# ATTACHMENT 2

# RULEMAKING

# ACTIVITY PLAN

# CURRENT AS OF MARCH 15, 2001

# RULEMAKING ACTIVITY PLAN
# AS OF MARCH 15, 2001

The Rulemaking Activity Plan (RAP) includes rulemaking activities in each of the following categories:

Category 1: Active Rulemakings - Those rules that have been judged to be needed by user/sponsoring offices, have been approved by the EDO and the Commission in a previously approved Rulemaking Activity Plan (RAP) or by individual rulemaking plans, and are currently in progress.

Category 2: Rules Being Planned - Rules and petitions that are judged to be needed based on preliminary assessment by the user/sponsoring office but that must be processed through the planning process (MD 6.3) for EDO/Commission review and approval.

Category 3: Rules On Hold - Further work cannot be undertaken until information needed from outside sources is obtained or until resources become available.

Category 4: New Petitions and Petitions Being Resolved - Petitions for which further assessment is required before a decision can be made to grant, to deny, or to partially grant a petition.

Category 5: Drop - Rulemakings that may require a closeout action.

Category 6: Rules Completed or Nearly Completed - Commission Approved (Listed in Attachment 1, table of contents and index only)

# Summary of Rulemaking Activity Plan Actions

## Key for Rule Type

(1a) - Safety Enhancement
(1b) - Regulatory Reform/Regulatory Burden Reduction/Adds Flexibility
(1c) - Other: such as General/Procedural/Process/Administrative
(2) - Further Management Consideration Required

RM NO. - Rulemaking Number Used to Track Rules in budget and planning documents.
RIN NO. - Rulemaking Number Used to Track Rules in The Regulatory Agenda.
WITS NO. - Rulemaking Number Used By EDO to Track Rulemaking Actions.

## CATEGORY 1, ACTIVE RULES IN DEVELOPMENT/BEING COMPLETED

### High Priority

| CAT NO. | OFFICE | TITLE | RM NO. | RIN NO. | WITS NO. | TYPE |
|---|---|---|---|---|---|---|
| C1HP-44 | NMSS | Yucca Mountain, Part 63 | #513 | AG04 | 980029 | 1a |
| | | | THE FINAL RULEMAKING WAS SENT FOR COMMISSION APPROVAL ON 4/12/00 | | | |
| C1HP-60 | NRR | Unified Skin Dose Limit (Discrete Radioactive Particles), Part 20 | #164 | AG25 | 900178 | 1b |
| C1HP-66 | NMSS | Storage of Greater Than Class C Waste, Part 72 (PRM-72-02) | #436 | AG33 | 960157 | 1b |
| | | | THE FINAL RULEMAKING WAS SENT FOR OFFICE REVIEW AND COMMENT ON 1/30/01 | | | |
| C1HP-73 | NRR | Use of Simulators in Operating Licensing, 10 CFR 55.31 and 55.45 | #535 | AG40 | 990109 | 1c |
| | | | PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 7/3/2000 (65 FR 41021) | | | |
| C1HP-74 | NRR | Security Requirements for NPP Licensees, Part 73 | #549 | AG63 | 980188 | 1a |
| | | | COMMISSION SRM ON SECY-99-241 DATED 11/22/99 APPROVED THE RULEMAKING PLAN | | | |

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|---|---|---|---|---|---|---|
| C1HP-75 | NRR | Risk-Informed Special Treatment Regulations Parts 2, 21, 50, 52, 54, 100 | #551 | AG42 | 990061 | 1b |
| | | | THE ANPRM WAS PUBLISHED FOR COMMENT ON 3/3/2000 (65 FR 11448) | | | |
| C1HP-76 | NRR | Reactor Fire Protection Risk-Informed, Performance-Based, Part 50 | #554 | AG48 | 990032 | 1b |
| | | | COMMISSION SRM ON SECY-00-009 DATED 2/24/2000 APPROVED THE RULEMAKING PLAN | | | |
| C1HP-78 | NMSS | Transfer of Source or Byproduct Material, 10 CFR 40.51 | #447 | AG64 | 970365 | 1c |
| | | | THE PROPOSED RULEMAKING WAS SENT FOR COMMISSION APPROVAL ON 9/25/00 | | | |
| C1HP-82 | NRR | Standardized Process for Releasing Part of Reactor Facility or Site for for Unrestricted Use Before License Termination, Parts 2, 20, and 50 | #555 | AG56 | NONE | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C2HP-39 COMMISSION SRM ON SECY-00-023 DATED 4/26/00 APPROVED THE RULEMAKING PLAN | | | |
| C1HP-83 | NRR | Codes and Standards 10 CFR 50.55a | #556 | AG61 | NONE | 1c |
| | | | RULE CHANGED CATEGORY LISTING–C2HP-40 COMMISSION SRM ON SECY-00-100 DATED 5/23/00 APPROVED THE RULEMAKING PLAN | | | |
| C1HP-85 | NMSS | Compatibility with the IAEA Transp. Standards, Part 71 (PRM-71-12) | #496 | AG71 | 980008 | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C2HP-41 THE PROPOSED RULEMAKING WAS SENT FOR EDO APPROVAL ON 2/22/01 | | | |
| C1HP-89 | CFO | Revision of Fee Schedules: 98% Fee Recovery, FY2001; Parts 170, 171 | #577 | AG73 | NONE | 1c |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |
| C1HP-90 | NMSS | NUHOMS -24P and -52B to Add -61BT Dry Canister, Amendment 3, Part 72 | #578 | AG75 | NONE | 1c |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |
| C1HP-91 | NRR | Risk-informing Combustible Gas Control Requirements, Part 50 | #579 | AG76 | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |
| C1HP-92 | NRR | Modification to Pressure-Temperature Limits, PRM-50-69, Part 50 | #581 | AG77 | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |

## Medium Priority

| | | | | | | |
|---|---|---|---|---|---|---|
| C1MP-38 | NRR | Lessons Learned from Design Certification, Part 52 | #505 | AG24 | 970060 | 1b |
| | | | COMMISSION SRM ON SECY-98-282 DATED 1/14/99 APPROVED THE RULEMAKING PLAN | | | |
| C1MP-39 | NMSS | Spent Fuel Shipment Information Prot. Requirements, Parts 71and 73 | #501 | AG41 | NONE | 1b |
| | | | COMMISSION SRM ON SECY-01-021 DATED 2/20/01 APPROVED THE RULEMAKING PLAN | | | |
| C1MP-40 | NRR | Decommissioning Trust Provisions Part 50 | #550 | AG52 | 980184 | 1c |
| | | | COMMISSION SRM ON SECY-00-002 DATED 2/9/00 APPROVED THE RULEMAKING PLAN | | | |
| C1MP-42 | NRR | Reduction in Scope of Random FFD Testing Requirements, Part 26 | #548 | AG62 | NONE | 1c |
| | | | RULE CHANGED CATEGORY LISTING–C2MP-41 COMMISSION SRM ON SECY-00-022 DATED 4/24/00 APPROVED THE RULEMAKING PLAN | | | |
| C1MP-43 | NMSS | Special Nuclear Material Accountability, Parts 70, 74 | #309 | AG69 | NONE | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C2MP-06 THE PROPOSED RULEMAKING WAS SENT FOR OFFICE REVIEW AND COMMENT ON 2/8/01 | | | |
| C1MP-46 | NMSS | Event Reporting for Unintended Exp. To Embryo, Fetus or Nursing Child Under Non-Medical Circum., Part 20 | #568 | NONE | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING RULEMAKING WAS TERMINATED (SEE C5-60) | | | |
| C1MP-47 | NMSS | Notification to the NRC of Dose Exceeding 50 mSv (5 rem) fron a Patient Released Under 35.75 | #576 | AG74 | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |

## Low Priority

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|---|---|---|---|---|---|---|
| C1LP-17 | CIO | Submittal Procedures for Documents | #445 | AF61 | NONE | 1c |

## CATEGORY 2, RULEMAKING PLANS BEING DEVELOPED - MD 6.3 APPLIES (BUT NOT ADMINISTRATIVE RULES)

### High Priority

| | | | | | | |
|---|---|---|---|---|---|---|
| C2HP-27 | NMSS | Domestic Licensing of Uranium and Thorium Recovery Activities, Part 41 | #503 | NONE | 980177 | 1a |
| | | | COMMISSION OPTIONS PAPER WAS SENT FOR COMMISSION APPROVAL ON 2/15/01, SECY-01-026 | | | |
| C2HP-34 | NRR | Integrated, Risk-Informed Rule for NPP Being Decommissioned, Parts 50, | #547 | AG47 | 990070 | 1b |
| | | | THE RULEMAKING PLAN WAS SENT FOR COMMISSION APPROVAL ON 6/28/00, SECY-00-145 | | | |
| C2HP-37 | NMSS | Control of Solid Material, Part 20 | #381 | NONE | 940059 | 1b |
| C2HP-39 | NRR | Standardized Process for Releasing Part of Reactor Facility or Site for for Unrestricted Use Before License Termination, Parts 2, 20, and 50 | #555 | AG56 | NONE | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C1HP-82 | | | |
| C2HP-40 | NRR | Codes and Standards 10 CFR 50.55a | #556 | AG61 | NONE | 1c |
| | | | RULE CHANGED CATEGORY LISTING–C1HP-83 | | | |
| C2HP-41 | NMSS | Compatibility with the IAEA Transp. Standards, Part 71 (PRM-71-12) | #496 | AG71 | 980008 | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C1HP-85 | | | |
| C2HP-42 | NMSS | Geological and Seismological Char. of Storage, Part 72 | #441 | AG16 | 960161 | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C3-29 | | | |
| C2HP-43 | NMSS | Entombment Option for Decomm. 0f Power Reactors Parts 20, 50 | #571 | NONE | NONE | 1c |
| | | | NEW RULE ADDED TO CATEGORY LISTING THE RULEMAKING PLAN WAS SENT FOR OFFICE REVIEW AND COMMENT ON 1/25/01 | | | |
| C2HP-44 | NRR | Alternative Site Reviews, Part 50 | #313 | NONE | NONE | 1c |
| | | | RULE CHANGED CATEGORY LISTING–C3-26 | | | |
| C2HP-45 | NRR | Financial Information for Extended 0f an OL for NPR's, Part 50 | #569 | NONE | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |
| C2HP-46 | NRR | Nuclear Power Plant Worker Fatigue, PRM-26-02, Part 26 | #580 | NONE | NONE | 1a |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |

## Medium Priority

| | | | | | | |
|---|---|---|---|---|---|---|
| C2MP-06 | NMSS | Special Nuclear Material Accountability, Parts 70, 74 | #309 | AG69 | NONE | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C1MP-43 | | | |
| C2MP-15 | NMSS | Consolidated Financial Assurance-Materials Licensees, Parts 30, 40, 70 | #480 | NONE | NONE | 1a |
| | | | THE RULEMAKING PLAN WAS SENT FOR OFFICE REVIEW AND COMMENT ON 12/28/00 | | | |
| C2MP-19 | NRR | Use of Alternate Cladding Materials In Reactors, Part 50 | #449 | NONE | NONE | 1b |
| C2MP-37 | NMSS | Implement US/IAEA Safeguards Agreement, Parts 75 and 150 | #543 | NONE | NONE | 1b |
| C2MP-38 | NMSS | Allow Use of New Dosimetery Technology, Parts 20, 34, 36, and 39 | #531 | AG21 | NONE | 1a |
| | | | RULE CHANGED CATEGORY LISTING–C1MP-44 | | | |
| C2MP-39 | NMSS | Radiography and Radiographic Equpt., ANSI N432, Part 34, (PRM-34-05) | #477 | NONE | NONE | 1b |
| | | | THE RULEMAKING PLAN WAS SENT FOR OFFICE REVIEW AND COMMENT ON 4/24/00 | | | |
| C2MP-41 | NRR | Reduction in Scope of Random FFD Testing Requirements, Part 26 | #548 | AG62 | NONE | 1c |
| | | | RULE CHANGED CATEGORY LISTING–C1MP-42 | | | |
| C2MP-42 | NRR | Change in Frequency of Offsite EP Exercises, Part 50 | #557 | NONE | NONE | 1b |
| C2MP-43 | NRR | Specification of Acceptable ASME BPV Code Cases, 10 CFR 50.55a | #558 | NONE | NONE | 1c |
| C2MP-44 | NMSS | Distribution of Source Material to Exempt Persons, Part 40, PRM-40-27 | #564 | NONE | NONE | 1c |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |
| C2MP-45 | NMSS | Conforming Requirements of Event Notification, Pars 72, 73 and 76 | #573 | NONE | NONE | 1c |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |
| C2MP-46 | NMSS | Exemptions from Licensing Certain Products, Parts 30 and 32 | #400 | NONE | 900208 | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C3-31 | | | |

## Low Priority

| | | | | | | |
|---|---|---|---|---|---|---|
| C2LP-10 | NRR | Minor Change to Appendix E, Part 50 | #559 | NONE | NONE | 1b |
| C2LP-11 | NMSS | Modification of 10 CFR Part 20 Reporting Requirements, Part 20 | #574 | NONE | NONE | 1c |
| | | | NEW RULE ADDED TO CATEGORY LISTING | | | |

**CATEGORY 3, Rulemakings On-Hold; Cannot be Further Worked Without Additional Information (not prioritized - rule action still needs to be decided)**

| | | | | | | |
|---|---|---|---|---|---|---|
| C3-15 | NRR | Table S-3, S4 Revisions, Part 50 | #116 | AA31 | 910146 | 1c |
| C3-26 | NRR | Alternative Site Reviews, Part 50 | #313 | NONE | NONE | 1c |
| | | | RULE CHANGED CATEGORY LISTING–C2HP-44 | | | |
| C3-27 | NMSS | Teletherapy Devices for Non-Human Irradiation, Part 36 | #479 | NONE | NONE | 1b |
| C3-29 | NMSS | Geological and Seismological Char. of Storage, Part 72 | #441 | AG16 | 960161 | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C2HP-42 | | | |
| C3-30 | NMSS | Release to Sanitary Sewage, | #288 | AE90 | 940008 | 1a |
| C3-31 | NMSS | Exemptions from Licensing Certain Products, Parts 30 and 32 | #400 | NONE | 900208 | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C2MP-46 | | | |
| C3-32 | NMSS | Exempt Sources in Devices, Part 30 | #526 | NONE | NONE | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C5-61 | | | |
| C3-33 | NMSS | Licensing Radioactive Portion of Mixed Waste in RCRA Facility, Part 61 | #541 | NONE | NONE | 1b |

**CATEGORY 4, NEW PETITIONS AND PETITIONS BEING RESOLVED (NOT PRIORITIZED)**

| | | | | | | |
|---|---|---|---|---|---|---|
| C4-18 | NMSS | Training Requirements for a Rad Safety Officer (PRM-35-13) | #463 | NONE | NONE | 2 |
| C4-29 | NMSS | Radiation Safety Requirements, Part 61 (PRM-36-01) | #474 | NONE | NONE | 2 |
| C4-36 | NMSS | PRM-35-15 Jeffery Angle Radiation Protection Devices for Adm. | #458 | NONE | NONE | 2 |
| C4-37 | NMSS | PRM-73-10 State of Nevada Safeguarding Shipments of Spent Fuel | #459 | NONE | NONE | 2 |
| C4-39 | NMSS | PRM-30-62 Union of Concerned Scientist Employee Protection Training | #461 | NONE | NONE | 2 |
| C4-46 | NRR | PRM-50-70 Eric Joseph Epstein Financial Assurance Requirements for Decommissioning Nuclear Power Reactors | #453 | NONE | NONE | 2 |
| | | | NEW PETITION ADDED TO CATEGORY LISTING | | | |

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|---|---|---|---|---|---|---|
| C4-47 | NRR | PRM-50-71 Nuclear Energy Institute<br>Use of Zirconium-based Cladding Material | #464<br>NEW PETITION ADDED TO CATEGORY LISTING | NONE | NONE | 2 |
| C4-48 | NMSS | PRM-72-05 Nuclear Energy Institute<br>Revise Process for Amending CoC's | #455<br>NEW PETITION ADDED TO CATEGORY LISTING | NONE | NONE | 2 |
| C4-49 | OE | PRM-30-63 Natural Resources Defense<br>Council, Illegal Payments | #454<br>NEW PETITION ADDED TO CATEGORY LISTING | NONE | NONE | 2 |
| C4-50 | NMSS | PRM-54-01 Union of Concerned Scientists<br>Aging Degradation of Liquid and Gaseous<br>Radioactive Waste Systems | #462<br>NEW PETITION ADDED TO CATEGORY LISTING | NONE | NONE | 2 |
| C4-51 | NMSS | PRM-30-64 Charles T. Gallagher<br>Gammatron, Inc. Decomm. Requirements | #465<br>NEW PETITION ADDED TO CATEGORY LISTING | NONE | NONE | 2 |
| C4-52 | NRR | PRM-50-72 Union of Concerned Scientists<br>Performance Indicator Information | #470<br>NEW PETITION ADDED TO CATEGORY LISTING | NONE | NONE | 2 |
| C4-53 | NMSS | PRM-35-16 ACNP and SNM<br>Medical Use of Byproduct Material | #471<br>NEW PETITION ADDED TO CATEGORY LISTING | NONE | NONE | 2 |

## CATEGORY 5, DROP FROM FURTHER CONSIDERATION

| | | | | | | |
|---|---|---|---|---|---|---|
| C5-10 | NRR | Criteria for ENO, Part 140 | #51<br>THE RULEMAKING WITHDRAWAL NOTICE WAS<br>PUBLISHED ON OCTOBER 23, 2000 (65FR63221) | AB01 | 810014 | 2 |
| C5-58 | NRR | 120-Month ISI/IST Update, Part 50 | #553<br>RULEMAKING BEING TERMINATED | AG39 | 990074 | 1b |
| C5-59 | NRR | Quality Assurance Programs, Part 50<br>(PRM-50-62) | #552<br>THE RULEMAKING WITHDRAWAL NOTICE WAS<br>PUBLISHED ON DECEMBER 6, 2000 (65FR76178) | AG45 | NONE | 1b |
| C5-60 | NMSS | Event Reporting for Unintended Exp.<br>To Embryo, Fetus or Nursing Child<br>Under Non-Medical Circum., Part 20 | #568<br>NEW RULE ADDED TO CATEGORY LISTING<br>RULEMAKING WAS TERMINATED | NONE | NONE | 1b |
| C5-61 | NMSS | Exempt Sources in Devices, Part 30 | #526<br>RULE CHANGED CATEGORY LISTING–C3-32 | NONE | NONE | 1b |

## CATEGORY 6, RULES COMPLETED OR NEARLY COMPLETED (COMMISSION APPROVED)

| | | | | | | |
|---|---|---|---|---|---|---|
| C1HP-30 | NRR | FFD Part 26 (General Relax.), | #397 | AF12 | 890042 | 1b |
| | | | COMMISSION SRM ON SECY-00-159 DATED 12/4/00 APPROVED THE FINAL RULEMAKING | | | |
| C1HP-35 | NMSS | Part 70 Revisions | #351 | AF22 | 940010 | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON SEPTEMBER 18, 2000 (65 FR 56211) | | | |
| C1HP-37 | NMSS | Major Revision to Part 35 | #497 | AF74 | 970065 | 1b |
| | | | COMMISSION SRM ON SECY-00-118 DATED 10/23/00 APPROVED THE FINAL RULEMAKING | | | |
| C1HP-47 | NMSS | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts Multi | #520 | AG03 | 980071 | 1a |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON DECEMBER 18, 2000 (65 FR 79162) | | | |
| C1HP-49 | NRR | Event Reporting Requirements 10 CFR 50.72 and 50.73 | #512 | AF98 | 980096 | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON OCTOBER 25, 2000 (65 FR 63769) | | | |
| C1HP-52 | NRR | Potassium Iodide (KI), 10 CFR 50.47b (PRM-50-63) | #524 | AG11 | 980173 | 1a |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON JANUARY 19, 2001 (66 FR 5427) | | | |
| C1HP-53 | NMSS | VECTRA Technologies, In. NUHOMS Dry Shielded Canister, Part 72 | #518 | AG19 | NONE | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON MARCH 28, 2000 (65 FR 16299) | | | |
| C1HP-55 | NMSS | CoC for Transnuclear (TN-32), Part 72 | #530 | AG18 | NONE | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON MARCH 20, 2000 (65 FR 14790) | | | |
| C1HP-61 | NRR | ECCS Evaluations Models, Part 50, Appendix K | #533 | AG26 | 980181 | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON JUNE 1, 2000 (65 FR 34913) | | | |
| C1HP-62 | NMSS | CoC for VSC-24 Dry Cask, Part 72 | #390 | AG36 | NONE | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON APRIL 27, 2000 (65 FR 24623) | | | |
| C1HP-63 | NMSS | CoC for Transnuclear Dry Shielded Canister (TN-68), Part 72 | #536 | AG30 | NONE | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON APRIL 28, 2000 (65 FR 24855) | | | |

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|---|---|---|---|---|---|---|
| C1HP-64 | NMSS | CoC for Holtec Dry Canister Storage (HISTORM), Part 72 | #537 | AG31 | NONE | 1b<br>THE FINAL RULEMAKING WAS PUBLISHED ON MAY 1, 2000 (65 FR 25241) |
| C1HP-65 | NMSS | CoC for NAC-UMS Cask, Part 72 | #538 | AG32 | NONE | 1b<br>THE FINAL RULEMAKING WAS PUBLISHED ON OCTOBER 18, 2000 (65 FR 62581) |
| C1HP-67 | NMSS | CoC for NUHOMS-24P and 52B, Part 72 | #544 | AG34 | NONE | 1b<br>THE DIRECT FINAL RULEMAKING WAS PUBLISHED ON JUNE 22, 2000 (65 FR 38715) |
| C1HP-69 | NMSS | CoC for VSC-24 Dry Storage Cask Amendment 2, Part 72 | #539 | AG55 | NONE | 1b<br>THE FINAL RULEMAKING WAS PUBLISHED ON JUNE 22, 2000 (65 FR 38718) |
| C1HP-71 | NRR | Quality Assurance Programs, Part 50 (PRM-50-62) | #552 | AG45 | NONE | 1b<br>RULEMAKING TERMINATED (SEE C5-59) |
| C1HP-77 | CFO | Revision of Fee Schedules: Fee Recovery; Parts 170, 171 | #560 | AG50 | NONE | 1c<br>THE FINAL RULEMAKING WAS PUBLISHED ON JUNE 12, 2000 (65 FR 36946) |
| C1HP-79 | NMSS | CoC for Fuel Solutions Cask, Part 72 | #561 | AG54 | NONE | 1b<br>THE FINAL RULEMAKING WAS PUBLISHED ON JANUARY 16, 2001 (66 FR 3444) |
| C1HP-80 | NMSS | CoC for NAC-UMS Cask, Amendment 1, Part 72 | #563 | AG57 | NONE | 1b<br>NEW RULE ADDED TO CATEGORY LISTING<br>THE FINAL RULEMAKING WAS PUBLISHED ON DECEMBER 7, 2000 (65 FR 76895) |
| C1HP-81 | NMSS | CoC for Holtec HI-STAR 100, Amendment 1, Part 72 | #565 | AG58 | NONE | 1b<br>NEW RULE ADDED TO CATEGORY LISTING<br>THE FINAL RULEMAKING WAS PUBLISHED ON OCTOBER 11, 2000 (65 FR 60339) |
| C1HP-84 | NMSS | CoC for Transnuclear (TN-32), Amendment 1, Part 72 | #566 | AG66 | NONE | 1b<br>NEW RULE ADDED TO CATEGORY LISTING<br>THE FINAL RULEMAKING WAS PUBLISHED ON DECEMBER 05, 2000 (65 FR 75869) |
| C1HP-86 | NMSS | CoC for Fuel Solutions Cask, Amendment 1, Part 72 | #570 | AG72 | NONE | 1b<br>NEW RULE ADDED TO CATEGORY LISTING<br>THE DIRECT FINAL RULEMAKING WAS PUBLISHED ON FEBRUARY 27, 2001 (66 FR 12435) |

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|---|---|---|---|---|---|---|
| C1HP-87 | NMSS | CoC for VSC-24 Dry Cask, Amendment 3, Part 72 | #572 | AG70 | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS PUBLISHED ON March 6, 2001 (66 FR 13407) | | | |
| C1HP-88 | NMSS | CoC for HOLTEC HI-STAR 100, Amendment 2, Part 72 | #575 | AG67 | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS PUBLISHED ON MARCH 13, 2001 (66 FR 14843) | | | |
| C1MP-32 | NMSS | Clarifications and Addition of Flexibility to Part 72 | #438 | AG15 | 960159 | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON AUGUST 21, 2000 (65 FR 50606) | | | |
| C1MP-36 | NRR | Fire Protection, Part 50, Appendix R | #532 | AG22 | 980128 | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON JUNE 20, 2000 (65 FR 38182) | | | |
| C1MP-41 | CIO | Relocation of Public Document Room | #562 | AG46 | NONE | 1c |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON SEPTEMBER 11, 2000 (65 FR 54865) | | | |
| C1MP-44 | NMSS | Allow Use of New Dosimetery Technology, Parts 20, 34, 36, and 39 | #531 | AG21 | NONE | 1a |
| | | | RULE CHANGED CATEGORY LISTING–C2MP-38 THE FINAL RULEMAKING WAS PUBLISHED ON OCTOBER 24, 2000 (65 FR 63750) | | | |
| C1MP-45 | NMSS | Termination of Section 274i Agreement Between Louisiana and the NRC | #567 | AG60 | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS PUBLISHED ON JANUARY 19, 2001 (66 FR 5441) | | | |
| C1LP-23 | NMSS | Energy Compensation Sources for Well Logging, Part 39 | #440 | AG14 | 980121 | 1b |
| | | | THE FINAL RULEMAKING WAS PUBLISHED ON APRIL 17, 2000 (65 FR 20337) | | | |
| C4-28 | NMSS | Independent Storage of Spent Nuclear Fuel in Dry Casks, Part 72 (PRM-72-04) | #473 | NONE | NONE | 2 |
| | | | THE PETITION DENIAL WAS PUBLISHED ON FEBRUARY 6, 2001 (66 FR 9055) | | | |
| C4-30 | NRR | Potential Liability of Non-operating Co-owners of NPP, Part 50 (PRM-50-64) | #452 | NONE | NONE | 2 |
| | | | THE PETITION DENIAL WAS PUBLISHED ON JULY 31, 2000 (65 FR 46661) | | | |

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|---|---|---|---|---|---|---|
| C4-34 | NMSS | Regulatory Distribution Exemption for EBT (C14 Drug), (PRM-32-05) | #456 | NONE | NONE | 2 |
| | | | THE PETITION DENIAL WAS PUBLISHED ON APRIL 24, 2000 (65 FR 21673) | | | |
| C4-35 | NMSS | Modifications of Exemptions to Parts 19 and 20 in Part 40, (PRM-40-27) | #457 | NONE | NONE | 2 |
| | | | PETITION RESOLVED BY RULEMAKING | | | |
| C4-38 | NRR | PRM-51-07 Nuclear Energy Institute Severe Accident Mitigation Alternatives | #460 | NONE | NONE | 2 |
| | | | THE PETITION DENIAL WAS PUBLISHED ON FEBRUARY 20, 2001 (66 FR 10834) | | | |
| C4-41 | NRR | PRM-26-02 Barry Quigley; Fitness for Duty Program | #466 | NONE | NONE | 2 |
| | | | PETITION RESOLVED BY RULEMAKING | | | |
| C4-42 | NMSS | PRM-40-28 Donald A. Barbour Domestic Licensing of Source Material | #467 | NONE | NONE | 2 |
| | | | PETITION RESOLVED BY RULEMAKING | | | |
| C4-43 | NRR | PRM-50-68 Bob Christie; Hydrogen Control Systems | #469 | NONE | NONE | 2 |
| | | | PETITION RESOLVED BY RULEMAKING | | | |
| C4-44 | NRR | PRM-50-69 Westinghouse Electric Co. Pressure and Temperature Limits | #472 | NONE | NONE | 2 |
| | | | PETITION RESOLVED BY RULEMAKING | | | |
| C4-45 | NMSS | PRM-76-01 UP Guard Workers of Amer. Security at Gaseous Diffusion Plants | #451 | NONE | NONE | 2 |
| | | | NEW PETITION ADDED TO CATEGORY LISTING THE PETITION DENIAL WAS PUBLISHED ON February 20, 2001 (66 FR 10839) | | | |
| C5-10 | NRR | Criteria for ENO, Part 140 | #51 | AB01 | 810014 | 2 |
| | | | THE RULEMAKING WITHDRAWAL NOTICE WAS PUBLISHED ON OCTOBER 23, 2000 (65FR63221) | | | |
| C5-59 | NRR | Quality Assurance Programs, Part 50 (PRM-50-62) | #552 | AG45 | NONE | 1b |
| | | | THE RULEMAKING WITHDRAWAL NOTICE WAS PUBLISHED ON DECEMBER 6, 2000 (65FR76178) | | | |
| C5-60 | NMSS | Event Reporting for Unintended Exp. To Embryo, Fetus or Nursing Child Under Non-Medical Circum., Part 20 | #568 | NONE | NONE | 1b |
| | | | NEW RULE ADDED TO CATEGORY LISTING RULEMAKING WAS TERMINATED | | | |
| C5-61 | NMSS | Exempt Sources in Devices, Part 30 | #526 | NONE | NONE | 1b |
| | | | RULE CHANGED CATEGORY LISTING–C5-61 RULEMAKING WAS TERMINATED | | | |

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# RULEMAKING ACTIVITY PLAN

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# CATEGORY 1

# ACTIVE RULES

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**THOSE RULEMAKINGS THAT HAVE**

**BEEN JUDGED TO BE NEEDED BY**

**THE USER OFFICE AND HAVE BEEN**

**APPROVED BY THE EDO AND ARE**

**CURRENTLY IN PROGRESS**

## HIGH PRIORITY (14)

- **NMSS-C1HP-44 Regulations Governing Disposal of High-Level Radioactive Wastes in A Repository at Yucca Mountain, Part 63, PRM-60-02/03--RM#513--AG04--W#980029**

**Objective:** Establish regulations as directed by statute (Energy Policy Act of 1992) for the disposal of HLW at Yucca Mountain. The rulemaking will explicitly state that the purpose of the new rulemaking is to provide specific criteria applicable to Yucca Mountain and that the more generic requirements in the existing Part 60 do not apply and cannot be the subject of litigation in any NRC licensing proceeding for Yucca Mountain.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** The rulemaking will make the licensing process for the proposed high-level waste repository more cost effective by removing generic requirements and putting in performance-based site-specific requirements for Yucca Mountain

**Recommendation to Proceed:** The Commission SRM on SECY-97-300, dated March 6, 1998, approved development of the proposed rulemaking. The proposed rulemaking was sent for office review and comment on August 13, 1998. The Commission SRM on SECY-98-198, dated September 8, 1998, approved using rulemaking as a way of furthering issue resolution by eliminating certain issues from the Yucca Mountain licensing process. The proposed rulemaking was sent to the EDO for approval on September 21, 1998. The proposed rulemaking, SECY-98-225, was sent to the Commission for approval on September 28, 1998. A notice of availability on the technical conference Ruleforum website of the staff recommendations for draft regulations was published in the Federal Register on October 14, 1998 (63 FR 55056). The Commission SRM on SECY-98-225, dated January 12,1999, approved publication of the proposed rulemaking in the Federal Register. The proposed rulemaking was sent to ADM for publication in the Federal Register on February 3, 1999, and to SECY for publication on February 5, 1999. The proposed rulemaking was published for public comment in the Federal Register on February 22, 1999 (64 FR 8640). A notice of public meetings was published in the Federal Register on March 4, 1999 (64 FR 10405). The proposed rulemaking comment period extension was published for public comment in the Federal Register on May 5, 1999 (64 FR 24092). A notice of additional public meetings was published in the Federal Register on May 24, 1999 (64 FR 27935). A Commission paper, SECY-99-234, dated September 22, 1999, was sent to the Commission for approval to revise the final rulemaking schedule until March 2000. The Commission SRM on SECY-98-225, dated October 19,1999, approved a revised schedule date of March 2000. The final rulemaking was sent for office review and comment on March 6, 2000. A notice of public meetings was published in the Federal Register on April 17, 2000 (65 FR 20388). The final rulemaking was sent to the EDO for approval on April 7, 2000. The final rulemaking, SECY-00-084, was sent to the Commission for approval on April 12, 2000.

**Staff Resources:** Total FTE = 7.47: NMSS = 7.10; OGC = 0.25; ADM = 0.07; SP = 0.015; CIO = 0.02; CFO = 0.01

- **NRR-C1HP-60 Unified Skin Dose Limits (formerly Discrete Radioactive Particles), Part 20--RM#164--AG25--W#900178**

**Objective:** The rulemaking will establish a dose limit and calculational procedures for dealing with the "hot particle" issue (small particles found in nuclear reactors and some material facilities that, because of their high activity and small size, produce high localized doses to the skin). The existing skin dose limits in the revised 10 CFR Part 20 are not considered directly applicable to hot particles.

Brookhaven National Laboratory has provided the technical basis for the rulemaking by conducting hot particle exposures on live swine skin to establish the threshold dose(s) for ulceration. The NCRP has published a report, Number 130, providing recommendations for a special limit for hot particles.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a less-prescriptive approach

**Cost/Benefit:** The final dose limit is most likely to be less restrictive than the conservative interim limit. NRC licensees will realize a reduction in the current regulatory burden. In addition, workers will likely experience a reduction in the external dose that currently results from the frequent monitoring performed to assure that the interim limit is not exceeded. The quantification of cost/benefit will be done as the proposed rulemaking is developed.

**Recommendation to Proceed:** Yes. The rulemaking plan was sent for office review and comment on January 15, 1998. The rulemaking plan was resent for office review and comment on June 19, 1998. The rulemaking plan was sent to the EDO for approval in November 1998. The rulemaking plan, SECY-98-245, was sent to the Commission for approval on October 23, 1998. The Commission SRM on SECY-98-245, dated December 23, 1998, approved the rulemaking plan. Subsequently, new technical information indicated that the proposed action may not be the desirable course of action. Therefore, the staff reevaluated the technical issues associated with this rulemaking. The staff, in an October 27, 1999, memorandum, informed the Commission that it appeared, in some cases, that a DRP dose could be within the 300 rad dose constraint but exceed the existing 50 rem skin dose limit in the next annular square centimeter. In a January 31, 2000, memorandum to the Commission, the staff recommended establishing a single, unified skin dose limit that would apply to any shallow dose equivalent to the skin regardless of the source or geometry of the irradiation and provided a revised schedule for completing the technical work and developing the rulemaking. The Commission approved the recommendation for the rulemaking initiative in a Staff Requirements Memorandum (COMSECY-00-0009), “Rulemaking on Discrete Radioactive Particle Dose Constraint,” dated March 16, 2000. The NCRP is finalizing a statement that addresses a skin dose limiting concept that is applicable to all geometries.

**Staff Resources:** Total FTE = 2.25: NRR = 2.10; OGC = 0.05; ADM = 0.07
CIO = 0.02; CFO = 0.01

**Target Completion Date:**

| | |
|---|---|
| Proposed Rule to Commission | June 2001 |
| Final Rule to Commission | June 2002 |

- **NMSS-C1HP-66 Storage of Greater Than Class C Waste, Part 72, PRM-72-02--RM#436–AG33--W#960157**

**Objective:** The final rule will expand the scope of Part 72 to include storage of Greater than Class C (GTCC) waste, that is, waste that exceeds the concentration limits of radionuclides established for Class C waste in 10 CFR 61.55(a)(2)(iv). It is anticipated that the decommissioning activities at nuclear power plants will generate relatively small volumes of GTCC waste. However, since there are currently no disposal options for GTCC waste, utilities must store these wastes under their Part 50 licenses pending development of a disposal facility. The Department of Energy has the responsibility for developing a national strategy for disposal of GTCC waste. Based on current plans, this disposal capability will not likely be available for many years. This rule would allow independent spent fuel storage installations to store GTCC waste similar to storage of spent fuel and facilitate the likely eventual transfer to a permanent geologic repository. This final rule will respond to a petition for the rule from the Portland General Electric Company (PRM-72-02).

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** NRC review of the issue revealed that a reactor licensee could elect to store GTCC waste at an ISFSI site under a Part 30 or Part 70 license. However, the regulations are not clear and specific licensing criteria do not exist for storage of this type of waste.

**Recommendation to Proceed:** Yes. The Commission SRM on COMSECY-98-030, dated March 12, 1999, directed the staff to develop a proposed rulemaking. The rule plan was initially sent for office concurrence on January 14, 1997. The rule plan was sent to the EDO for approval on February 25, 1997. The Commission SRM on SECY-97-056, dated April 3, 1997, approved sending the plan to the Agreement States for comment. The final rule plan was sent for office review and comment on July 15, 1997. The rule plan was sent to the EDO for approval on August 1, 1997. However, OGC raised a jurisdictional broader question with respect to the Commission's regulatory authority at a reactor site after termination of the Part 50 license (see CONSECY-98-030 from OGC dated September 25, 1998). The Commission SRM on COMSECY-98-030, dated March 12, 1999, disapproved the staff proposal to deny the PRM and directed development of a proposed rulemaking. The proposed rulemaking was sent for office review and comment on November 19, 1999. The proposed rulemaking was sent to the EDO for approval on January 19, 2000. The proposed rulemaking was sent to the Commission, SECY-00-021, for approval on January 27, 2000. The Commission SRM on SECY-00-021, dated April 25, 2000, approved publication of the proposed rulemaking for public comment in the Federal Register. The proposed rulemaking was sent to ADM for publication in the Federal Register on May 23, 2000. The proposed rulemaking was published in the Federal Register on June 16, 2000 (65 FR 37712). The final rulemaking was sent for office review and comment on January 30, 2001.

**Staff Resources:** Total FTE = 1.8: NMSS = 1.50; OGC = 0.10; ADM = 0.04
SP = 0.10; CIO = 0.04; CFO = 0.02

**Target Completion Date:** Final rule to Commission April 2001

- **NRR-C1HP-73 Use of Simulators in Operator Licensing, 10 CFR 55.31(a)(5) and 55.45(b) and Conforming Changes to 10 CFR 55.4 and 55.59(c)(4)(iv)--RM#535--AG40–W#990109**

**Objective:** The proposed rulemaking will promote more effective plant operating experience for initial license applicants through improved on-the-job training by allowing use of the simulation facility in lieu of the actual plant to satisfy the license eligibility requirement for performance of control manipulations that affect reactivity or power level.

The recommended rulemaking will also facilitate adaptation of existing simulator support and requalification training programs to the 1998 revision of the national standard in order to eliminate recurring outdated, duplicate, and inefficient simulator performance testing and reporting requirements. This rulemaking brings the rule up to date with evolutionary changes in simulation technology and training and examination programs. This rulemaking will directly reduce unnecessary regulatory burden by eliminating the current requirement for submittal of certification and performance test reports on a quadrennial basis. The rulemaking will also address conforming changes for 10 CFR 55.4 and 55.59.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a less-prescriptive approach

**Cost/Benefit:** The proposed rulemaking continues to adhere to NRC's established regulatory position, that is, endorsing the industry standard in recognition of industry leadership in development of the industry standard as a means of qualitatively establishing a baseline for simulator capabilities and performance. Facility licensees are not required by this rulemaking to change existing programs or to adopt new regulatory guidance.

Some facility licensees have reported difficulty finding opportunities to complete the five control manipulations required by 10 CFR 55.31(a)(5) and some have reported that associated plant operating and training costs may have increased as a result of delays or of having to maneuver the plant to satisfy the reactivity manipulations requirement. Facility licensees cite not only cost savings associated with changing the rule to allow use of the simulator but also enhanced training through a wider range of possible manipulations in an environment that is more conducive to individualized learning, i.e., more time for individual instruction and operation of the "controls."

The proposed changes to 10 CFR 55.45(b) will modernize the rule and reduce unnecessary regulatory burden by eliminating certification and recurring reporting requirements and facilitating coordination of existing simulator performance testing and licensed operator training programs while eliminating duplicate testing for those licensees that choose to adopt the revised national standard. In addition, 10 CFR 55.45(b)(1)(i) and (ii) allow the staff to accept alternative methods to meet the requirements of the rule. The acceptable alternatives provide for implementation of a plant-referenced simulator or approved use of another type of simulation facility, which could include the plant itself, after application has been made to the Commission.

**Recommendation to Proceed:** Yes. The rulemaking plan was sent for NRR office concurrence on December 17, 1998. The rulemaking plan was resent for office review and comment on March 1, 1999. The rulemaking plan was sent to the EDO for approval on September 1, 1999. The rulemaking plan, SECY-99-225, was sent to the Commission for approval on September 8, 1999. The Commission SRM on SECY-99-225, dated October 5, 1999, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on March 8, 2000. The proposed

rulemaking was sent to the EDO for approval on March 24, 2000. The proposed rulemaking, SECY-00-083, was sent to the Commission for approval on April 12, 2000. The Commission SRM on SECY-00-083, dated May 15, 2000, approved the proposed rulemaking. The proposed rulemaking was published in the Federal Register on July 3, 2000 (65 FR 41021). The public comment period closed on September 18, 2000. The public comments have been incorporated into the final rulemaking package, which will be sent for office review and comment in March 2001.

**Staff Resources:** Total FTE = 1.25: NRR = 1.05; OGC = 0.10; ADM = 0.06
CIO = 0.02; CFO = 0.02

**Target Completion Date:** Final rule to Commission July 2001

- **NRR-C1HP-74 Security Requirements for Power Reactor Licensees, Part 73-- RM#549--AG63--W#980188**

**Objective:** The proposed rulemaking would amend the Commission's regulations (10 CFR 73.55) to require each to establish and maintain an on-site security program and organization with the objective of providing high assurance that licensed activities do not constitute an unreasonable risk to the public health and safety as a result of radiological sabotage by the design basis threat (DBT). To achieve the general objective, the regulation requires that on-site security program and security organization be designed to prevent core damage or spent fuel damage.

**Type: Safety Enhancement**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed approach

**Cost/Benefit:** The cost benefit for this rulemaking will be determined using the regulatory analysis that will be developed as part of proposed rulemaking package.

**Recommendation to Proceed:** Yes. The Commission directed the staff to develop a rulemaking plan to modify the regulations (staff requirements memorandum dated June 29, 1999). The rulemaking plan was sent for office concurrence on September 13, 1999. The rulemaking plan was sent to the EDO for approval on September 28, 1999. The rulemaking plan, SECY-99-241, was sent to the Commission for approval on October 5, 1999. The Commission SRM on SECY-99-241, dated November 22, 1999, approved option 3 of the rulemaking plan and directed the staff to begin a comprehensive review of 10 CFR 73.55, including exercise requirements, and associated security regulations. This option requires the staff to resolve all issues associated with security regulations and publish the final rule within 3 years of the approval of the plan. The Commission SRM on SECY-00-063, April 12, 2000, approved the staff's proposed approach to re-evaluate power reactor physical protection regulations. An issues paper was published for comment in the Federal Register on June 9, 2000 (65 FR 36649). The public comments were resolved and sent to the Commission in SECY-01-023, dated February 5, 2001.

**Staff Resources:** Total FTE = 8.29; NRR = 8.00; ADM = 0.07; OGC = 0.10
CIO = 0.01; CFO = 0.01; NMSS = 0.10

**Target Completion Date:** Proposed rule to Commission May 2001
Final rule to Commission July 2002

- **NRR-C1HP-75 Risk-Informing Special Treatment Regulations, Parts 21, 50, 52, 54, and 100–RM#551–AG42–W#990061**

**Objective:** The proposed rule will amend the Commission's regulations to develop an alternative regulatory framework that enables licensees, utilizing a risk-informed process, to focus resources on the performance of structures, system and components that are safety significant, thereby reducing unnecessary burden associated with the special treatment regulations that govern commercial nuclear reactors, while maintaining plant safety.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed approach

**Cost/Benefit:** This rulemaking would provide licensees with a voluntary alternative to complying with selected deterministic requirements in the Commission's regulations. Since licensees will have the ability to choose to adopt risk-informed regulations or remain under the existing deterministic-based regulations, this rulemaking does not impose any new burdens or costs upon licensees. Licensees who choose this alternative will incur some significant impacts. Licensees will need to address PRA completeness and quality issues, develop the infrastructure to support the risk-informed evaluation of SSCs to determine safety significance, and expend significant resources performing the evaluation of SSCs to determine safety significance and thereby determine the need for special treatment. The amount of benefit received by licensees is a function of the age of the facility, current licensee programs, and the number of risk-informed rules that are chosen for implementation. South Texas estimated that full implementation of their request to implement risk-informed regulatory approaches would result in several million dollars per year in cost savings at South Texas Units 1 and 2.

**Recommendation to Proceed:** Yes. The Commission's Staff Requirements Memorandum (SRM) on SECY-98-300 dated June 8, 1999, directed the staff to develop a rulemaking plan. The rulemaking plan was sent for office review and comment on September 20, 1999. The rulemaking plan was sent to the Commission, SECY-99-256, for approval on November 1, 1999. The Commission SRM on SECY-99-256, dated January 31, 2000, approved the rulemaking plan. The ANPRM was sent for office review and comment on October 7, 1999, and was sent to the EDO for approval on October 25, 1999. The ANPRM, SECY-99-256, was sent to the Commission for approval on October 29, 1999. The Commission SRM on SECY-99-256, dated January 31, 2000, approved the ANPRM. The ANPRM was sent to ADM for publication in the Federal Register on February 8, 2000, and was published in the Federal Register on March 3, 2000 (65 FR 11488). The public comment period on the ANPR closed May 17, 2000.

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| **Staff Resources:** | Total FTE = 47.0: | NRR = 37.0; OGC = 1.0; ADM = 0.2 |
| | CA=$3.0 M | CIO = 0.20; CFO = 0.20; RES = 8.0; others = 0.4 |

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| **Target Completion Date:** | Proposed rule to Commission | December 2001 |
| | Final rule to Commission | June 2003 |

- **NRR-C1HP-76 Reactor Fire Protection Risk-Informed, Performance-Based Rulemaking, Part 50–RM#554–AG48–W#199900032**

**Objective:** The proposed rule will amend the Commission's regulations to revise the NRC's existing deterministic fire protection regulations to endorse a risk-informed, performance-based consensus standard, National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," as a voluntary alternative to the NRC's existing fire protection requirements.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed, performance-based approach

**Cost/Benefit:** The current fire protection requirements were developed before the staff or the industry had the benefit of probabilistic risk assessments (PRAs) for fires and before there was a significant body of operating experience. As stated in SECY-93-143, "Report on the Re-assessment of the NRC Fire Protection Program," a revised 10 CFR 50.48 could accomplish the following: (1) establish a more reactor-safety-oriented fire protection rule; (2) add appropriate flexibility in some areas; (3) eliminate the potential for confusion; (4) better cover shutdown conditions; and (5) codify the appropriate role and limitations of fire watches. In addition, as discussed in SECY-96-134, "Options for Pursuing Regulatory Improvement in Fire Protection Regulations for Nuclear Power Plants," dated June 21, 1996, a revised fire protection rule that would allow flexibility and facilitate the use of alternate approaches to meet the fire safety objectives may reduce the need for exemptions.

**Recommendation to Proceed:** Yes. The staff recommended this approach in SECY-98-058, "Development of a Risk-Informed, Performance-Based Regulation for Fire Protection at Nuclear Power Plants," dated March 26, 1998, and the Commission approved it in the staff requirements memorandum (SRM) dated June 30, 1998. The rulemaking plan was sent for office concurrence in December 1999. The rulemaking plan was sent to the EDO for approval in January 2000. The rulemaking plan, SECY-00-009, was sent to the Commission for approval on January 14, 2000. The Commission SRM on SECY-00-009, dated February 24, 2000, approved the rulemaking plan.

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| **Staff Resources:** | Total FTE = 2.0 | NRR=1.5; OGC=0.1; ADM=0.1<br>RES=0.1; CIO=0.1; CFO=0.1 |

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| **Target Completion Date:** | Proposed rule to Commission | October 2001 |
| | Final rule to Commission | October 2002 |

- **NMSS-C1HP-78 Transfer of Unimportant Quantities of Source or Byproduct Material to Exempt Persons, 10 CFR 40.51--RM#447–AG64**

**Objective:** The proposed rulemaking would amend the Commission's regulations to require licensees wishing to transfer unimportant quantities of source material under the provisions of 10 CFR 40.51(b)(3) to obtain approval prior to transferring the material. Paragraph 40.13(a) exempts persons with source material less than 0.05% by weight from Part 40 and the requirements for a license. It is intended to exempt the low concentrations of uranium and thorium which are ubiquitous in the environment. However, the weight percent limit may not always assure the protection of health

and safety from any uranium and thorium which could fall under this exemption. Paragraphs 40.51(b)(3) and (4) allow licensees to transfer source material to exempt persons. One purpose of this rulemaking would be to make explicit whether NRC prior approval of such transfers is needed to adequately ensure public health and safety.

**Type: Safety Enhancement**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** This rulemaking will clarify Commission policy on transfers to exempt persons and should reduce resources expended on a case-by-case consideration.

**Recommendation to Proceed:** Yes. The staff postponed the rulemaking while another issue could be presented to the Commission. That is whether to modify through rulemaking or legislative initiatives the concentration or conditions for licensing of source material. The staff has completed its review of a contractor report which includes options for rulemaking, legislation, and a memorandum of understanding. The Commission paper on options for resolving the technical and jurisdictional issues related to materials with low concentrations of uranium and thorium was sent for office review and comment in August 1999. The Commission paper was sent to the EDO for approval on October 8, 1999. The Commission paper, SECY-99-259, was sent to the Commission for approval on November 1, 1999. The Commission SRM on SECY-99-259, dated March 9, 2000, approved the staff approach on Part 40 transfers. The proposed rulemaking was sent for office review and comment on July 28, 2000. The proposed rulemaking was sent to the EDO for approval on September 1, 2000. The proposed rulemaking, SECY-00-201, was sent to the Commission for approval on September 25, 2000.

**Staff Resources:** Total FTE = 1.05 NMSS=0.7; OGC=0.1; ADM=0.07
SP=0.15; CIO=0.02; CFO=0.01

**Target Completion Date:** Final rule to Commission December 2001

- **NRR-C1HP-82 Standardized Process for Allowing a Licensee to Release Part of Its Reactor Facility or Site for Unrestricted Use Before License Termination, Parts 2, 20, and 50–RM#555–AG56**

**Objective:** The decommissioning and license termination rules of 10 CFR 2, 20, and 50 provide adequate protection of the public and the environment from radioactivity remaining in structures, materials, soils, groundwater, and other media at a reactor site when the reactor license is terminated. However, it is possible for a reactor licensee to sell land that would reduce the size of its site before the license termination criteria would specifically apply to the release of the property. Due to this regulatory gap, a licensee could adopt a piecemeal approach to reduce the size of its site and avoid applying the criteria in the license termination rule when the licensee requests termination of its 10 CFR Part 50 license.

In order to close the gap, the staff proposes to add a new section to 10 CFR Part 50, separate from the current decommissioning and license termination rules, that identifies the criteria and regulatory framework that a licensee would use to request NRC approval for a partial site release ("partial site release" is a shorthand reference for releasing part of a reactor facility or site for unrestricted use before a licensee receives NRC approval of its license termination plan). The suggested regulation would provide additional assurance that residual radioactivity would meet the radiological criteria for license termination, even if parts of the site were released before a licensee submits its license termination plan. The regulation at 10 CFR Part 20, Subpart E, would be amended to clarify that the radiological criteria for unrestricted use apply to a partial site release. Finally, 10 CFR Part 2 would be amended to provide for a Subpart L hearing if a license amendment involving a partial site release is challenged.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** To be determined as the proposed rulemaking is developed.

**Recommendation to Proceed:** Yes. The rulemaking plan was sent for office concurrence in December 1999. The rulemaking plan was sent to the EDO for approval in January 2000. The rulemaking plan, SECY-00-023, was sent to the Commission for approval on February 2, 2000. The Commission SRM on SECY-00-023, dated April 26, 2000, approved the rulemaking plan.

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| **Staff Resources:** | Total FTE = 3.65 | NRR=3.0; OGC=0.1; ADM=0.05<br>NMSS=0.4; CIO=0.05; CFO=0.05 |

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| **Target Completion Date:** | Proposed rule to Commission | May 2001 |
| | Final rule to Commission | May 2002 |

- **NRR-C1HP-83 Codes and Standards, 10 CFR 50.55a--RM#556–AG61**

Objective: Amend NRC regulations in 10 CFR 50.55a to incorporate by reference (a) the 1997 Addenda, 1998 Edition, 1999 and 2000 Addenda of Division 1 rules of Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* (ASME B&PV Code); (b) the 1997 Addenda, 1998 Edition, 1999 and 2000 Addenda of Division 1 rules of Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME B&PV Code; and (c) 1997 Addenda, 1998 Edition, 1999 and 2000 Addenda of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code).

**Type: Safety Enhancement**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

Cost/Benefit: 10 CFR 50.55a requires that licensees update their inservice testing and inservice inspection programs every 120 months to the ASME Codes that were incorporated by reference in 10 CFR 50.55a(b) 12 months prior to the start of the next 120-month interval. Since the proposed amendment to 10 CFR 50.55a will not impose any new rules on licensees, the impact on the licensee

is expected to be minimum. The estimated cost for licensees to update their inservice testing and inservice inspection programs is $300,000 to $500,000 every 120 months. Adoption of the proposed amendment would permit the use of the NRC approved methods for construction, inservice inspection, and inservice testing which will save licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed. It has been a continuing policy of the Commission since 1971 to update this section of the regulations periodically to keep the references current. The rulemaking plan was sent for office review and comment on April 5, 2000. The rulemaking plan was sent to the EDO for approval on April 24, 2000. The rulemaking plan, SECY-00-100, was sent to the Commission for approval on May 4, 2000. The Commission SRM on SECY-00-100, dated May 23, 2000, approved the rulemaking plan.

**Staff Resources:** Total FTE = 2.81; NRR = 2.70; ADM = 0.02; OGC = 0.05
CIO = 0.02; CFO = 0.02; CS = 150K

**Target Completion Date:**

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| Proposed rule to Commission | August 2001 |
| Final rule to Commission | August 2002 |

- **NMSS-C1HP-85 Major Revision of 10 CFR Part 71: Compatibility with the IAEA Transportation Standards, Part 71, PRM-71-12--RM#496–AG71–W#980008**

**Objective:** The proposed rulemaking would amend the Commission's regulations to revise 10 CFR Part 71 to make it compatible with the 1996 International Atomic Energy Agency (IAEA) transportation standards. The NRC regulations in Part 71 are based in general on the safety standards developed by the IAEA. The IAEA revises its transportation standards approximately on a 10-year cycle, the last revision ST-1, was published in December 1996. The Commission SRM on SECY-98-168, dated October 19, 1998, directed the staff to promulgate a rule to conform Part 71 with IAEA latest revision, ST-1. In order to use staff resources more effectively and efficiently, eight non-IAEA related changes to Part 71 and RM#521 have been incorporated into this rulemaking effort. In total, the proposed rule contains those 8 non-IAEA related changes and 11 IAEA-related changes.

The following are the IAEA-related changes: 1) Changing to SI units only, 2) radionuclide specific exemption values, 3) revision of A1 and A2 values, 4) addition of UF6 package requirements, 5) provisions for criticality safety indexes, 6) Type C packages and low dispersable radioactive material. 7) deep immersion test, 8) grandfathering of previously approved packages, 9) Changes to various definitions, (10) Crush test for Fissile material package design, and (11) Fissile material package design for transport by aircraft.

The following are the non-IAEA related changes: 12) special package approvals, 13) expansion of Part 71 to include cask certificate holders, 14) adoption and requirement of ASME Div III, Section III for spent fuel casks, 15) adoption of change authority for Part 71 certificate holders, 16) Fissile material exemptions and general license provisions, 17) double containment of plutonium (PRM-71-12), 18) contamination limits as applied to spent fuel and HLW, and 19) modifications to event reporting requirements.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a less-prescriptive approach

**Cost/Benefit:** The cost and benefits of the proposed Part 71 amendments will be evaluated by the staff with assistance from a contractor who will prepare a regulatory analysis and environmental assessment to support the rulemaking plan/proposed rule.

**Recommendation to Proceed:** Yes. Based on the Commission's SRM on SECY-98-168, the rulemaking to revise Part 71 should proceed. RM#521 has been subsumed by this rulemaking effort. The Commission SRM on SECY-99-200, dated September 17, 1999, approved developing a rulemaking plan for Commission consideration. Commission SRM M991109A, directed the staff to ensure stakeholder participation in the rulemaking process. The staff developed an approach to ensure enhanced public participation in the development of the Part 71 rulemaking. An issues paper on the development of the Part 71 regulation with the staff plans for solicitation of early public input on major issues related the rulemaking and a notice of public meetings was sent for office approval on May 1, 2000; was sent for EDO approval on May 24, 2000; and to the Commission, SECY-00-117, for approval on May 30, 2000. The Commission SRM on SECY-00-117, dated June 28, 2000, approved the staffs recommendations. The issues paper was sent to ADM for publication in the Federal Register on July 3, 2000. The issues paper was published for public comment in the Federal Register on July 17, 2000 (65 FR 44360). Public meetings were held on August 10, September 20 and 26, 2000. The proposed rulemaking was sent to the Agreement States for review and comment on December 5, 2000. The proposed rulemaking was sent for office review and comment on December 15, 2000. The proposed rulemaking was sent for EDO approval on February 22, 2001.

**Staff Resources:** Total FTE = 4.81: NMSS = 4.50; OGC = 0.20; ADM = 0.07
SP = 0.02; CIO = 0.01; CFO = 0.01

**Target Completion Date:** Final rule to Commission June 2002

- **CFO-C1HP-89 Revision of Fee Schedules: 98 percent Fee Recovery: FY 2001 Parts 170, 171--#577--AG73**

**Objective:** This rulemaking would amend the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The amendments are necessary to recover approximately 98 percent of the NRC budget authority for Fiscal Year 2001, less the amounts appropriated from the Nuclear Waste Fund and the General Fund. The Omnibus Budget Reconciliation Act of 1990, as amended, requires the NRC to collect fees and annual charges that approximate 98 percent of its budget authority, less the amount appropriated to the NRC from the Nuclear Waste Fund and the General Fund. The Act requires that the fees for FY 2001, must be collected by September 30, 2001. Therefore, the final rule is to become effective by August 15, 2001.

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** The cost to NRC licensees is approximately 98 percent of the NRC FY 2001 budget authority less the amount appropriated from the Nuclear Waste Fund and the General fund. The dollar amount to be recovered for FY 2001 is approximately $453.3 million.

**Recommendation to Proceed:** This rulemaking action is mandated by statute and the fees must be assessed through rulemaking each fiscal year. The Commission's February 4, 2000, SRM on SECY-00-0012 approved the staff's recommendations for the proposed rulemaking.

**Staff Resources:** Total FTE = 0.81; CFO = 0.75; CIO = 0.02; OGC =0.02; ADM = 0.02

**Target Completion Date:**

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| Proposed rule to CFO | May 2001 |
| Final rule to CFO | June 2001 |

- **NMSS-C1HP-90 List of Approved Spent Fuel Storage Casks: Revise Standardized NUHOMS™ -24P and -52B, Amendment 3 - Adding the -61BT Dry Storage Canister, Part 72--RM#578–AG75--**

**Objective:** The direct final rulemaking would amend the Commission regulations to revise the Transnuclear West, Inc. Standardized NUHOMS™ -24P and -52B cask system listing within, the List of Approved Spent Fuel Storage Casks in 10 CFR 72.214 so that holders of operating power reactor licenses can use the -61BT cask under a general license. Otherwise holders of power reactor operating licenses would have to obtain a specific license in order to use these casks. This amendment changes Technical Specification 1.2.1 to add additional fuel parameters (e.g., higher enrichments) and damaged fuel. The NRC on its own initiative is removing Certificate of Compliance (CoC) Conditions Nos. 9, 10, and 11. Condition Nos. 9 and 11 have been superceded by a change to 10 CFR 72.48 (64 FR 53582; October 4, 1999) which permits certificate holders to make certain changes to a cask design, without prior NRC approval. Condition No. 10 has been superceded by the new 10 CFR 72.248 (64 FR 53617; October 4, 1999) which requires a certificate holder to periodically update the final safety analysis report (FSAR) associated with the cask design. This update must include any changes to the cask design made under the provisions of 10 CFR 72.48. The change to 10 CFR 72.48 became effective on April 5, 2001, and the addition of 10 CFR 72.248 became effective on February 1, 2000. Removal of Conditions Nos. 9, 10, and 11 will eliminate confusion for users of the Standardized NUHOMS™ Storage System between compliance with the CoC and Part 72 regulations. Finally, existing Condition No. 12 is Redesignated as Condition No. 6. The NRC notes that Conditions Nos. 6, 7, and 8 in the current certificate are unused.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** The net benefit of the rulemaking to the NRC is that the casks would have to be approved only once for use by a number of licensees. If a specific license were required, the NRC would have to review each license application. For licensees, the rulemaking would provide another option for the storage of spent fuel under the provisions of a general license.

**Recommendation to Proceed:** Yes. The Commission SRM on SECY-98-188, dated September 3, 1998, approved EDO issuance of CoC rulemakings.

**Staff Resources:** Total FTE = 0.8: NMSS = 0.6; OGC = 0.1; ADM = 0.08
CIO = 0.01; CFO = 0.01

**Target Completion Date:**

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| Proposed rule to EDO | May 2001 |
| Direct final rule to EDO | May 2001 |

- **NRR-C1HP-91 Risk-informing Combustible Gas Control Requirements of 10 CFR 50.44–RM#579-AG76–W#200100003**

**Objective:** This rulemaking will amend the requirements of 10 CFR 50.44 for combustible gas control systems in nuclear power reactors to provide a risk-informed alternative. This rulemaking will also address a petition for rulemaking from Mr. Bob Christie of Performance Technology (PRM-50-68) requesting NRC to amend its regulations concerning hydrogen control systems at nuclear power plants.

**Type: Burden Reduction/Regulatory Reform/Add Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed approach

**Cost/Benefit:** This rulemaking would provide licensees with a voluntary alternative to complying with the existing requirements of 10 CFR 50.44. In selecting the risk-informed alternative to 10 CFR 50.44, licensees (1) would improve safety by better focusing on the risk-significant challenges from combustible gases, (2) would ensure control of combustible gases during all risk-significant events, and (3) would also eliminate those aspects of the current requirements that provide no safety benefit (e.g., recombiners). The staff has estimated that unnecessary burden reduction associated with this alternative would be approximately $200K per unit per year and that the safety improvement will remove a significant vulnerability (~0.9 conditional containment failure probability) of containment failure during station blackout for Mark III and ice condenser containments. There would be costs associated with the safety improvement. However, the magnitude of these costs would be dependent on the means selected by the licensee for implementation.

**Recommendation to Proceed:** Yes. SECY-00-0198 dated September 14, 2000, recommended that the Commission approve proceeding with the rulemaking. The Commission SRM on SECY-00-0198, dated January 19, 2001, approved the staff proceeding with the rulemaking to develop a risk-informed alternative for 10 CFR 50.44, including completion of outstanding technical work (e.g., development of the combustible gas source terms) and necessary regulatory analyses. The staff is currently involved in project planning for this rulemaking and will provide more definitive information regarding resource needs and schedule as it becomes available.

**Staff Resources:** Total FTE = 2.81; NRR = 2.70; ADM = 0.02; OGC = 0.05
CIO = 0.02; CFO = 0.02; CS = TBD

**Target Completion Date:**

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| Proposed rule to Commission | June 2002 |
| Final rule to Commission | June 2003 |

- **NRR-C4-44 Modifications to Pressure-Temperature Limits, PRM-50-69, Part 50--RM#581–AG77**

**Objective:** The proposed rulemaking responds to a petition for rulemaking, PRM-50-69, submitted by Westinghouse Electric Company LLC dated November 4, 1999. This petition proposed to amend Appendix G to 10 CFR Part 50 to eliminate those requirements for pressure-temperature (P-T) limits that are related to the metal temperature of the reactor pressure vessel (RPV) closure head flange and vessel flange areas. The rulemaking plan proposes to amend Appendix G as a direct final rule, with modifications to or elimination of footnotes 2 and 6 to Table 1 of Appendix G, and simplifying restructuring of the table.

**Type: Burden Reduction/Regulatory Reforms/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking.

**Cost/Benefit:** There is little or no cost to NRC or licensees resulting from the proposed rulemaking.

**Recommendation to Proceed:** Yes. The staff is preparing a rulemaking plan for Commission approval. The rulemaking plan proposes a direct final rule, as advocated in several of the public comments received in response to the notice of receipt of petition for rulemaking.

**Staff Resources:** Total FTE= 0.80: NRR=0.71; OGC=0.05; ADM=0.03; CIO=0.005;CFO=0.005

**Target Completion Data:** Proposed rule to Commission: September 2001
Direct final rule to Commission: September 2001

## MEDIUM PRIORITY(6)

- **NRR-C1MP-38 Update Part 52 With Lessons Learned from Design Certification--RM#505 –AG24 –W#970060**

**Objective:** The proposed rulemaking will revise Part 52 based on the experience gained by using the rulemaking since 1989 and to update and correct the licensing process. This action responds to Direction Setting Issue #10 to revise the regulatory infrastructure to prepare for future applications. The proposed rulemaking will incorporate RM#483, Removal of Obsolete Appendices M, N, O, and Q from Part 50 which would remove appendices that became obsolete when Part 52 was created and will also subsume the rulemaking (RM#411) on Part 52, Rulemaking on Probabilistic Risk Assessment for COL applicants.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** This rulemaking will involve changes to licensing procedures and should reduce the regulatory burden by clarifying and facilitating the implementation of 10 CFR Part 52 for future applicants.

**Recommendation to Proceed:** Yes. The staff believes this rulemaking should proceed. The rulemaking plan was sent for office review and comment on October 14, 1998. The rulemaking plan was sent to the EDO for approval in November 1998. The rulemaking plan, SECY-98-282, was sent to the Commission for approval on December 4, 1998. The Commission SRM on SECY-98-282, dated January 14, 1999, and Commission SRM dated July 27, 1999, approved the rulemaking plan.

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| **Staff Resources:** | Total FTE = 1.20: | NRR = 1.00; OGC = 0.10; ADM = 0.07<br>CIO = 0.02; CFO = 0.01 |

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| **Target Completion Date:** | Proposed rule to Commission | July 2001 |
| | Final rule to Commission | April 2002 |

- **NMSS-C1MP-39 Spent Fuel Shipment Information Protection Requirements, Parts 71 and 73--RM#501–AG41**

**Objective:** The advanced notice of proposed rulemaking (ANPRM) to 10 CFR Parts 71 and 73 addresses the conditions under which spent fuel shipment information should be protected from disclosure. The NRC intends to issue an advanced notice of proposed rulemaking (ANPRM) to invite early input from affected parties and the public on the issues associated with the advanced notification of Indian Tribes of spent fuel shipments. DOE has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE already has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE as a courtesy provides Indian Tribes with notification of spent fuel shipments. Section 73.37(f) does not address notification of Indian Tribes. Further, DOE has

developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a less-prescriptive approach

**Cost/Benefit:** To be provided using the Management Directive 6.3 process.

**Recommendation to Proceed:** Yes. The staff developed an advanced notice of proposed rulemaking (ANPRM) to invite early input from affected parties and the public on the issues associated with the advanced notification of Indian Tribes on spent fuel shipments. The ANPRM was sent for office review and comment on October 15, 1999, and was sent to the EDO for approval on October 28, 1999. The ANPRM, SECY-99-258, was sent to the Commission for approval on November 2, 1999. The Commission SRM on SECY-99-258, dated November 30, 1999, approved the ANPRM. The ANPRM was sent to ADM for publication in the Federal Register on December 8, 1999, and was published in the Federal Register on December 21, 1999 (64 FR 71331). The comment period was to be closed on March 30, 2000. The ANPRM notice extending the comment period was published in the Federal Register on April 6, 2000 (65 FR 18010). The comment period closed on July 5, 2000. The rulemaking plan was sent for office review and comment in December 2000. The rulemaking plan was sent to the EDO for approval on January 26, 2001. The rulemaking plan, SECY-01-021, was sent to the Commission for approval on February 2, 2001. The Commission SRM on SECY-01-021, dated February 20, 2001, approved the rulemaking plan.

**Staff Resources:** Total FTE = 2.7: NMSS = 2.50; OGC = 0.10; ADM = 0.07
CIO = 0.02; CFO = 0.01

**Target Completion Date:**

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| Proposed rule to Commission | February 2002 |
| Final rule to Commission | February 2003 |

- **NRR-C1MP-40 Decommissioning Trust Provisions, Part 50--RM#550–AG52–W#9800184**

**Objective:** The proposed rule will amend the Commission's regulations to ensure that decommissioning trust agreements are in a form acceptable to the NRC in order to increase assurance that decommissioning funds will be available for their intended purpose, especially in light of economic deregulation and restructuring of the electric utility industry. Based on past experience with the NRC approval of the transfers of the operating licenses of the Three Mile Island Unit 1 and Pilgrim nuclear power stations, the staff believes that this rulemaking would expedite similar transfers in the future. The staff also intends to develop guidance, by revising Regulatory Guide 1.159, "Assuring the Availability of Funds for Decommissioning Nuclear Reactors," that will specify more fully the provisions of the decommissioning trust agreements.

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** There is little or no cost to NRC (other than the resources required to prepare the rulemaking and to prepare the associated regulatory guide using some contractor support) or licensees resulting from the proposed rulemaking.

**Recommendation to Proceed:** Yes. The Commission's Staff Requirements Memorandum (SRM) on the "Summary of Decommissioning Fund Status Reports," dated August 10, 1999, directed the staff to develop a rulemaking plan. The rulemaking plan was sent for office review and comment on November 9, 1999. The rulemaking plan was sent to the EDO for approval in December 1999. The rulemaking plan, SECY-00-002 was sent to the Commission for approval on December 30, 1999. The Commission SRM on SECY-00-002, dated February 9, 2000, approved the rulemaking plan. The proposed rulemaking was sent for EDO approval on March 9, 2001.

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| **Staff Resources:** | Total FTE = 0.65: | NRR = 0.50; OGC = 0.05; ADM = 0.07<br>CIO = 0.02; CFO = 0.01 |

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| **Target Completion Date:** | Proposed rule to Commission | March 2001 |
| | Final rule to Commission | February 2002 |

- **NRR-C1MP-42 Reduction in the Scope of Random Fitness for Duty Testing Requirements for Nuclear Power Reactor Licensees, Part 26–RM#548--AG62**

**Objective:** The proposed amendment to the regulation would (1) require random drug and alcohol testing of only those persons with unescorted access to "vital" areas; and (2) eliminate testing for employees who must physically report to the Technical Support Center (TSC) or Emergency Operations Facility (EOF) during an emergency.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** There will be an overall reduction of burden realized by licensees, both in the total number of tests conducted and the number of files maintained. The proposed rulemaking would also benefit both the licensee and the NRC by reducing the number of exemption requests to Part 26 testing for nuclear power plant personnel who do not have unescorted access to the plant's vital areas.

**RECOMMENDATION TO PROCEED** Yes. Currently, 10 CFR 26.2(a) applies the FFD program, in part, to "all persons granted unescorted access to nuclear power plant protected areas," and 10 CFR 26.24(a)(2) applies random, unannounced drug and alcohol testing to this same population. The regulation does not allow exceptions for any categories of workers or for the level-of-access authorization. The rulemaking plan was sent for office review and approval on December 10, 1999. The rulemaking plan was sent to the EDO for approval in January 2000. The rulemaking plan, SECY-00-022, was sent to the Commission for approval on February 1, 2000. The Commission SRM on SECY-00-022, dated April 24, 2000, approved the rulemaking plan.

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| **Staff Resources:** | Total FTE = 0.64; | NRR = 0.50; ADM = 0.07; OGC = 0.05<br>CIO = 0.01; CFO = 0.01; |

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| **Target Completion Date:** | Proposed rule to Commission | May 2001 |
| | Final rule to Commission | June 2002 |

- **NMSS-C1MP-43 Special Nuclear Material Accountability, Parts 70 and 74--RM#309–AG69--W#960007**

**Objective:** The proposed rulemaking would revise the Commission's regulations to change both the frequency and timing for submittal of material balance reports and inventory composition reports. The submittal time will coincide with the time of a facility's physical inventory in lieu of the current arbitrary dates of March 31 and September 30. This will reduce the burden on Category II and III facilities. The burden will not be reduced for Category I facilities but they will have more flexibility. The proposed rule would also relocate the general MC&C requirements and the requirements for Category II facilities from Part 70 to Part 74 so as to consolidate MC&A requirements in Part 74. The Category II requirements would be revised to be more risk-informed. The regulations would also be revised to correct typographical errors, update and add terminology to reflect current practice, and remove old implementation dates.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed approach.

**Cost/Benefit:** The potential benefits to licensees appear to outweigh the cost of implementing a new rulemaking. The rulemaking will streamline the MBR requirements for Category II and III licensees and move the portions that apply to reactor licensees and Category II licensees to Part 74. There presently are no active Category II licensees but this may change.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review and comment on December 9, 1999. The rulemaking plan was sent to the Agreement States for review and comment on January 20, 2000. The rulemaking plan was sent for office review and comment on April 11, 2000. The rulemaking plan was sent to the EDO for approval on June 26, 2000. The rulemaking plan, SECY-00-148 was sent to the Commission for approval on June 29, 2000. The Commission SRM on SECY-00-148, dated July 19, 2000, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on February 9, 2001.

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| **Staff Resources:** | Total FTE = 1.20: | NMSS = 1.00; OGC = 0.10; ADM = 0.07<br>SP = 0.01; CIO = 0.01; CFO = 0.01 |

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| **Target Completion Date:** | Proposed rule to Commission | April 2001 |
| | Final rule to Commission | July 2002 |

- **NMSS-C1MP-47 Notification to the NRC of Dose Exceeding 50 mSv (5 rem) from a Patient Released Under 10 CFR 35.75 – RM#576–AG74**

**Objective:** The proposed rulemaking would require licensees to notify the NRC no later than the next calendar day after the licensee becomes aware that an individual received or is estimated to have received a dose exceeding 50 mSv (5 rem) from a patient released under 10 CFR 35.75. In addition, the rule would require the licensee to submit a written report within 15 days after discovery of the event. The proposed rule would also require the licensee to provide identified exposed individual(s) with a copy of the report submitted to the Commission.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** To be provided using the Management Directive 6.3 process

**Recommendation to Proceed:** Yes. In SRM (SECY 00-0118), dated October 23, 2000, the Commission disapproved the staff's recommendation for a rulemaking plan and directed staff to proceed with a proposed rule that would revise 10 CFR 35.75 to require notification to the NRC of a dose to an individual that exceeds 50 mSv (5 rem) from a patient released under 10 CFR 35.75.

**Staff Resources:** Total FTE = 1.2: NMSS = 0.8; OGC = 0.15; STP = 0.15; ADM = 0.07; CIO = 0.02; CFO = 0.01

**Target Completion Date:** Proposed rule to Commission: May 2001
Final rule to Commission: May 2002

## LOW PRIORITY(2)

- **CIO-C1LP-17 Revision of 10 CFR to Permit the Submission of Documents Electronically Parts 2, 4, 9, 15, 19, 20, 21, 25, 26, 30-32, 34, 40, 50, 51, 52, 55, 60-62, 70-76, 140, 81, 85, 110, and 150--RM#445--AF61**

**Objective:** The major objective of this rulemaking is to amend 10 CFR Chapter I to permit voluntary electronic submission of documents and to provide procedures for submitting documents electronically. The Agencywide Documents Access and Management System (ADAMS) became fully operational in FY 2000. Amending the regulations to permit electronic submission will facilitate the electronic capture of externally generated documents into ADAMS. The rulemaking would address and improve the document control and records management issues which are of concern to the NRC, its applicants, licensees, and members of the public by improving the process of communication, dissemination, and storage of records. In addition, the rulemaking would incorporate minor corrections to the current regulations regarding the submission of documents to the NRC, e.g., organizational, name, and phone number changes. This rulemaking is consistent with existing legislative and regulatory initiatives, such as the Paperwork Reduction Act of 1995, Office of Management and Budget Circular A-130 (Revised February 8, 1996), and the Government Paperwork Elimination Act of 1998, to reduce the information collection burden on the public and to make information more readily accessible to the public.

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** There would be little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/applicants from this rulemaking. The affected licensees and applicants would benefit from a reduction in administrative costs, primarily those associated with reproduction, if electronic submittals are permitted.

**Recommendation to Proceed:** Yes. This rulemaking will provide the authority and the procedures for licensees, applicants, and others to follow when they submit documents electronically to the NRC. The rulemaking plan was sent to the EDO for approval in July 1999. The rulemaking plan, SECY-99-205, was sent to the Commission for approval on August 3, 1999. The Commission SRM on SECY-99-205, dated August 31, 1999, approved the rulemaking plan. A Commission information paper was sent to the Commission in January 2001.

**Staff Resources:** Total FTE = 1.12: OCIO = 1.0; OGC = 0.1; ADM = 0.02

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| **Target Completion Date:** | Proposed rulemaking | July 2001 |
| | Direct Final Rulemaking | July 2001 for publication |

# CATEGORY 2
# RULEMAKING PLANS BEING DEVELOPED

**RULES (INCLUDING PETITIONS) THAT ARE JUDGED TO BE NEEDED BASED ON PRELIMINARY ASSESSMENT BY USER OFFICE BUT MUST BE PROCESSED THROUGH PLANNING PROCESS (MANAGEMENT DIRECTIVE 6.3) FOR EDO/COMMISSION REVIEW AND APPROVAL**

## HIGH PRIORITY(8)

- **NMSS-C2HP-27 Domestic Licensing of Uranium and Thorium Recovery Activities, Part 41--RM#503–W#9800177**

**Objective:** NRC uses the applicable requirements in 10 CFR Part 40, "Domestic Licensing of Source Material," to regulate uranium and thorium mining and milling facilities; however, problems have been identified with the Part 40 requirements as they are applied to these facilities. A problem is that the current Part 40 does not contain any requirements that are specifically applicable to the regulation of in situ leach (ISL) mining facilities, even though these facilities are the focus of ever increasing licensing and hearing activity for NRC. In addition, many of the existing applicable requirements in Part 40 could be updated to: 1) eliminate inconsistencies that have been introduced within Part 40 or between Part 40 and other regulations since the regulation was promulgated 10 years ago; 2) address operational problems that have been identified in implementing the existing requirements; and 3) codify certain policies and regulatory decisions that have been established for uranium recovery facilities. These problems with Part 40 detract from a consistent and effective regulatory program for uranium recovery facilities.

In response to these circumstances, NRC has initiated the process of developing a new part, 10 CFR Part 41, for uranium recovery facilities, rather than pursue a major revision to Part 40 that would be disruptive to other material licensees. It is intended that this new part could correct the problems with Part 40 relative to these facilities, and could also consolidate all of the regulatory requirements from Part 40 and other NRC regulations that apply to the regulation of uranium recovery facilities into a stand-alone regulation.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** By establishing specific regulatory requirements for the operation and licensing of ISL's, this rulemaking could reduce the uncertainty associated with current licensing decisions for these facilities both for NRC and for the affected licensees, and could also reduce the number of requests for hearings and/or clarifying license amendments. By clarifying, updating, and consolidating regulatory requirements in a single regulation, the rulemaking could reduce administrative costs for licensees and NRC by making for smoother implementation. The details of this rulemaking and the costs and benefits have yet to be determined.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed. A draft rulemaking plan was developed to seek Agreement States comments and obtain EDO/Commission approval to proceed. The rulemaking plan was sent for office review and comment on June 15, 1998. Public meetings were conducted in August 1998. The draft rulemaking plan was revised to identify additional issues raised in a white paper submitted by the National Mining Association (NMA). The rulemaking plan was sent to the EDO for approval on January 4, 1999. The rulemaking plan, SECY-99-011, was sent to the Commission for approval on January 15, 1999. Three related companion SECYs to SECY-99-011, SECY-99-012, SECY-99-013, and SECY-99-277, address the NMA issues for review by the Commission. The SRMs for these SECYs have been issued. The Commission SRM on SECY-99-011, dated July 13, 2000, approved sending the rulemaking plan to the Agreement States for comment. The rulemaking plan was sent to the Agreement States for review and comment on September 11, 2000. A Commission options paper was sent for EDO approval on January 31, 2001. However, since this action was initiated, the uranium industry has changed sufficiently to warrant revisiting the previous alternatives proposed for regulating the industry. The price of uranium has dropped by about half over the last 3 years and is

not expected to increase in the near future. Presently, there are only 12 NRC-licensed facilities paying annual fees, and this number is expected to decrease. Of these 12 facilities, only five produce uranium. There have not been any applications for a new license since 1998 and no new applications are anticipated for several years. Based on comments on the draft rulemaking plan, a recent proposal from the National Materials Program Working Group to pilot test rulemaking by this Working Group, and the current depressed state of the uranium industry, the staff is presenting three alternatives for Commission consideration. A Commission options paper, SECY-01-026, was sent for Commission approval on February 15, 2001.

**Staff Resources:** Total FTE = TBD

- **NRR-C2HP-34 Integrated, Risk-Informed Rule for Nuclear Power Reactors Being Decommissioned, Parts 50 and 73--RM#547–AG47–W#990070**

**Objective:** The proposed rulemaking will amend the Commission's regulations to reduce regulatory burdens on nuclear reactor licensees and to allow for risk-informed decisions to be applied to permanently shutdown power reactors or plants undergoing decommissioning in the following five areas: emergency planning requirements; financial protection requirements; physical security/safeguards; operator staffing and training requirements; and applicability of plant-specific backfit requirements. This rulemaking subsumes the five rulemaking areas identified below into one integrated rulemaking effort. The proposed regulation applies to each area where licensees who certified, pursuant to 10 CFR 50.82(a), that they have permanently ceased facility operation(s) and have permanently removed fuel from the reactor vessel. This rule will also resolve PRM-50-57.

Emergency Planning: This portion of the integrated rulemaking subsumes RM#435 for power reactors and will allow decommissioning nuclear power reactor licensees to reduce or eliminate their offsite emergency planning programs after a sufficient amount of time has elapsed since the final power operation of the reactor. The proposed rulemaking will revise 10 CFR 50.47, 50.54 and Appendix E to 10 CFR Part 50 to establish appropriate emergency planning requirements at sites where all of the nuclear power reactors are permanently shut down and defueled. The proposed rulemaking will take into account the consequences of potential accidents involving stored fuel and other radioactive material onsite. The current regulations have not been risk-informed to take into consideration the differences between permanently shutdown nuclear reactors and operating plants.

Financial Protection: This portion of the integrated rulemaking subsumes RM#312 and will allow decommissioning nuclear power reactor licensees to reduce onsite and offsite liability coverage after permanent shutdown of the reactors when a sufficient amount of time has elapsed since the final power operation of the reactor. The proposed rulemaking will revise 10 CFR 50.54(w) and 10 CFR 140.11. The current regulations do not take into account the reduced risk associated with permanently shutdown plants. The rulemaking is being reopened to be consistent with other rulemaking initiatives that allow for risk-informed considerations in rulemaking. In addition, this rulemaking will respond to a petition for rulemaking (PRM-50-57).

Physical Security/Safeguards: This portion of the integrated rulemaking subsumes RM#540 and will allow decommissioning nuclear power reactor licensees to relax the physical security requirements under appropriate conditions. The proposed rulemaking will revise 10 CFR 73.55 to relax the physical security requirements at power reactor licensees which have permanently ceased operation and offloaded all spent fuel to the spent fuel pool. Current safeguards regulations are based on reactors operating at full power.

Operator Staffing and Training: This portion of the integrated rulemaking subsumes RM#444 and will define appropriate levels of training, qualifications, and authorities for operators at decommissioning nuclear power reactor licensees. The proposed rulemaking will revise the training and qualification requirements in 10 CFR 50.120. In addition, the regulations will define minimum levels of plant staffing to ensure that permanently shutdown facilities are properly maintained, systems are safely operated, and radiological activities are safely performed.

Backfit: This portion of the integrated rulemaking subsumes RM#542 and eliminates ambiguity in the requirements and criteria used in 10 CFR 50.109 as it relates to plants undergoing decommissioning. The current language in 10 CFR 50.109 is sufficiently narrow that one might conclude that plants undergoing decommissioning are excluded. However, the current language will not preclude the staff applying the regulation as it stands.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed approach

**Cost/Benefit:** Emergency Planning: The current regulations do not take into consideration the reduced risk associated with permanently shutdown plants. Typically, exemptions have been requested and granted to nuclear power plant licensee that wanted to modify their emergency plans requirements for permanently shutdown nuclear reactors. The proposed rulemaking would permit, but not require, deleting certain emergency planning requirements for permanently shutdown reactors, and resulting in a potential cost savings to licensees.

Financial Protection: The proposed changes to the financial protection regulations will reduce NRC burden and licensee costs in the review of licensee submittals for determining appropriate licensee exemptions or relief from insurance coverage from regulatory requirements during permanent shutdown reactors and enhance efficiency and uniformity in the regulatory process of decommissioning nuclear power plants.

Physical Security/Safeguards: The revision would reduce licensees regulatory burden by changing the security conditions at a decommissioning site. Licensees have been submitting exemption requests on a case-by-case basis due to the reduced number of target sets subject to radiological sabotage and the reduced offsite consequences should a target be impacted. Codifying the current exemption practice with a performance-based regulation would provide a more uniform justification for the licensee submittals and the staff actions rather than continuing to regulate by exemption.

Operator Staffing and Training: This change would be a cost savings for both the licensees and the NRC. Current regulations are too broad to allow licensees to modify their training and qualification program based on the operating status of the plant. The regulation specifies certain employee types which must be subject to the requirements. This change does not address an immediate safety issue, but establishes the regulatory basis for the certified fuel handler program and codifies appropriate staff levels at permanently shutdown and defueled reactor facilities consistent with current exemption practices. By codifying the regulations in this area, a more uniform justification for the licensee submittals and the staff actions can be established without the need for an exemption.

Backfit: The intent of the backfit rule is to protect licensees from unwarranted, costly, NRC-imposed operational and design changes and modifications that would not result in a substantial increase in the overall protection of public health and safety or the common defense and security. The current backfit rule does not explicitly apply to plants undergoing decommissioning. This process and protection should apply to such facilities so that the licensee benefits from a clear and concise regulation that will clearly apply to plants undergoing decommissioning in a manner similar to the way the backfit rule applies to operating plants.

**Recommendation to Proceed:** Yes. The staff recommends that this rulemaking be continued. The Commission SRM resulting from a Commission briefing on Part 50 Decommissioning issues dated June 23, 1999, directed the staff to consider an integrated, risk-informed decommissioning rule rather than individual rulemakings to address financial protection requirements, emergency preparedness, safeguards, backfit, and staffing for plants that are being decommissioned. In SECY-99-168, dated June 30, 1999, the staff recommended that the integrated approach be approved and outlined its plans for pursuing this rulemaking. The Commission SRM on SECY-99-168 dated December 21, 1999, approved development of a rule that combines/subsumes five existing Part 50 rulemakings that include: RM#312 (NRR-C1HP-29) Financial Protection Requirements for Permanently Shutdown Nuclear Reactors, Part 50; RM#435 (NRR-C1HP-57) Emergency Planning Requirements for Permanently Shutdown Nuclear Reactors and Non-Power Reactors; 10 CFR 50.47, 10 CFR 50.54, and Appendix E to Part 50; RM#540 (NRR-C2HP-33) a new rulemaking on Physical Security/Safeguards for Permanently Shutdown Power Reactors, Part 73; RM#444 (NRR-C2MP-18) Operator Staffing and Training Requirements at Permanently Shutdown and Defueled Reactors, Part 50; and RM#542 (NRR-C2MP-36) a new rulemaking on Applicability of Plant-Specific Backfit Requirements to Plants Undergoing Decommissioning, 10 CFR 50.109. The rulemaking plan was sent for office review and comment on May 4, 2000. The rulemaking plan was sent to the EDO for approval in June 2000. The rulemaking plan, SECY-00-145, was sent to the Commission for approval on June 28, 2000. The Commission SRM on SECY-00-145, dated September 27, 2000, withheld approval until the rulemaking plan is developed further. The technical study on Decommissioning Spent Fuel Pool Risk was released on January 17, 2001. A Commission meeting was held on February 20, 2001, to discuss the study and to receive comments from industry and the public. The NRC staff will provide the Commission with a policy options paper by the end of May 2001. The staff will then submit its revised plans for decommissioning regulatory improvement to the Commission 60 days after receiving feedback from the Commission on the decommissioning policy options paper.

**Staff Resources:** Total FTE = 6.35: NRR = 6.00; OGC = 0.25; ADM = 0.05
NMSS= 0.03; CIO = 0.01; CFO = 0.01

- **NMSS-C2HP-37 Control of Solid Material, Part 20--RM#381--W#940059**

**Objective:** Examine approaches for control of solid materials with very low, or no, levels of radioactivity. The reason for this examination is that there is currently non-codified guidance and practices for the control of solid materials and case-by-case practices of applying either Regulatory Guide1.86 surface contamination values or no detectable activity using environmental measurements methods. In addition, there are no current release levels established generally for volumetrically contaminated materials. Currently, staff is evaluating whether the status quo should be retained, whether guidance should be updated, or if a rulemaking should be initiated.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach

**Cost/Benefit:** Examination of approach for control of solid materials would determine whether there are more effective means to handle requests for clearance of materials both during operations and decommissioning.

**Recommendation to Proceed:** Not at this time. On August 18, 2000, the Commission directed the staff to defer a decision on this rulemaking pending the results of the National Academy of Science (NAS) study. The Commission paper, SECY-98-028, dated February 19, 1998, requested Commission guidance on how to proceed. The Commission SRM on SECY-98-028, dated June 30, 1998, approved development of a dose-based regulation. A Commission paper, SECY-99-028, on staff plans for technical basis development and solicitation of early public input on major issues related to a rulemaking, was sent to the Commission for approval on January 27, 1999. A Commission issues paper on alternatives for control of solid material from licensed facilities, SECY-99-098, was sent to the Commission for approval on March 31, 1999. The Commission SRM on SECY-99-098, dated June 15, 1999, approved publication of the issues paper in the Federal Register, for public comment, and the issues paper was published in the Federal Register on June 30, 1999 (64 FR 35090). The Commission SRM on SECY-99-214 dated September 20, 1999, directed the staff to submit a paper to the Commission in March 2000, on stakeholder reactions to the Issues paper on control of solid materials and whether the Commission should proceed with rulemaking or other staff actions. During the fall 1999, four public meetings were held on the issues paper at four locations around the country. On March 23, 2000, SECY-00-070 was provided to the Commission summarizing stakeholder reaction to, and concerns with, the Issues Paper on control of solid materials. SECY-00-0070, also discussed the status of technical bases to support decissionmaking and recommendation for proceeding. One of the recommendations incorporates Commission direction in an SRM, dated March 8, 2000, to request the NAS to conduct a study and provide recommendations in possible alternatives for release of slightly contaminated solid materials (this direction was first discussed in COMRAM-00-0001). Subsequently, in two meetings open to the public, the NRC staff briefed the Commission on SECY-00-070 on May 3, 2000, and representatives of various stakeholders groups presented their views on SECY-00-070 and related NRC activities on May 9, 2000. The stakeholders groups included those from State and Federal Government, licensee organizations, consensus standards organizations, citizen groups, and other affected industries and worker groups. The Commission SRM on SECY-00-070 dated August 18, 2000, directed the staff to: (1) defer a final decision on whether to proceed with rulemaking, (2) proceed with the National Academy of Studies (NAS) study on possible alternatives for release of slightly contaminated materials, (3) continue the development of a technical information base necessary to support a Commission policy decision in this area, and (4) stay informed of international initiatives in this area, related EPA and DOS activities, and potential for import and trade issues. The SRM also directed the staff to provide quarterly reports to the Commission on progress made on all pertinent issues and, approximately three months after completion of the NAS study, to provide its recommendations on how best to proceed, as well as the status of the technical bases. On December 18, 2000, consistent with the direction in the August 18, 2000, SRM, the Commission was provided with a quarterly report providing an update of staff activities related to the release of solid material. On August 31, 2000, a contract was awarded for the NAS study. The contract calls for a report from NAS 12 months after the finalization of the review committee. On January 3-5, 2001, the National Academies' Provisional Committee conducted its inaugural meeting. Consistent with the August 18, 2000, SRM, the staff is continuing to develop a technical information base to support a Commission policy decision in this area. Developing this information represents a multi-disciplinary effort among NMSS and RES. In June 2000, a contract was awarded to the CNWRA to conduct an independent technical review of NUREG-1640, as a result of comments from the fall 1999 public meetings. The CNWRA technical review of NUREG-1640 was provided to RES on November 15, 2000. A contract was awarded on December 28, 2000, to Sanford Cohen & Associates (SC&A) for analyses of inventories, collective doses and potential for multiple exposures, and costs.

**Staff Resources:** Total FTE = 18.16: NMSS = 16.0; OGC = 0.50; ADM = 0.07; NRR = 0.05
RES = 1.0; SP = 0.50; CIO = 0.02; CFO = 0.02

- **NMSS-C2-42 Geological and Seismological Characteristics of Spent Fuel Storage Systems, Part 72--RM#441–AG16--W#960161**

**Objective:** The proposed rule would amend the Commission's regulations concerning geological and seismological criteria in 10 CFR Part 72 to require the use of a risk-informed, probability-based regulatory approach. This revision would use a methodology that is consistent with the approach taken in Part 50 and the recent revision to Part 100. The proposed rule would also clarify the need for a general licensee to design cask storage pads and areas, to adequately support both static and dynamic loads of the stored casks.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** To be provided using the Management Directive 6.3 process.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed at this time. The rulemaking plan was sent for office review and comment on May 12, 1998. The rulemaking plan was sent to the EDO for approval on May 22, 1998. The rulemaking plan, SECY-98-126, was sent to the Commission for approval on June 4, 1998. The Commission SRM on SECY-98-126, dated June 24, 1998, approved the rulemaking plan. The rulemaking was placed on-hold because the available information was insufficient to support the technical basis for this rulemaking activity. The additional information needed to support the technical basis has been developed through contractor support. The staff is currently developing a revised rulemaking plan which will be sent the the EDO in June 2001.

- **NMSS-C2HP-43 Entombment Option for Decommissioning of Power Reactors-- RM#571**

**Objective:** The NRC is considering an amendment of its regulations to clarify the use of entombment for decommissioning power reactors. The NRC has determined that entombment of power reactors is a technically viable decommissioning alternative and can be accomplished safely. Current regulations governing decommissioning and license termination are contained in 10 CFR 50.82 and 10 CFR Part 20, Subpart E. In particular 10 CFR 50.82(a)(3) requires that decommissioning be completed within 60 years of permanent cessation of operations. Completion of decommissioning beyond 60 years will be approved by the NRC only when necessary to protect public health and safety. Regulations in 10 CFR Part 20, Subpart E, establish dose criteria for license termination. Subpart E includes a provision that permits license termination under restricted and unrestricted release conditions.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach

**Cost/Benefit:** To be provided using the Management Directive 6.3 process

**Recommendation to Proceed:** Yes. In response to COMSECY-96-068, April 3, 1997, the Commission requested that the staff provide an analysis of whether the staff considered entombment as a viable decommissioning option. In SECY-98-099, May 4, 1998, the staff provided an interim

status report to the Commission and stated their preliminary conclusion that entombment appeared to be a viable decommissioning option. In SECY-99-187, July 19, 2000, the staff informed the Commission of the technical viability of entombment as a decommissioning option for power reactors. The NRC staff conducted a workshop on December 14 and 15, 2000. In SECY-00-129, "Workshop Findings on the Entombment Option for Decommissioning Power Reactors and Staff Recommendations on Further Activities," dated June 22, 2000, the staff provided the Commission with it findings from the public workshop. In an SRM dated July 20, 2000, on SECY-00-129, the Commission directed the staff to develop a rulemaking plan to address the entombment option for power reactors. The rulemaking plan was sent for office review and comment on January 25, 2001. The rulemaking plan was sent to Agreement States review and comment on February 28, 2001, for a 30-day comment period.

**Staff Resources:** Total FTE = 3.0: NMSS = 1.40; OGC = 0.40; NRR = 0.40
RES = 0.40; OSTP = 0.40;

**Target Completion Date:** Rulemaking Plan
and ANPR to Commission June 2001

- **NRR-C2HP-44 Alternative Site Reviews, Part 50 and 52--RM#313**

**Objective:** The proposed rulemaking would revise the Commission's regulations to set standards for assessments of alternative sites for future power reactors. This type of standard is now lacking in Parts 50, 51, and 52 of the regulations and would strengthen the bases for acceptance of safety and environmental assessments of proposed reactor sites under Subpart A of Part 52 (Early Site Permits). The overall objective is to propose a more consistent approach for review of alternative sites to facilitate and stabilize the regulatory process.

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** Codification of standards for alternative site analysis will result in greater regulatory efficiency in the review and adjudication of future applications.

**Recommendation to Proceed:** Yes. The staff believes the rulemaking should proceed. The nuclear industry is mobilizing to develop and submit applications for early site reviews under 10 CFR Part 52. The trade press reports that development of applications for four sites are being considered. A rulemaking plan will be developed by the staff in FY 2001, and the rulemaking effort will begin in FY 2002.

**Staff Resources:** Total FTE = 3.65 NRR=3.0; OGC=0.1; ADM=0.05
NMSS=0.4; CIO=0.05; CFO=0.05

**Target Completion Date:**

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| Rulemaking Plan to Commission | FY 2001 |
| Proposed rule to Commission | FY 2002 |
| Final rule to Commission | FY 2003 |

- **NRR-C2HP-45 Submission of Financial Information for Applications to Renew or Extend the Term of an Operating License for Power Reactors,10 CFR 50.33(f)(2)–RM#569**

**Objective:** Section 50.33(f) Currently requires the submission of financial qualifications information for applicants for initial operating licenses and renewal of operating licenses, except for applicants for and holders of operating licenses for nuclear power plants who are electric utilities. Thus, applicants for renewal of nuclear power plant operating licenses under 10 CFR Part 54 (the License Renewal Rule) who are entities other than electric utilities must submit financial qualifications information as part of their renewal application. However, 10 CFR 54.29 does not contain a requirement for an NRC finding of financial qualification for entities other than electric utilities seeking renewal of their operating license.

The NRC has received requests for license renewals and has granted two renewed licenses to electric utilities. However, because of ongoing deregulation in the electricity sector of the economy, new entities other than electric utilities are expected to be formed which will hold operating licenses for nuclear power plants. Some of these entities may decide to extend the life of their nuclear power plants through the license renewal process and, under the current rule, would be required to submit financial qualifications information under 10 CFR 50.33(f). However, as discussed above, a finding of financial qualification need not be made under 10 CFR 54.29 in order to issue the renewed license. Therefore, the Commission needs to address and resolve by appropriate rulemaking the matter of financial qualifications for entities other than electric utilities seeking renewal of nuclear power plant operating licenses. The staff intends to develop a rule that would modify the requirement in the last sentence of 10 CFR 50.33(f)(2) with respect to entities other than electric utilities seeking renewal of operating licenses for nuclear power plants, and provide the bases for the NRC not making a financial qualifications finding for these entities in connection with renewal of such entities' nuclear power plant operating licenses in the SOC for the rule . The rule would continue the existing requirement in 10 CFR 50.33(f) with respect to nonpower reactors. Furthermore, the rule would not affect submission of financial qualifications information and the need for a finding of financial qualifications with respect to transfers of nuclear power plant operating licenses.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** The benefit of this rulemaking would be that entities other than electric utilities, who are applicants for license renewal of power reactor facilities, would not have to submit the financial qualifications information or seek clarification on the requirements. This would not only remove the need for entities other than an electric utility to submit financial qualifications information, it would also provide the basis for the NRC not making a financial qualifications finding for such entities in connection with renewal of such entities' operating licenses. It would, place entities other than electric utilities on the same footing as electric utilities with respect to the license renewal process.

**Recommendation to Proceed:** Yes. The rulemaking plan was sent for office review and comment on September 7, 2000. The rulemaking plan was sent to the EDO for approval on November 22, 2000. The rulemaking plan was sent to the Commission, SECY-00-225, for approval on November 30, 2000. A supplement to SECY-00-225 was sent to the Commission on March 14, 2001.

**Staff Resources:** Total FTE = 0.75: NRR = 0.6; OGC = 0.05; ADM = 0.08
CIO = 0.01; CFO = 0.01

**Target Completion Date:** Proposed rule to Commission 9 mo. after SRM issuance
Final rule to Commission 9 mo. after proposed rule publication

- **NRR-C2HP-46 Nuclear Power Plant Worker Fatigue, PRM-26-02--RM#580**

**Objective:** The purpose of this rule is to address weaknesses in the NRC's current regulatory framework related to worker fatigue and the control of work hours and thereby provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. The staff is proposing to amend Part 26, "Fitness For Duty Programs," to establish thresholds for the control of working hours to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. This rulemaking will also address a petition for rulemaking from Barry Quigley (PRM-50-68) requesting NRC to amend its regulations concerning Fitness for Duty Program, to ensure that licensee programs address fatigue from any cause.

**Type: Safety Enhancement**

**Risk-informed regulation:** Rulemaking uses a risk-informed approach

**Cost/Benefit:** This rulemaking should provide enhanced assurance that worker fatigue does not compromise the operational safety of nuclear power plants through incremental changes in existing programs.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed. The staff has completed a review of a petition for rulemaking submitted by Barry Quigley to establish enforceable work hour limits (PRM-26-2), conducted a comprehensive assessment of the NRC's "Policy on Factors Causing Fatigue of Operating Personnel at Nuclear Reactors," and conducted two stakeholder meetings on this topic. Based on the findings from these activities, the staff concluded that the petition should be granted, in part, and has developed a rulemaking plan. The rulemaking plan was sent for office review and comment on December 1, 2000. The rulemaking plan was sent to the EDO for approval on January 29, 2001.

**Staff Resources:** Total FTE=3.35; NRR=2.6; RES=0.6; OGC = 0.05; ADM = 0.08
CIO = 0.01; CFO = 0.01

| **Target Completion Date:** | | |
|---|---|---|
| | Rulemaking Plan to Commission | March 2001 |
| | Proposed rule to Commission | FY 2001 |
| | Final rule to Commission | FY 2002 |

## MEDIUM PRIORITY(9)

- **NMSS-C2MP-15 Consolidated Financial Assurance - Materials Licensees--Parts 30, 40, and 70--RM#480**

**Objective:** The purpose of the rulemaking is to revise the financial assurance requirements that apply to certain materials licensees. NRC will make revisions, where appropriate, to financial assurance requirements for waste broker and sealed source licensees, and may revise the dollar amounts applicable to certification of financial assurance (certification amounts). Financial assurance requirements are directed at assuring that financial problems involving licensees do not prevent timely decommissioning of facilities, and result in a shifting of the financial burden to pay for decommissioning and waste disposal to taxpayers or other affected parties.

**Type: Safety Enhancement**

**Risk-Informed Regulation:** Rulemaking uses a less-prescriptive approach

**Cost/Benefit:** This rulemaking should enhance assurance of adequate funding of decommissioning obligations, and avoid an inordinate burden on taxpayers and other affected parties.

**Recommendation to Proceed:** Yes. The staff has completed reviewing the contractor report and has determined that it provides enough information to begin the rulemaking process. A similar type rulemaking (RM#243) has been combined with this rulemaking and was terminated. Support for this rulemaking was contained in a memorandum to the Commission from J. Taylor, "Response for Recommendation As to Whether Reexamination of Requirements for Decommissioning Funding for Materials Licenses Is Appropriate," May 28, 1993. The rulemaking plan was sent for office review and comment on August 5, 1999. The rulemaking plan was sent to the EDO for approval on October 7, 1999. The rulemaking plan was sent to the Agreement States for comment on December 10, 1999. Three comment letters were received. The rulemaking plan was sent for office review and comment in December 2000. The rulemaking plan will be sent to the EDO for approval in February 2001.

**Staff Resources:** Total FTE = 2.36; NMSS = 2.10; OGC = 0.15; ADM = 0.07
SP = 0.02; CIO = 0.01; CFO = 0.01

- **NRR-C2MP-19 Use of Alternate Cladding Material in Reactors, Part 50--RM#449**

**Objective:** This proposed rulemaking change will eliminate the need for licensees to seek exemptions from NRC regulations to take advantage of advancements in fuel and cladding engineering. Improvements in cladding materials to minimize corrosion and allow for higher fuel burnup have moved vendors away from the use of zircaloy materials which are specified in 10 CFR 50.44 and 50.46. In addition, this rulemaking will respond to a petition for rulemaking (PRM-50-71).

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** This change does not address safety issues or any significant cost savings.

**Recommendation to Proceed:** Yes. The staff received NEI's request for a petition for rulemaking (PRM-50-71) and the associated supporting data and rationale on March 14, 2000. Upon receipt of the petition, the staff on, March 30, 2000, conducted a public meeting with the petitioner on the further need for this rulemaking activity. Based on the results of the meeting the petition was resubmitted on April 12, 2000. A notice of receipt and a request for public comments was published in the Federal Register on May 31, 2000 (65 FR 34599). The petition will be resolved by May 2001.

**Staff Resources:** Total FTE = 1.35: NRR = 1.2; OGC = 0.05; ADM = 0.07
CIO = 0.02; CFO = 0.01

- **NMSS-C2MP-37 Implement US/IAEA Safequards Agreement, Parts 75 and 150–RM#543**

**Objective:** The proposed rule will revise the Commission's regulations for the application of the IAEA's system of nuclear material control and accounting in the United States by adding reporting and complementary access provisions. These new provisions were signed by the United States on June 12, 1998 and are not likely to be introduced in the U.S. Senate before the end of 2001. These provisions could impact the 30 Agreement States because they include source material.

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** The costs to NRC are the resources required to prepare the rulemaking. The costs to the IAEA-selected licensees are primarily due to new reporting requirements.

**Recommendation to Proceed:** Yes. This rulemaking revises the IAEA's system of nuclear material control and accounting in the U.S. The U.S. agreed to the new provisions by signature on June 12, 1998. Recently, the State Department has informed the NRC that the NRC will most likely be asked to accept an additional responsibility (Additional Protocol) involving the collection of certain information. The NRC does not currently have statutory authority to implement the new responsibility and legislation establishing NRC authority would be needed. The State Department does not expect to submit the Additional Protocol to the Senate for confirmation as a treaty (along with the implementing legislation) until some time in calendar year 2002. A specific target date has not yet been set. Although a rulemaking plan was sent to the Agreement States for review and comment on February 8, 2000, the staff recommends putting this action on hold, by Commission memo dated June 5, 2000, until the State Department provides the NRC with formal notification that they are ready to submit the treaty for ratification or that they want the NRC to prepare the rulemaking package. The staff will then develop the rulemaking plan in accordance with direction from the Commission.

**Staff Resources:** Total FTE = 2.45; NMSS = 2.0; ADM = 0.05; OGC = 0.05;
CIO = 0.05; CFO = 0.05; OSP = 0.25

- **NMSS-C2MP-39 Options for The Use of Radiography and Radiographic Equipment and ANSI N432, Part 34–PRM-34-05--RM#477**

**Objective:** The purpose of this project is to reevaluate requirements related to radiography and radiographic equipment to determine whether a rulemaking change is required to better meet NRC's regulatory intent. The requirements in 10 CFR Part 34 and ANSI N432, which are incorporated by reference, are sometimes very prescriptive and often require exemptions for special cases. For example, jet engines and large heat exchangers require special guide tubes. These tubes are generally made of stainless steel and are custom made for most applications. Although they cannot meet the crushing and bending tests listed in 10 CFR 34.20, both tests are not necessary for these tubes because the licensee will use alternative methods to ensure radiation safety. One method is to conduct a dry run with a dummy source. Currently, licensees must request exemptions from the NRC before they can use these tubes. This rulemaking would amend the regulations to permit a licensee to use associated equipment, such as guide tubes, provided the licensee could demonstrate that this equipment can be used safely. This proposed rule will respond to a petition for rule from the Amersham Corporation (PRM-34-05).

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry.

**Recommendation to Proceed:** Yes. The staff developed a rulemaking plan for office review on June 26, 1997, the staff significantly expanded the potential options available and issued an alternative rulemaking plan in December 1998. Recently, particular focus has been placed on developing a risk-informed, performance-based approach for resolving this petition. As part of the overall effort for risk-informing activities in NMSS, in January 2001, RGB staff requested the Risk Task Group to conduct a risk-study analyzing available risk-based options and requested an extension to accommodate this effort. The staff also contacted the petitioner in January 2001, to ensure continued interest in resolution of the petition and to provide a status update. Results from the risk study are expected in April 2001. Following review, the staff will reconvene the petition review board (PRB) to discuss proposed actions for this petition. A draft rulemaking plan, if warranted, will be available for review in July 2001, and will include a revised schedule to complete the rulemaking.

**Staff Resources:** Total FTE = 1.49: NMSS = 1.25; OGC = 0.05; ADM = 0.07
SP = 0.10; CIO = 0.01; CFO = 0.01

- **NRR-C2MP-42 Change in Frequency of Offsite Emergency Planning Exercises, Part 50–RM#557**

**Objective:** The NRC regulations, 10 CFR Part 50, Appendix E, 10 CFR IV.F.2, currently require that an exercise of the offsite emergency plans (EP) be conducted biennially and include the participation of each offsite authority having a role under the plan. The Federal Emergency Management Agency (FEMA) assessment of the performance of offsite authorities in the biennial exercises has traditionally been the basis for FEMA's confirmation of reasonable assurance that FEMA provides to the NRC on a biennial basis.

The proposed rulemaking would incorporate a recommendation of the FEMA Strategic Review Steering Committee (SRSC) that State, local, and tribal governments be given the option of foregoing the third biennial exercise in a 6-year cycle and, in lieu of a third exercise, allow the offsite authorities to demonstrate by alternative means that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC (and FEMA) regulations currently require that an exercise of the offsite EP at each site be conducted on a biennial basis.

FEMA initiated a strategic review of its radiological emergency preparedness (REP) program in June 1996 in view of the maturity of the program and stakeholder requests for reconsideration of program requirements and implementation. The Director of FEMA established the SRSC, with membership from both FEMA and the NRC, to guide the review effort and to make recommendations on ways to improve, streamline, and enhance the efficiency and effectiveness of FEMA's REP program. After considering extensive public comments, the SRSC developed draft final recommendations and published them for comment in the Federal Register (63 FR 48222) on September 9, 1998. After considering the comments received, the SRSC developed final recommended initiatives. One of the recommended initiatives is that State and local governments be given the option of demonstrating their readiness to respond to a radiological emergency at a nuclear power plant by means other than by conducting an exercise in the third biennial period of the 6-year cycle. In order to provide this opportunity, the NRC needs to amend the requirement that an exercise of the offsite plans be conducted biennially. The proposed rule change would only affect the exercising of the offsite EP; the requirement for licensees to exercise their onsite plans every 2 years would not be affected.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** This rule change does not directly affect the biennial exercise requirement for licensees. However, there is the potential for some cost savings for those licensees whose supporting State and local governments elect to forego the third biennial exercise in a 6-year cycle. While there might be some limited involvement of licensees in supporting alternative offsite activities other than a biennial exercise, this would be more than offset by the licensees not having to provide support to State and local governments in developing and conducting a biennial exercise. In addition, FEMA would use less resources in the third biennial period by not having to deploy a full team to evaluate an exercise thereby resulting in fee savings for those licensees whose supporting State and local governments elect the alternative demonstration option provided by the rule.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed. A rulemaking plan is being developed to obtain EDO/Commission approval to proceed.

**Staff Resources:** Total FTE = 1.76: NRR = 1.6; OGC = 0.05; ADM = 0.07
NMSS = 0.02; CIO = 0.01; CFO = 0.01

**Target Completion Date:** Rulemaking Plan to Commission June 2001

- **NRR-C2MP-43 Specification of Acceptable ASME BPV Code Cases, 10 CFR 50.55a--RM#558**

**Objective:** The proposed amendment to the regulation would incorporate by reference three Regulatory Guides on acceptability of American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases pertaining to inservice inspection, operational maintenance, and design, fabrication, and materials. This action will delete Footnote 6 of 10 CFR 50.55, add revision numbers to Regulatory Guides referenced, and add the language for incorporating by reference to the text of 10 CFR 50.55a.

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** There will be no cost savings for this rulemaking.

**RECOMMENDATION TO PROCEED** Yes. The staff believes that the rulemaking should proceed. OGC has advised the staff that the Regulatory Guides referenced in 10 CFR 50.55a need to have the current revision numbers and be incorporated by reference so that there is no ambiguity about what the licensees have committed to.

**Staff Resources:** Total FTE = 1.25; NRR = 1.20; ADM = 0.01; OGC = 0.01
CIO = 0.02; CFO = 0.01;

| **Target Completion Date:** | | |
|---|---|---|
| | Rulemaking Plan to Commission | April 2001 |
| | Proposed rule to Commission | November 2001 |
| | Final rule to Commission | November 2002 |

- **NMSS-C2MP-44 Distribution of Source Material to Exempt Persons and to General Licensees and Revision of 40.22 General License, Part 40, PRM-40-27 and PRM-40-28--RM#564**

**Objective:** The rulemaking would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make Part 40 more risk-informed. The proposed revision will also govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licenses. It will also resolve the petitions for rulemaking PRM-40-27 and 40-28 and the safety concerning the general license in 10 CFR 40.22.

**Type: Safety Enhancement**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed, performance-based approach.

**Cost/Benefit:** Source material is used under various exemptions from licensing requirements in Part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use. Obtaining information on the distribution of source material to exempt persons is particularly difficult because of the fact that many of the distributors of source

material to exempt persons do not currently require a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in 10 CFR 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities exempt from Parts 19 and 20. A recent petition, PRM-40-27, addresses this issue. There are currently no requirements specifically for those distributing source material for use under 10 CFR 40.22; and thus no regulatory mechanism for the NRC to identify the general licensees or get information on what material types and quantities are distributed. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees.

**Recommendation to Proceed:** Yes. Commission SRM on SECY-99-259 dated March 9, 2000, approved development of a rulemaking plan. The staff is developing the rulemaking plan for the Commission consideration. This rulemaking plan also incorporates the resolution of petitions for rulemaking PRM-40-27 and PRM-40-28. The rulemaking plan was sent for office review and comment on December 20, 2000. The rulemaking plan was sent for Agreement States review and comment on January 31, 2001. The rulemaking plan was sent for Agreement States review and comment on January 31, 2001.

**Staff Resources:** Total FTE = 2.05 NMSS=1.7; OGC=0.1; ADM=0.07
SP=0.15; CIO=0.02; CFO=0.01

**Target Completion Date:** Proposed rule to Commission TBD
Final rule to Commission TBD

- **NMSS-C2MP-45 Conforming Requirements of Event Notification, Parts 72, 73 and 76–RM#573**

**Objective:** Section 72.75 contains the requirement for a 4-hour report and a 30-day written follow-up report; revise this requirement to 8 hours and 60 days similar to changes proposed for Sections 50.72 and 50.73. Section 73.71 contains requirements for 1-hour reports; revise this requirement to 8 hours similar to changes proposed for 10 CFR 50.73. Part 76 contains requirement for 30-day written reports, revise this requirement to 60 days similar to Part 50.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** To be provided using the Management Directive 6.3 process

**RECOMMENDATION TO PROCEED:** Yes. The staff believes that the rulemaking should proceed. The staff is currently developing a rulemaking plan.

**Staff Resources:** Total FTE = 1.5: NMSS = 1; OGC = 0.2; STP = 0.2;
ADM = 0.07; CIO = 0.02; CFO = 0.01

**Target Completion Date:** Rulemaking plan to Commission April 2001
Proposed rule to Commission: January 2002
Final rule to Commission: October 2003

- **NMSS-C2MP-46 Exemption from Licensing of Certain Products, Parts 30 and 32--RM#400**

**Objective:** NMSS has requested that a new exemption be established to cover a number of types of devices that are currently used under specific or general license. Types of products that are considered candidates for exemption include some electron capture detectors, X-ray fluorescence analyzers, static eliminators, static monitors, beta backscatter gauges, and calibration and reference sources that meet certain design and safety criteria. This rulemaking will also include the previous rulemaking effort on RM#526, “Use of Exempt Sources in Devices, 10 CFR 30.18" which has been terminated.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** An exemption would relieve the users of the reporting, recordkeeping, testing and disposal requirements associated with the use of the devices under license. For those now used under specific license, additional technical and financial burdens would be relieved. These burdens may not be appropriate given the low hazards associated with the devices. Details of costs and benefits have yet to be determined; the potential exposures of the public from exempting these categories of devices is under study.

NMSS also notes that the exempt quantities (10 CFR 30.18) and exempt concentrations (10 CFR 30.14) of byproduct material may need to be made more restrictive. Because of this, NMSS recommends coordinating both of these actions because there are calibration sources exempt under § 30.18, which may be more appropriately covered under the proposed new exemption for devices, and the impact of revising exempt quantities could be minimized with the new exemption. The reason for the difference is that the new exemption would be for specific devices reviewed for safety by the Commission, while the exempt quantities are contained in a broad exemption covering material in any form.

**Recommendation to Proceed:** Yes. The staff is currently conducting a systematic assessment of exemptions in Parts 30 and 40. The need for rulemaking will be determined upon the completion of this evaluation. A Commission paper on Parts 30, 31, and 32 was sent to the EDO for approval on December 5, 1997, and was sent to the Commission for approval, SECY-97-273, on December 15, 1997. Pending completion of the systematic assessment of exemptions, the staff will provide recommendations to the Commission for appropriate revisions to Parts 30 and 40. This will also take into consideration any recommendations of the nuclear byproduct material risk review group. Revisions to exemptions in Part 40 are expected to be included in the broader rulemaking on Part 40 (RM#564). The draft report on the systematic assessment of exemptions was issued for comment in December 1999. The comment period closed on June 30, 2000. The NRC provided comments on the draft ORNL report on August 25, 2000. The report is expected to be finalized in July 2001. The staff will develop recommendations for Commission consideration by December 2001.

## Low Priority (2)

- **NRR-C2LP-10 Minor Change to Appendix E, Part 50–RM#559**

**Objective:** The objective of this rulemaking is to resolve the concern that Appendix E to 10 CFR Part 50 does not allow licensees to make any revision to their emergency action levels (EALs), no matter how minor the revision without NRC approval.

Industry practice, in general, has been to make revisions to EALs that do not reduce the effectiveness of the emergency plan and then to implement them, in accordance with 10 CFR 50.54(q), without requesting NRC approval. In a memorandum dated April 2, 1996, the Office of Nuclear Reactor Regulation sought advice from OGC as to whether the industry practice met the intent of the regulations in 10 CFR Part 50 or whether all revisions to EALs must be approved by the NRC prior to implementation. In a memorandum dated August 7, 1996, OGC responded to the staff's request and stated that in OGC's opinion, licensees are required, in accordance Section IV.B. of Appendix E to 10 CFR Part 50, to obtain NRC approval of all proposed revisions to their EALs prior to implementing the revisions. OGC reaffirmed its position in memoranda dated April 24, 1997, February 5, 1999 and July 23, 1999.

This rulemaking plan proposes to revise Appendix E to 10 CFR Part 50 to allow licensees to make changes to their EALs without NRC approval unless the change involves adoption of a new EAL scheme. The requirements of 10 CFR 50.54(q) regarding the need for licensees to obtain approval of emergency plan changes that decrease the effectiveness of the plan will remain in effect. This, in essence, codifies existing industry practice and will allow minor EAL changes to be made without imparting unnecessary burden on licensees.

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** This rulemaking will reduce licensees cost to make minor EAL changes as well as reducing NRC review requirements for these minor revisions.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed. A rulemaking plan was sent for office review and comment on February 24, 2000. The comments are being incorporated into the rulemaking plan and will be sent to the Commission in May 2001.

**Staff Resources:** Total FTE = 1.20; NRR = 1.15; ADM = 0.01; OGC = 0.01
CIO = 0.02; CFO = 0.01;

| **Target Completion Date:** | | |
|---|---|---|
| | Rulemaking Plan to Commission | May 2001 |
| | Proposed rule to Commission | September 2001 |
| | Final rule to Commission | September 2002 |

- **NMSS-C2LP-11 Modification of 10 CFR Part 20 Reporting Requirements–RM#574**

**Objective:** Input from the public meeting held on July 9, 1999, suggested that the requirements for immediate reporting of radiological events in 10 CFR 20.1906(d)(1), (d)(2), and 20.2201(a)(1)(i), and 20.2202(a) should be changed to be consistent with the required reporting times in 10 CFR Part 50 and that the 30-day written report requirement in 10 CFR 20.2203(a) could be changed to 60 days.

The staff examined these reporting requirements in light of the NRC Strategic Plan and found all three of these reports are required to help ensure that NRC is able to achieve and measure its strategic and performance goals. These reporting requirements help NRC to analyze the event and ensure appropriate action is taken to maintain safety, protect the environment, and promote the common defense and security. These requirements allow NRC to measure its performance against the goals and measures in the strategic plan, and to adjust its regulatory oversight accordingly. By performing this ongoing process, NRC will enhance its accountability and credibility which should increase public confidence.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** To be provided using the Management Directive 6.3 process

**Recommendation to Proceed:** No. The staff recommends that the rulemaking not be pursued. As directed in an SRM-SECY-99-181, the staff is developing a Commission paper explaining why the rulemaking is unnecessary.

**Staff Resources:** Total FTE = 1.5: NMSS = 1; OGC = 0.2; STP = 0.2; ADM = 0.07; CIO = 0.02; CFO = 0.01

| **Target Completion Date:** | | |
|---|---|---|
| | Rulemaking plan to Commission | June 2001 |
| | Proposed rule to Commission | March 2002 |
| | Final rule to Commission: | January 2003 |

# CATEGORY 3

## RULES THAT ARE ON HOLD

**RULEMAKINGS FOR WHICH FURTHER**

**WORK CANNOT BE UNDERTAKEN UNTIL**

**INFORMATION NEEDED FROM OUTSIDE**

**SOURCES OR RESOURCES BECOME AVAILABLE**

- **NRR-C3-15 Addition of Radon-222 and Technetium-99 Values to Table S-3 and S-4, Revisions Resulting from Consideration of Higher-Burnup Fuel, Part 51--RM#116--AA31–W#910146**

**Objective:** The proposed rulemaking would add estimates of releases of technetium-99 and radon-222 from activities in the nuclear fuel cycle to its Table of Uranium Fuel Cycle Environmental Data (Table S-3) in 10 CFR Part 51. It would also extend the applicability of the rulemaking to cover a broader range of enrichments and burnups then previously contemplated. The revisions would simplify the content of environmental documents prepared for the construction permit stage of applications for light-water-cooled nuclear power plants (LWRs). However, the number and timing of applications for construction permits for LWRs are uncertain at this time. This amendment will also clarify the meaning and intent of the term "zircaloy" as used in § 51.52(a)(2) pertaining to cladding. The term "zircaloy" has been changed to "zirconium alloy." This rulemaking would also resolve the remaining aspects of PRM-51-1.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** It is not possible to perform a quantitative cost-benefit analysis because the number and timing of applications for construction permits for LWRs and production and utilization facilities are uncertain at this time. However, this rulemaking would result in up-front implementation costs to the NRC and cost reductions in the preparation and review of CP stage environmental documents.

**Recommendation to Proceed:** Yes. But not at this time. The staff believes that the rulemaking should proceed. The nuclear industry is mobilizing to develop and submit applications for early site reviews under 10 CFR Part 52. The trade press reports that development of applications for four sites are being considered. A rulemaking plan will be developed by the staff in early 2002.

- **NMSS-C3-27 Relief from the Use of Part 36 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479**

**Objective:** The purpose of this proposed rulemaking is to reduce the need for licensees using teletherapy devices for non-human irradiation (e.g., blood, organs, research animals, etc) to seek exemptions from the Part 36 requirements for irradiators. Many of the Part 36 requirements are either impractical to implement because of costs or are unacceptable because they would require alterations to the current electrical interlocks on the units designed to meet the requirements of Part 35. The staff has previously recommended the revision of Part 36 to exempt Part 35 teletherapy licensees as well as licensees located in a medical facility that may not have a current teletherapy license. The staff will consider modifications of the Part 36 requirements to make exemptions unnecessary for teletherapy licensees.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a less-prescriptive approach

**Cost/Benefit:** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry. This change does not address an immediate safety issue or involve significant cost savings.

**Recommendation to Proceed:** Not at this time. However, the staff may proceed with a rulemaking action that will eliminate the need for licensees the are using teletherapy devices for non-human irradiation to seek exemptions from the Part 36 requirements for irradiators.

- **NMSS-C3-30 Disposal by Release into Sanitary Sewerage, Part 20--RM#288--AE90**

**Objective:** The proposed rulemaking would amend the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The NRC and the EPA are conducting a joint survey to determine if there is a need for a new rulemaking. The results of this survey would resolve the petition for rulemaking (PRM-20-22) submitted by the Northeast Ohio Regional Sewer District.

**Type: Safety Enhancement**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** To be provided using the Management Directive 6.3 process.

**Recommendation to Proceed:** Not at this time. The staff will make a recommendation to proceed after a defensible technical basis has been established. The NRC and EPA are conducting a joint survey/study of sewage treatment plants in the U. S. to determine the presence and the extent of radioactive contamination in sewage sludge, ash, and other related waste materials. OMB approval was obtained in June 1998 for conducting the voluntary survey. Throughout the year of 2000, multiple samples were collected from over 300 sewage treatment plants representing a diverse category of plants. Laboratory analyses have conducted for portions of the sample and are continuing on the remaining samples. Laboratory results will be compiled into a data report by June 2001. A data interpretation and analysis summary is expected in late 2001. In June 2000, the NRC and EPA developed and released for public comment a draft guidance entitled “Guidance on Radioactive Materials in Sewage Sludge and Ash at Publicly Owned Treatment Works.” In addition, the NRC and EPA has developed and submitted a draft dose modeling report entitled “Radionuclides in Sewage Sludge Dose Assessment” to the Radiation Advisory Committee of the U. S. EPA Science Advisory Board for review. Survey results will be considered to revise and finalize both the guidance and the dose assessment report. The need and the extent of a rulemaking effort will be evaluated pending on the survey results, the guidance, and the associated dose assessment report.

- **NMSS-C3-33 Licensing Radioactive Portion of Mixed Waste in RCRA Facility, Part 61--RM#541**

**Objective:** The proposed rulemaking will modify the licensing requirements of Part 61 to allow for a streamlined process, possibly a general license, for RCRA facilities to dispose of hazardous waste mixed with class A radioactive material. This rule will be developed to conform to a proposed EPA rulemaking allowing such wastes into RCRA facilities.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed approach.

**Cost/Benefit:** This rulemaking would involve changes to licensing procedures and would reduce the regulatory burden by simplifying licensing under 10 CFR Part 61.

**Recommendation to Proceed:** Not at this time. The need for the rulemaking is to be determined based on a specific EPA proposed rule. The staff has worked with EPA in their development of a rulemaking. The EPA has put their rulemaking on hold based on other higher priority rulemakings.

# CATEGORY 4

## NEW PETITIONS AND PETITIONS BEING RESOLVED

**PETITIONS FOR WHICH**

**FURTHER ASSESSMENT IS REQUIRED**

**BEFORE DECIDING WHETHER TO INITIATE**

**RULEMAKING OR TO GRANT, TO DENY, OR**

**TO PARTIALLY GRANT THE PETITION**

## Petitions(13)

- **NMSS-C4-18 PRM-35-13 Petitioner/Petition Docket Number: National Registry of Radiation Protection Technologists (NRRPT) RM#463**

Federal Register Citation: February 8, 1996 (61 FR 4754)

Subject: Training Requirements for a Radiation Safety Officer

Summary: A letter is being drafted to be sent to the petitioner to (1) inform the petitioner of changes to the regulations in 10 CFR Part 35 recently approved by the Commission that will affect the petition for rulemaking submitted by the petitioner by letter dated November 17, 1995, on behalf of the National Registry of Radiation Protection Technologists (NRRPT); and (2) to request a response from the petitioner as to whether the petitioner wants the NRC to continue to review the NRRPT petition or whether the petitioner wants to withdraw the petition, in light of the recent rulemaking changes.

- **NMSS-C4-29 PRM-36-01 Petitioner/Petition Docket Number: American National Standards Institute, N43.10 Committee--RM#474**

Federal Register Citation: September 15, 1998 (63 FR 49298)

Subject: Radiation Safety Requirements

Summary: The petitioner requests that the NRC amend its radiation safety requirements to allow the use of panoramic irradiator facilities without continuous onsite attendance by an operator and a trained individual. Recently, NRC has completed a risk analysis evaluating potential safety impact due to the presence or absence of an operator and a trained individual. Currently, the staff is preparing a policy paper for the Commission's approval to modify 10 CFR 36.65 requirements by using a risk-informed and less prescriptive approach while maintaining safety.

- **NMSS-C4-36 PRM-35-15 Petitioner/Petition Docket Number: Jeffery Angel, Part 35--RM#458**

Federal Register Citation: August 23, 1999 (64 FR 45907)

Subject: Radiation Protection Devices for Administration of Radioactive Substances

Summary: The petitioner requests that the NRC amend its regulations concerning the medical use of byproduct material to prohibit the hand-held administration of radio pharmaceuticals by injection and require the use of the Angel Shield, a device to administer radioactive substances. The petitioner requests that the NRC take this action to make the administration of radio pharmaceuticals by injection safer. A document that will close out this petition is being prepared.

- **NMSS-C4-37 PRM-73-10 Petitioner/Petition Docket Number: State of Nevada, Part 73--RM#459**

Federal Register Citation: September 13, 1999 (64 FR 49410)

Subject: Safeguarding Shipments of Spent Nuclear Fuel

Summary: The petitioner requests that the NRC amend its regulations governing safeguards for shipments of spent nuclear fuel against sabotage and terrorism. The petitioner requests that the NRC conduct a comprehensive assessment of the consequences of terrorist attacks that have the capability of radiological sabotage, including attacks against transportation infrastructure used during nuclear waste shipments, attacks involving capture of nuclear waste shipments, and use of high energy explosives against a cask or casks, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons.

- **NMSS-C4-39 PRM-30-62 Petitioner/Petition Docket Number: Union of Concerned Scientists–RM#461**

Federal Register Citation: October 27, 1999 (64 FR 57785)

Subject: Employee Protection Training

Summary: The petitioner requested that the Commission amend its regulations concerning deliberate misconduct to require licensees to provide specific training to management, i.e., first line supervisors, managers, directors, and officers, on their obligations under the employee protection regulations. The petitioner believes that the amendment would prevent nuclear energy management from using “ignorance of the law" as an excuse for a violation and allow the NRC to take enforcement actions against individuals who violate the employee protection regulations. The concerns of this petition have been incorporated in an Office of Enforcement (OE) Task Group to investigate the process of handling discrimination matters. An FRN published on August 3, 2000 (65 FR 47806), announced the formation of this Discrimination Task Group. The Task Group will have its recommendations to the Commission on June 30, 2001, which will affect final disposition of this petition.

- **NRR-C4-46 PRM-50-70 Petitioner/Petition Docket Number: Eric Joseph Epstein–RM#453**

Federal Register Citation: May 12, 2000 (65 FR 30550)

Subject: Financial Assurance Requirements for Decommissioning Nuclear Power Reactors

Summary: The petitioner requests that the NRC amend its financial assurance requirements for decommissioning nuclear power reactors to (1) require uniform reporting and recordkeeping for all “proportional owners" of nuclear generating stations (defined by the petitioner as partial owners of nuclear generating stations who are not licensees); (2) modify and strengthen current nuclear decommissioning accounting requirements for proportional owners; and (3) require proportional owners to conduct a prudency review to determine a balanced formula for decommissioning funding that includes not only ratepayers and taxpayers but shareholders and board members of rural electric cooperatives as well. The petitioner believes that the proposed amendments would eliminate the funding gap for decommissioning between nuclear power licensees and proportional owners of nuclear generating stations. The comment period closed July 26, 2000. Nine comment letters have been received. A document that will close out this petition was sent for office review and comment on January 31, 2001, and to the EDO on March 9, 2001.

- **NRR-C4-47 PRM-50-71 Petitioner/Petition Docket Number: Nuclear Energy Institute–RM#464**

Federal Register Citation: May 31, 2000 (65 FR 34599)

Subject: Use of Zirconium-Based Cladding Materials Other Than Zircaloy or ZIRLO

Summary: The petitioner requests that the NRC amend its regulations to allow nuclear power plant licensees to use zirconium-based cladding materials other than zircaloy or ZIRLO, provided the cladding materials meet the requirements for fuel cladding performance and have received approval by the NRC staff. The petitioner believes the proposed amendment would improve the efficiency of the regulatory process by eliminating the need for individual licensees to obtain exemptions to use advanced cladding materials which have already been approved by the NRC. The comment period closed August 14, 2000.

- **NMSS-C4-48 PRM-72-05 Petitioner/Petition Docket Number: Nuclear Energy Institute–RM#455**

Federal Register Citation: June 9, 2000 (65 FR 36647)

Subject: Establish a More Efficient Process for Issuing and Amending Certificates of Compliance

Summary: The petitioner requests that the NRC amend its regulations to allow for a more efficient process for issuing and amending certificates of compliance (CoC) for dry cask storage of spent nuclear fuel under a general license. The petitioner believes the current NRC process of traditional notice and comment rulemaking is not appropriate for the routine task of maintaining a list of certified casks and that the burden of maintaining this listing in the regulations outweighs any benefit. The petitioner proposes that the list of CoCs be deleted from the regulations and that NRC should notice applications for new CoCs and amendments in the Federal Register for a 60-day comment period. The petitioner also proposes that amendments for existing CoCs that do not have the potential to have a significant impact on public health and safety be immediately effective upon publication of the amendment in the Federal Register. The comment period closed on August 23, 2000. The petition is scheduled to resolved by June 2001. OGC is conducting a legal analysis to determine if the petition is in conflict with the Nuclear Waste Policy Act.

- **OE-C4-49 PRM-30-63 Petitioner/Petition Docket Number: Natural Resources Defense Council–RM#454**

Federal Register Citation: June 30, 2000 (65 FR 40548)

Subject: Require That An Individual Report Illegal Payments To Regulators

Summary: The petitioner requests that the NRC amend its regulations to require that an individual report illegal payments to regulators if the individual has knowledge or evidence of the illegal payments. The petitioner requests that an individual who fails to make such a report not be issued a license or allowed to retain a license.

- **NRR-C4-50 PRM-54-01 Petitioner/Petition Docket Number: Union of Concerned Scientists–RM#462**

Federal Register Citation: July 10, 2000 (65 FR 42305)

Subject: Aging Degradation of Liquid and Gaseous Radioactive Waste Systems

Summary: The petitioner requests that the NRC amend its regulations governing requirements for renewal of operating licenses for nuclear power plants be amended to address potential concerns about aging degradation of liquid and gaseous radioactive waste systems. The petitioner believes the degradation from aging of piping and components of liquid and gaseous radioactive waste systems at nuclear power facilities may result in an increased probability and/or consequences from design and licensing bases events. Comment period closed September 25, 2000.

- **NMSS-C4-51 PRM-30-64 Petitioner/Petition Docket Number: Charles T. Gallagher, Gammatron, Inc.–RM#465**

Federal Register Citation: August 11, 2000 (65 FR 49207)

Subject: Modify Financial Assurance and Recordkeeping Requirements for Decommissioning

Summary: The petitioner requests that the NRC amend its regulations to modify its financial assurance and recordkeeping requirements for decommissioning to require financial assurance for all licensees, expand the method for payment of decommissioning for small business operators, and exempt licensees whose radioactive materials are categorized as greater than Class C waste. A document that will close out this petition is being prepared.

- **NRR-C4-52 PRM-50-72 Petitioner/Petition Docket Number: Union of Concerned Scientists–RM#470**

Federal Register Citation: March 5, 2001 (66 FR 13267)

Subject: Performance Indicator Information

Summary: The petitioner requests that the NRC revise its regulations to require nuclear power plant owners to submit the performance indicator information needed for the NRC's revised reactor oversight program. Under the revised reactor oversight program which the Commission adopted in March 2000, the NRC must have both inspection program results and performance indicator information to get a full picture of nuclear plant safety levels. However, nuclear plant owners are currently not required to submit performance indicator information to the NRC. Comment period closes May 21, 2001.

- **NMSS-C4-53 PRM-35-16 Petition/Petition Docket Number: American College of Nuclear Physicians and the Society of Nuclear Medicine–RM#471**

Federal Register Citation: Not published

Subject: Medical Use of Byproduct Material

Summary: The petitioners request that the Commission rescind its approval of the NRC staff's proposed revision to 10 CFR Part 35, which was approved by the Commission in a Staff Requirements Memorandum dated October 23, 2000, revoke all of Part 35 except for specifically identified requirements, and institute a new rulemaking proceeding to adopt a regulatory scheme for the use of byproduct material in diagnostic nuclear medicine that reflects the discipline's unparalleled and undisputed safety record. Because the issues raised by this petition have been thoroughly considered by the Commission in the rulemaking that revises the regulations governing the medical use of byproduct material and because that proceeding provided for an extraordinary level of enhanced public participation, the NRC did not publish a notice of receipt of the petition in the Federal Register and has decided to deny this petition.

# CATEGORY 5

## RULES BEING DROPPED

**RULES TO BE DROPPED FROM**

**FURTHER CONSIDERATION BUT**

**MAY REQUIRE SOME ADDITIONAL**

**RESOURCES TO CLOSEOUT**

**(I.E., MEMO, FRN. ETC.)**

- **NRR-C5-10 Criteria for Extraordinary Nuclear Occurrence, Part 140--RM#51--AB01**

**Objective:** The proposed rulemaking would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems that were encountered in the Three Mile Island ENO determination. The revised criteria should be established in the event they are needed. The current ENO criteria are already codified in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rulemaking seeks to do, is through rulemaking that will also respond to the petition for rulemaking (PRM-140-1).

**Type: Other: General/Procedural/Process/Administrative**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** There are no significant licensee costs associated with this action.

**Recommendation to Proceed:** No. A recommendation to deny the petition for rulemaking and termination of the associated rulemaking will be sent to the Commission for approval. The petition denial was sent for office review and comment on June 23, 1999. The petition denial and rulemaking withdrawal notice was resent for office review and comment on August 27, 1999. The petition denial and rulemaking withdrawal notice was sent to EDO for approval in September 2000. The petition denial and rulemaking withdrawal notice was sent to the Commission, SECY-00-160, for approval for publication in the Federal Register on July 26, 2000. The Commission SRM on SECY-00-160 dated September 14, 2000, approved the petition denial and rulemaking withdrawal notice for publication in the Federal Register. The petition denial and rulemaking withdrawal notice was sent to ADM for publication in the Federal Register on October 12, 2000. The petition denial and rulemaking withdrawal notice was published in the Federal Register on October 23, 2000 (65 FR 63221).

**Staff Resources:** Total FTE = 0.69: NRR = 0.6; OGC = 0.05; ADM = 0.03
CIO = 0.005; CFO = 0.005

- **NRR-C1HP-72 120-Month ISI/IST Update Requirement, 10 CFR 50.55a–RM#553--AG39–W#990074**

**Objective:** The proposed rule would have eliminated the requirement in 10 CFR 50.55a, *Codes and Standards*, that nuclear power plant licensees update their inservice inspection (ISI) and inservice testing (IST) to comply with the version of the ASME Code incorporated by reference into the regulations and in effect 12 months preceding the start of a new 120-month interval. This will be replaced with a set of baseline ISI/IST requirements and would allow voluntary updating of the ISI/IST programs until the baseline is revised.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** In 1993, Entergy requested as a cost-beneficial licensing action (CBLA) approval of an alternative based on existing controls and an evaluation process in lieu of the requirement that its nuclear power plants update their ISI and IST programs every 120 months. Since then, the NRC has

identified Direction Setting Issue (DSI) 13, "Role of Industry," of the NRC Strategic Assessment and Rebaselining Initiative, which includes evaluation of the NRC endorsement of industry codes and standards. A proposed change to 10 CFR 50.55a dated December 3, 1997, indicated that the NRC was considering the need for licensees to update their ISI and IST programs every 120 months. After reviewing public comments on that proposed rule, the NRC staff prepared Commission paper SECY-99-017 which recommended preparation of a proposed rule supplement to address the 120-month ISI/IST update requirement. In a Staff Requirements Memorandum (SRM) dated June 24, 1999, the Commission directed the NRC staff to complete expeditiously the rulemaking package issued for public comment on December 3, 1997, to incorporate by reference the 1995 Edition with the 1996 Addenda of the ASME Code, and to consider the proposed modification of the 120-month ISI and IST program update as a separate rulemaking effort.

**Recommendation to Proceed:** No. The supplemental proposed rulemaking was published in the Federal Register on April 27, 1999 (64 FR 22580). The public comment period on the proposed rule, the 120-month ISI/IST update requirement, closed on June 28, 1999. Over 30 public comment letters were received, and the staff has evaluated these comments. As directed in the SRM dated June 24, 1999, the staff provided a Commission paper, SECY-00-011, dated January 14, 2000, with options and recommendations on the 120-month ISI/IST update requirement. The Commission SRM on SECY-00-011, dated April 13, 2000, disapproved staff's recommendations and, instead, approved maintaining the current requirement that licensees update their inservice inspection and inservice testing programs every 10 years to the latest edition of the ASME Code that is incorporated by reference in the NRC regulations. The rulemaking withdrawal notice will be included in the proposed rulemaking RM#556 for the 10 CFR 50.55a update.

**Staff Resources:** Total FTE = 1.7 NRR = 1; RES = 0.3; OGC = 0.1
ADM = 0.1; CIO = 0.1; CFO = 0.1

- **NRR-C5-59 Quality Assurance Programs, Part 50--RM#552–AG45**

**Objective:** The proposed rulemaking will amend the Commission's regulations regarding quality assurance programs to permit nuclear power plant licensees to change their quality assurance programs described or referenced in the Safety Analysis Report (SAR) without prior NRC approval under specified conditions. There were two rulemakings involved in this project. The first was a direct final rule which provided immediate relief to licensees by allowing unilateral changes to quality assurance programs in a number of areas which are considered routine and non-controversial. This second rulemaking will further broaden licensees ability to make unilateral changes to their QA programs. It is anticipated that this further relaxation will be accompanied by a requirement to monitor and trend the QA performance of the facility and to have the documentation of the program available for NRC inspection. This amendment will improve the regulatory process through a more efficient use of agency and industry resources. This proposed rulemaking also responds to the remaining portion of PRM-50-62 from Nuclear Energy Institute.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a risk-informed approach

**Cost/Benefit:** The staff expects that the proposed rule would reduce the licensee's cost burden without causing adverse effects on public health and safety.

**Recommendation to Proceed:** No. The staff agrees that the requirement of 10 CFR 50.54(a) were too restrictive and that the rulemaking is needed to both resolve PRM-50-62 and to provide the appropriate level of licensee flexibility. The Commission SRM on SECY-98-279, dated January 22, 1999, approved the direct final rulemaking for publication in the Federal Register and the development of this follow-on rulemaking. The petitioner's letter dated August 15, 2000, confirmed that the remainder of the PRM-50-62 petition is not needed at this time. The Commission paper closing out PRM-50-62 and terminating the associated rulemaking was sent to the EDO for approval in October 2000. The Commission paper, SECY-00-214, was sent to the Commission for approval in November 2000. The Commission SRM on SECY-00-214, dated November 17, 2000, approved terminating the rulemaking and closing out PRM-50-62 petition for rulemaking. The withdrawal of the remaining issues of the petition and the associated rulemaking was sent to ADM for publication in the Federal Register on November 24, 2000. The withdrawal of the remaining issues of the petition PRM-50-62 was published in the Federal Register on December 6, 2000 (65 FR 76178).

**Staff Resources:** Total FTE = 3.36: NRR = 3.20; OGC = 0.05; ADM = 0.07; SP = 0.01; CIO = 0.02; CFO = 0.01

- **NMSS-C5-60 Event Reporting for Unintended Exposures to Embryo, Fetus or Nursing Child Under Non-medical Circumstances, RM#568**

**Objective:** In an SRM dated February 16, 2000, on SECY-99-201 - Draft Final Rule - 10 CFR Part 35, "Medical Use of Byproduct Material," the Commission directed the staff to "prepare a rulemaking plan to revise either Part 20 or other parts of Title 10 to require reporting of unintended exposures under non-medical circumstances to an embryo, fetus, or nursing child. The rulemaking plan should discuss the pros and cons of each option, including a no action option if the staff believes rulemaking is not necessary." The purpose of this direction was to ensure that NRC receives reports of unintended exposures under non-medical circumstances to an embryo, fetus, or nursing child to meet the Abnormal Occurrence reporting criteria.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Not a risk-informed rulemaking

**Cost/Benefit:** If the Commission directs the staff to proceed with rulemaking, there will be a slight increase in regulatory burden to the licensee. The benefit to rulemaking is that it will ensure, if the Commission determines that adequate requirements are not in place, that NRC will receive reports of unintended exposures under non-medical circumstances to an embryo, fetus, or nursing child.

**Recommendation to Proceed:** No. From a review of the dose limits and reporting requirements in 10 CFR Part 20, the staff believes that NRC will receive reports in the majority of situations where an embryo/fetus or nursing child receives an unintended exposure at or below the threshold for the reporting criteria in the Abnormal Occurrence Policy. The only situation that is not provided for within the regulations is if a member of the public was pregnant and exposed above the dose limit of 100 mrems. In this situation, NRC would be notified about the overexposure to the member of the public, but would not know about the exposure to the embryo/fetus unless that information was volunteered. A Commission paper, SECY-00-236, was sent to the EDO for approval on December 13, 2000. In this Commission paper (SECY-00-236) dated December 20, 2000, the staff recommended not to proceed with a rulemaking. In the SRM on SECY-00-236 dated January 18, 2001, the Commission approved staff recommendation. The proposed rulemaking has been terminated.

- **NMSS-C5-61 Use of Exempt Sources in Devices, 10 CFR 30.18–RM#526**

**Objective:** The proposed rulemaking will address and clarify the use of multiple exempt sources in gauging devices. The rulemaking change will ensure that: (1) persons using sources in accordance with the original intent of 10 CFR 30.18 are not negatively impacted; and (2) devices containing multiple exempt sources undergo an evaluation by NRC to verify that they provide adequate protection and shielding.

**Type: Burden Reduction/Regulatory Reform/Adds Flexibility**

**Risk-Informed Regulation:** Rulemaking uses a performance-based approach.

**Cost/Benefit:** This rulemaking will involve changes to licensing procedures and should reduce the regulatory burden by clarifying and facilitating the implementation of 10 CFR Part 30 for future applicants.

**Recommendation to Proceed:** No. This rulemaking has been incorporated into the broader rulemaking, RM#400, Exemption from Licensing of Certain Products, Parts 30 and 32. Therefore, this rulemaking has been terminated.

# CATEGORY 6

## RULES COMPLETED/NEARLY COMPLETED

## RULEMAKINGS/PETITIONS THAT HAVE

## BEEN COMPLETED SINCE THE LAST

## RULEMAKING ACTIVITY PLAN

## WAS APPROVED AND ISSUED

NOTE--FOR RULEMAKINGS/PETITIONS COMPLETED OR TERMINATED SINCE THE INITIAL"RULEMAKING ACTIVITY PLAN" WAS APPROVED BY THE COMMISSION, REFER TO NRC HOMEPAGE, "ARCHIVED RULEMAKINGS"

Since the last update of the Rulemaking Activity Plan in March 2000, twenty-eight rulemaking actions have been completed (twenty-two high priority rules, five medium rules, and one low priority rule); ten petition for rulemakings have been closed-out or resolved (five PRMs were closed by publishing a notice of petition denial and five were resolved by incorporating the PRMs into proposed rulemakings); and four rules have been terminated. The completed rulemaking actions are as follows:

- Use of Potassium Iodide (KI) by the General Public After a Severe Accident at a Nuclear Power Plant, Part 50, PRM-50-63--RM #524–AG11–W#9700173 . . . NRR-C1HP-52

- General Revisions to the Fitness-For-Duty Rule, Part 26--RM#397--AF12 . . . . . NRR-C1HP-30

- Domestic Licensing of Special Nuclear Material, Revision, Part 70--RM#351--AF22 . . . . . NMSS-C1HP-35

- Major Revision to Part 35, Medical Use of Byproduct Material, PRM-20-24--RM#497--AF74--W#970065 . . . . . NMSS-C1HP-37

- Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts 30, 31, 32, 170, and 171--Rm#520--AG03 . . . . . NMSS-C1HP-47

- Modification to Event Reporting Requirements for Power Reactors; Immediate Notification Requirements for Operating NPP, 10 CFR 50.72 and Licensee Event Report System, 10 CFR 50.73-- RM#512--AF98 . . . . . NRR-C1HP-49

- List of Approved Spent Fuel Storage Casks: Revision of NUHOMS 24-P and 52-B, Part 72--RM#518--AG19 . . . . . NMSS-C1HP-53

- List of Approved Spent Fuel Storage Casks: Addition of the Transnuclear Dry Shielded Canister (TN-32), Part 72--RM#530–AG18 . . . . . NMSS-C1HP-55

- ECCS Evaluations Models, Part 50, Appendix K–#533–AG26 . . . . . NRR-C1HP-61

- List of Approved Spent Fuel Storage Casks: Addition of the VSC-24 Dry Spent Fuel Storage Cask, 10 CFR 72.214--RM#390–AG36 . . . . . NMSS--C1HP-62

- List of Approved Spent Fuel Storage Casks: Addition of the Transnuclear Canister (TN-68), Part 72--RM#536–AG30 . . . . . NMSS-C1HP-63

- List of Approved Spent Fuel Storage Casks: Addition of the Holtec Canister - HISTORM, Part 72--RM#537–AG31 . . . . . NMSS-C1HP-64

- List of Approved Spent Fuel Storage Casks: Addition of the NAC-UMS Cask, Part 72--RM#538–AG32 . . . . . NMSS-C1HP-65

- List of Approved Spent Fuel Storage Casks: Revision of the NUHOMS - 24P and 52B Casks, 10 CFR 72.214--RM#544–AG34 . . . . . NMSS--C1HP-67

- List of Approved Spent Fuel Storage Casks: Revise VSC-24 Dry Cask, Amendment 2, Part 72--RM#539–AG55 . . . . . NMSS-C1HP-69

- Revision of Fee Schedules: 100% Fee Recovery; FY 2000, Parts 170, 171--RM#560–AG50 . . . . . CFO-C1HP-77

- List of Approved Spent Fuel Storage Casks: Addition of the Fuel Solutions Cask, Part 72--RM#561–AG54 . . . . . NMSS-C1HP-79

- List of Approved Spent Fuel Storage Casks: Addition of the NAC-UMS Cask, Amendment 1 Part 72--RM#563–AG57 . . . . . NMSS-C1HP-80

- List of Approved Spent Fuel Storage Casks: Revision of the Holtec HI-STAR 100, Amendment 1 Dry Shielded Canister, Part 72--RM#565–AG58 . . . . . NMSS-C1HP-81

- List of Approved Spent Fuel Storage Casks: Addition of the Transnuclear (TN-32), Amendment 1, Part 72--RM#566–AG66 . . . . . NMSS-C1HP-84

- List of Approved Spent Fuel Storage Casks: Addition of the Fuel Solutions Cask, Amendment 1, Part 72--RM#570–AG72 . . . . . NMSS-C1HP-86

- List of Approved Spent Fuel Storage Casks: Addition of the VSC-24 Dry Cask, Amendment 3, Part 72--RM#572–AG70 . . . . . NMSS-C1HP-87

- Clarifications and Addition of Flexibility to Part 72--RM#438–AG15 . . . . . NMSS-C1MP-32

- Fire Protection; Elimination of Requirement for Non-Combustible Penetration Seal Material and Other Minor Changes, Part 50, Appendix R--RM#532–AG22 . . . . . NRR-C1MP-36

- Relocation of NRC's Public Document Room; Minor Changes, Multiple Parts--RM #562--AG46 . . . . . CIO-C1MP-41

- Allow Use of Personnel Dosimeters That are Processed Using a New Dosimeter Readout Technology, Parts 20, 34, 36, and 39–RM#531–AG21 . . . . . NMSS-C1MP-44

- Termination of Section 274i Agreement Between the State of Louisiana and the Nuclear Regulatory Commission–RM#567–AG60 . . . . . NMSS-C1MP-45

- Energy Compensation Sources for Well Logging, Part 39--RM#440–AG14 . . . . . NMSS-C1LP-23

- PRM-72-04 Independent Storage of Spent Nuclear Fuel in Dry Casks Prairie Island Coalition--RM#473 . . . . . NMSS-C4-28

- PRM-50-64 Potential Liability of Non-operating Co-owners of NPPs Atlantic City Electric Company, et al.,--RM#452 . . . . . NRR-C4-30

- PRM-32-05 Regulatory Distribution Exemption for EBT (C14 Drug) Metabolic Solutions Inc.--RM#456 . . . . . NMSS-C4-34

- PRM-40-27 Modification of Exemptions to Parts 19 and 20 in Part 40 State of Colorado and Agreement States--RM#457 . . . . . NMSS-C4-35

- PRM-51-07 Severe Accident Mitigation Alternatives (SAMAs) Nuclear Energy Institute–RM#460 . . . . . NRR-C4-38

- PRM-26-02 Barry Quigley Fitness for Duty Program–RM#466 . . . . . NRR-C4-41
- PRM-40-28 Donald A. Barbour, Philotechnics Domestic Licensing of Source Material–RM#467 . . . . . NMSS-C4-42
- PRM-50-68 Bob Christie, Performance Technology Hydrogen Control Systems–RM#469 . . . . . NRR-C4-43
- PRM-50-69 Westinghouse Electric Company; Pressure and Temperature Limits for the RV–RM#472 . . . . . NRR-C4-44
- PRM-76-01 United Plant Guard Workers of America; Security At Gaseous Diffusion Plants–RM#451 . . . . . NMSS-C4-45
- Criteria for Extraordinary Nuclear Occurrence, Part 140--RM#51--AB01 . . . . . NRR-C5-10
- Quality Assurance Programs, Part 50--RM#552–AG45 . . . . . NRR-C5-59
- Event Reporting for Unintended Exposures to Embryo, Fetus or Nursing Child Under Non-Medical Circumstances, Part 20–RM#568 . . . . . NMSS-C5-60
- Use of Exempt Sources in Devices, 10 CFR 30.18–RM#526 . . . . . NMSS-C5-61