consideration and a more comprehensive proposed rule that accounts for the latest technical information and regulatory framework is being proposed.

The NRC's Marginal-to-Safety initiative is part of a broader NRC initiative for regulatory improvement. Through its Program for Regulatory Improvement, the NRC has institutionalized an ongoing effort to eliminate requirements marginal to safety and to reduce regulatory burden. The NRC staff's plan in SECY-94-090, dated March 31, 1994, which satisfies the recent requirement for a periodic review of existing regulations in Executive Order 12866 of September 30, 1993, was approved by the Commission on May 18, 1994. The Regulatory Improvement Program is aimed at the fundamental principle adopted by the Commission that all regulatory burdens must be justified and that its regulatory process must be efficient. In practice, this means the elimination or modification of requirements where burdens are not commensurate with their safety significance. The activities of the Regulatory Improvement Program should result in enhanced regulatory focus in areas that are more safety significant. As a result, an overall net increase in safety is expected from the program.

The Regulatory Improvement Program will include, whenever feasible and appropriate, the consideration of performance-oriented and risk-based approaches. The program will review requirements or license conditions that are identified as a significant burden on