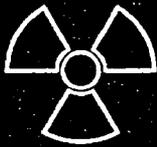
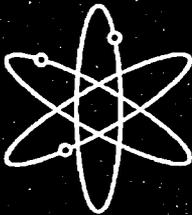




NRC Regulatory Agenda



**Semiannual Report
July - December 2004**



**U.S. Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555-0001**



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The NRC Technical Library
Two White Flint North
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American National Standards Institute
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NUREG-0936
Vol. 23, No. 2

NRC Regulatory Agenda

Semiannual Report July - December 2004

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**Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001**



Preface

The Regulatory Agenda is a semiannual compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition.

Organization of the Agenda

The agenda consists of two sections that have been updated through December 30, 2004. Section I, "Rules," includes (A) rules on which final action has been taken since June 30, 2004, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since June 30, 2004; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules, and (D) petitions pending staff review.

In Section I of the agenda, the rules are aligned numerically with the parts of Title 10, Chapter I, of the Code of Federal Regulations (CFR)(Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest numbered affected part. In Section II of the agenda, the petitions are aligned numerically with the parts of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

A Regulation Identifier Number (RIN) has been added to each rulemaking agenda entry to make it easier for the public and agency officials to track the publication history of regulatory actions. The dates listed under the heading "Timetable" for scheduled action by the Commission, the Executive Director for Operations (EDO), or the Chief Financial Officer (CFO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda. Conversely, the inclusion in this Regulatory Agenda of unpublished rules on which the NRC is considering action does not commit the NRC to publishing the rule for public comment in the Federal Register.

Rulemakings Approved by the Executive Director for Operations

The EDO initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve NRC's regulatory priorities most effectively. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking.

Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking or an advance notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal in the Federal Register. Rules and PRMs that appear in the agenda for the first time are identified by an asterisk (*).

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555-0001.

Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

You may also provide comments via the NRC's interactive rulemaking Website (<http://ruleforum.llnl.gov>). This site provides the capability to upload comments as files (any format), if your Web browser supports that function. For information about the interactive rulemaking Website, contact Ms. Carol Gallagher, 301-415-5905 (e-mail: cag@nrc.gov).

The agenda and any comments received on any rule listed in the agenda are available for public inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, One White Flint North, 11555 Rockville Pike, Public File Area 01-F21, Rockville, MD, between 7:45 a.m. and 4:15 p.m., Federal workdays.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Doris Mendiola, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-6297

(persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail dam2@nrc.gov. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

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I-RULES

A

1. Adjustment of Civil Penalties for Inflation* (Part 2)

RIN: 3150-AH55

Abstract: The final rule amends the Commission's regulations to adjust the maximum Civil Monetary Penalties (CMPs) it can assess under statutes within NRC's jurisdiction. These changes are mandated by Congress in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, and the Debt Collection Improvement Act of 1996. The NRC's Rules of Practice are amended by adjusting the maximum CMP for a violation of the Atomic Energy Act of 1954, as amended (AEA), or any regulation or order issued under the AEA from \$120,000 to \$130,000 per violation per day.

Timetable: Final Rule Published 10/26/04 69 FR 62393
Final Rule Effective 11/26/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Shelly D. Cole, Office of the General Counsel,
(301) 415-2549, e-mail sdc1@nrc.gov

2. Minor Correction Amendments for FY2004* (Parts 19, 34, 40, 55, and 60)

RIN: 3150-AH58

Abstract: The final rule amends the Commission's regulations to correct several miscellaneous errors in the NRC Rules and Regulations. This document is necessary to inform the public of these corrective changes.

Timetable: Final Rule Published 12/22/04 69 FR 76599
Final Rule Effective 12/22/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Alzonia W. Shepard, Office of Administration,
(301) 415-6864, e-mail: aws1@nrc.gov

3. Medical Use of Byproduct Material; Minor Amendments; Extending Expiration Date for Subpart J (Part 35)

RIN: 3150-AH47

Abstract: The final rule amends the Commission's regulations to extend the expiration date for training and experience requirements to be superceded for 1 year, from October 24, 2004, to October 24, 2005.

Timetable: Final Rule Published 09/16/04 69 FR 55736
Final Rule Effective 10/22/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Anthony N. Tse, Office of Nuclear Material Safety and Safeguards,
(301) 415-6233, e-mail ant@nrc.gov

4. Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors (Part 50)

RIN: 3150-AG42

Abstract: The final rule provides an alternative, risk-informed approach for special treatment requirements in the current regulations. Special treatment requirements are requirements imposed on structures, systems, and components (SSCs) that provide additional confidence that these SSCs are capable of meeting design basis functional requirements. The risk-informed approach categorizes SSCs and varies the associated regulatory treatment based on the SSC's safety significance. This action is a result of the Commission's continuing efforts to risk-inform its regulations.

Timetable: Final Rule Published 11/22/04 69 FR 68008
Final Rule Effective 12/22/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Timothy A. Reed, Office of Nuclear Reactor Regulation,
(301) 415-1462, e-mail tar@nrc.gov

5. Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors (Part 50)

RIN: 3150-AH22

Abstract: The proposed rule would have amended the Commission's regulations in § 50.46

coolant accidents. The proposed amendment would have eliminated the agency's practice of approving the use of M5™, a zirconium-niobium alloy, by exemptions. This rulemaking would have addressed a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). This action would have intended to increase NRC's effectiveness and efficiency and to reduce unnecessary regulatory burden for licensees without adversely affecting public health and safety. This rule has been subsumed into the proposed rule, "Performance-Based ECCS Acceptable Criteria," (RIN AH42)," which is scheduled to be published in 2007.

Timetable: Subsumed into RIN 3150-AH42

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Richard Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116, e-mail rfd@nrc.gov

6. Industry Codes and Standards; Amended Requirements (Part 50)

RIN: 3150-AH24

Abstract: The final rule amends the Commission's regulations to incorporate by reference the 2001 Edition, and 2002 and 2003 Addenda of Division 1 rules in Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* (ASME BPV Code); the 2001 Edition, and 2002 and 2003 Addenda of Division 1 rules in Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME BPV Code; and the 2001 Edition, and 2002 and 2003 Addenda of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code).

Timetable: Final Rule Published 10/01/04 69 FR 58804
Final Rule Effective 11/01/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Stephen Tingen, Office of Nuclear Reactor Regulation,
(301) 415-1280, e-mail sgt@nrc.gov

7. Reactor Pressure Vessel Head and Penetration Inspection Requirements (Part 50)

RIN: 3150-AH46

Abstract: The proposed rule would have amended the Commission's regulations to codify the inspection requirements of Order EA-03-009 regarding inspections of reactor pressure vessel heads and head penetrations in pressurized water reactors into 10 CFR 50.55a. This rule has been subsumed in the final rule, "Industry Codes and Standards; Amended Requirements," published on October 1, 2004; 69 FR 58804.

Timetable: Subsumed into RIN 3150-AH24

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Joe Birmingham, Office of Nuclear Reactor Regulation,
(301) 415-2829, e-mail jlb4@nrc.gov

8. List of Approved Spent Fuel Storage Casks: NAC-MPC Revision (Amendment 4) (Part 72)

RIN: 3150-AH50

Abstract: The direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the NAC International Inc., NAC-MPC cask system listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of Compliance Number 1025. Amendment No. 4 modifies the present cask system design to incorporate vacuum drying enhancements under a general license. Specifically, the amendment increases vacuum drying time limits, deletes canister removal from concrete cask requirements, revises surface contamination removal time limits, and revises allowable contents fuel assembly limits.

Timetable:	Direct Final Rule Published	08/13/04	69 FR 50053
	Proposed Rule Published	08/13/04	69 FR 50089
	Direct Final Rule Effective	10/27/04	
	Confirmation of Effective Date Published	10/20/04	69 FR 61592

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards,
(301) 415-6219, e-mail jmm2@nrc.gov

9. Criminal History Check: Assessment of Application Fee* (Part 73)

RIN: 3150-AH53

Abstract: The final rule amends the Commission's regulations to reflect an administrative change in the method of calculating the agency's application fee for criminal history checks requested by licensees. The amendment establishes the application fee amount as the sum of the user fee charged by the Federal Bureau of Investigation for performing criminal history checks on fingerprint records and an NRC handling charge assessed to ensure full recovery of NRC's administrative costs related to fingerprint record processing. The amendment also provides for the NRC to publish its current criminal history check fee on the NRC public web site, and notify licensees by e-mail whenever the application fee is adjusted

Timetable:

Final Rule Published	10/01/04	69 FR 58820
Final Rule Effective	10/01/04	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Patricia A. Smith, Office of Administration,
(301) 415-7739, e-mail pas5@nrc.gov

(B) Proposed Rules

B

10. Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants (Parts 2, 20, 50, 51, 52, 72, 73, 140, and 171)

RIN: 3150-AG24

Abstract: The proposed rule would amend the Commission's requirements for early site permits, standard design certifications, and combined licenses for nuclear power plants, and for other licensing processes. The amendments are based on the NRC staff's experience with the previous design certification reviews and on discussions with stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants. The rulemaking also would make conforming clarifications and corrections to the NRC's regulations.

The NRC is proposing to reorganize 10 CFR Part 52 to establish a separate section for each of the seven licensing processes currently described in 10 CFR Part 52 (early site permits, early site reviews, standard design certification, standard design approvals, combined licenses, manufacturing licenses, and duplicate design licenses). The purpose of this reorganization would be to clarify that each licensing process has equal standing. In addition, several subparts would be reserved for future licensing processes. No substantive changes are intended by the incorporation of current Appendices M, N, O, and Q into the new subparts in 10 CFR Part 52.

The NRC is also proposing to retitle 10 CFR Part 52 as "Additional Licensing Processes for Nuclear Power Plants," to clarify that the licensing processes in 10 CFR Part 52 are in addition to and supplement the two-step licensing process in 10 CFR Part 50 and the license renewal process in 10 CFR Part 54, and are not limited to the early site permit, standard design certification, and combined license processes as the current title implies.

The proposed rule would amend § 52.1 to clarify that all seven licensing processes are within the scope of 10 CFR Part 52. Sections within current Appendices M, N, O, and Q would also become new sections of the revised part. In addition, the proposed rule would reserve sections for future licensing processes. In doing so, the NRC hopes to convey that 10 CFR Part 52 is the preferred location in 10 CFR for nuclear power plant licensing processes. The proposed rule subsumed the rulemaking, "Standardized Plant Designs, Early Review of Sites Suitability Issues; Clarifying Amendments" (RIN 3150-AE25), that would remove redundant Appendices M, N, O, and Q from Part 50. The Part 52 rulemaking plan (SECY-98-282) was approved by the Commission on January 14, 1999.

Timetable: Proposed Rule Published 07/03/03 68 FR 40026
Comment Period Closed 09/16/03

Proposed Rule Published 08/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jerry N. Wilson, Office of Nuclear Reactor Regulation,
(301) 415-3145, e-mail jnw@nrc.gov
Nanette Giles, Office of Nuclear Reactor Regulation,
(301) 415-1180, e-mail nvg@nrc.gov

11. Public Records (Part 9)

RIN: 3150-AH12

Abstract: The proposed rule would amend the Commission's regulations to reflect changes in officials who initially deny access to records or deny access to records whose initial denial has been appealed, and to reflect a change in an appellate official due to a reorganization. The amendment would allow the Executive Assistant to the Secretary of the Commission, rather than the Assistant Secretary, to make the initial determination to deny NRC records in whole or in part under the Commission's regulations. Also, an appeal of a denial of a request for a waiver or reduction of fees, or denial of a request for expedited processing would be appealed to the Executive Director for Operations rather than the Secretary of the Commission.

Timetable:

Proposed Rule Published	04/27/04	69 FR 22737
Comment Period Closed	07/12/04	
Final Rule Published	06/00/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Carol Ann Reed, Office of Information Services,
(310) 415-7169, e-mail car2@nrc.gov

12. Broadening Scope of Access Authorization and Facility Security Clearance Regulations* (Parts 25 and 95)

RIN: 3150-AH52

Abstract: The direct final rule will amend the Commission's regulations to broaden the scope of the regulations applicable to persons who may require access to classified information, to include persons who may need access in connection with licensing and regulatory activities under the regulations that govern the disposal of high-level radioactive waste in geologic repositories, and persons who may need access in connection with other activities as the Commission may determine, such as vendors of advanced reactor designs. The Commission is also amending its regulations to broaden the scope of the regulations applicable to procedures for obtaining facility security clearances, to include persons who may need to use, process, store, reproduce, transmit, transport, or handle NRC classified information in connection with the above-identified activities.

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Timetable:

Direct Final Rule Published	12/15/04	69 FR 74949
Proposed Rule Published	12/15/04	69 FR 75007
Direct Final Rule Effective	02/28/05	
Confirmation of Effective Date Published	02/00/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Anthony Tse, Office of Nuclear Material Safety and Safeguards,
(310) 415-6233, e-mail ant@nrc.gov

13. Fitness-for-Duty Programs (Part 26)

RIN: 3150-AF12

Abstract: The proposed rule would amend the Commission's regulations to ensure compatibility with the Department of Health and Human Services guidelines, eliminate or modify unnecessary requirements in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency and establish threshold for the control of working hours at nuclear power plants to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. Because of the issues raised in response to the earlier affirmed (Fitness-for-duty) rule, a new proposed rule will be published, including provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This new proposed rule is scheduled to be provided to the Commission by June 1, 2005. This proposed rule subsumes the proposed rule "Nuclear Power Plant Worker Fatigue (RIN 3150-AG99)." This rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and a petition for rulemaking submitted by Barry Quigley (PRM-26-2) related to worker fatigue.

Timetable:

Proposed Rule Published	05/09/96	61 FR 21105
Comment Period Closed	08/07/96	
Proposed Rule Published	08/00/05	
Final Rule Published	05/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Rebecca Karas, Office of Nuclear Reactor Regulation,
(301) 415-3711, e-mail rlk@nrc.gov

14. Security Requirements for Portable Gauges Containing Byproduct Material (Part 30)

RIN: 3150-AH06

Abstract: The proposed rule would amend the Commission's regulations governing the use of byproduct material in specifically licensed portable gauges. The final rule requires a licensee to provide a minimum of two independent physical controls that form tangible barriers to secure the portable gauge from unauthorized removal whenever the portable gauges are not under the control and constant surveillance of the licensee.

Timetable:	Proposed Rule Published	08/01/03	68 FR 45172
	Comment Period Closed	10/15/03	
	Final Rule Published	01/12/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Lydia Chang, Office of Nuclear Material Safety and Safeguards,
(310) 415-6319, e-mail lwc1@nrc.gov

15. Medical Use of Byproduct Material - Recognition of Specialty Boards (Part 35)

RIN: 3150-AH19

Abstract: The proposed rule would amend the Commission's regulations by modifying the training and experience requirements applicable to the medical use of byproduct material based on recommendations submitted by the Advisory Committee on the Medical Uses of Isotopes (ACMUI), contained in SECY-02-0194 (October 30, 2002, "Staff Requirements - SECY-02-0194 - Options for Addressing Part 35 Training and Experience Issues Associated with Recognition of Specialty Boards by NRC" (February 12, 2003)). The Commission approved an option that includes posting on the NRC's web site of the names of boards whose certifications are recognized as meeting revised criteria for training and experience rather than including the names in regulations. The Commission directed that the staff develop the proposed rule based on the ACMUI's recommendations, with certain qualifications in SRM-02-0194, including clarifications about the meaning of terms in preceptor statements – the retention of which was required by the Commission.

Timetable:	Proposed Rule Published	12/09/03	68 FR 68549
	Comment Period Closed	02/23/04	
	Final Rule Published	03/00/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Roger Broseus, Office of Nuclear Material Safety and Safeguards,
(301) 415-7608, e-mail rwb@nrc.gov

16. Transfers of Certain Source Materials by Specific Licensees (Part 40)

RIN: 3150-AG64

Abstract: The proposed rule would amend the Commission's regulations to require NRC approval for transfers from licensees of unimportant quantities of source material (less than 0.05 percent by weight) to persons exempt from licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

Timetable:

Proposed Rule Published	08/28/02	67 FR 55175
Comment Period Closed	11/12/02	
Final Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gary Comfort, Jr., Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

17. Emergency Planning and Preparedness for Production and Utilization Facilities (Part 50)

RIN: 3150-AH00

Abstract: The proposed rule would amend the Commission's regulations to resolve an ambiguity in the regulations regarding NRC approval of nuclear power plant licensee-initiated changes to emergency action levels (EALs). The rule would allow licensees to make minor changes to EALs without prior NRC approval. The rule also would establish emergency planning exercise requirements for co-located licensees.

Timetable:

Proposed Rule Published	07/24/03	68 FR 43673
Comment Period Closed	10/07/03	
Final Rule Published	01/26/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Michael T. Jamgochian, Office of Nuclear Reactor Regulation,
(301) 415-3224 e-mail mtj1@nrc.gov

18. Incorporation by Reference of ASME BPV Code Cases (Part 50)

RIN: 3150-AH35

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the latest revisions of two previously incorporated regulatory guides which address NRC review and approval of Code cases published by the American Society of Mechanical Engineers (ASME). The Code cases listed in these regulatory guides have been reviewed by the NRC and found to be acceptable for use as alternatives to requirements in the ASME *Boiler and Pressure Vessel Code* pertaining to the construction and inservice inspection of nuclear power plant components.

Timetable:	Proposed Rule Published	08/03/04	69 FR 46452
	Comment Period Closed	10/18/04	
	Final Rule Published	05/00/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Harry S. Tovmassian, Office of Nuclear Reactor Regulation,
(301) 415-3092, e-mail hst@nrc.gov

19. Post-Fire Operator Manual Actions* (Part 50)

RIN: 3150-AH54

Abstract: The proposed rule would amend the Commission's regulations revising fire protection requirements in Appendix R to 10 CFR Part 50, along with associated guidance, to allow manual actions when those actions meet appropriate acceptance criteria. The staff developed an interim enforcement policy to deal with compliance issues until the rulemaking is complete and final revisions to the regulations and the guidance are effective (January 14, 2005; 70 FR 2577).

Timetable:	Proposed Rule Published	03/00/05
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Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: David T. Diec, Office of Nuclear Reactor Regulation,
(301) 415-2834, e-mail dtd@nrc.gov

20. Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51)

RIN: 3150-AA31

Abstract: The proposed rule would amend the Commission's regulations by addressing uranium fuel cycle environmental data (Table S-3) and the environmental effects of transportation of fuel and waste data (Table S-4). In § 51.51, the environmental data would be re-estimated and reflect changes in the structure and activities of the fuel cycle and the availability of better data. Estimates of releases of Radon-222 and Technetium-99 would be added to Table S-3. The addition of a specific value for Radon-222 would address the outstanding portion of petition for rulemaking PRM-51-1, submitted by the New England Coalition on Nuclear Pollution. To provide immediate relief to the petitioners' request, the Commission published a final rule on March 14, 1977 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it became subject to case-specific litigation. It was anticipated that the Commission would add a specific value for Radon-222, but the Commission deferred action until a general updating of Table S-3 is undertaken. For § 51.52, the environmental impact estimates would be re-estimated to reflect the use of more highly enriched fuel and discharge of more highly irradiated fuels from a reactor; as well as many changes needed to update fuel cycle process and technologies.

This rulemaking would result in current and more accurate estimates of the environmental impact of licensing a new plant, and would eliminate the requirement to review the contribution to environmental impacts from Radon-222 and Technetium-99 in individual plant reviews. This rule is being reissued as a proposed rule, and would update the initial rulemaking effort to address newly emerging issues and research.

Timetable:	Proposed Rule Published	03/04/81	46 FR 15154
	Comment Period Closed	05/04/81	
	Proposed Rule Published	Undetermined	

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

Effects on Small Business and Other Entities: None

Agency Contact: Stewart Schneider, Office of Nuclear Reactor Regulation,
(301) 415-4123, e-mail sxs4@nrc.gov

21. Export and Import of Nuclear Equipment and Materials (Part 110)

RIN: 3150-AH44

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Abstract: The proposed rule would amend the Commission's regulations to require specific export and import licenses for high-risk radioactive material. The proposed rule is necessary to reflect recent changes to the nuclear material security policies of the Commission and the Executive Branch.

Timetable:

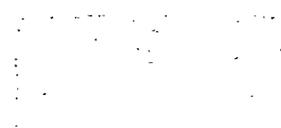
Proposed Rule Published	09/16/04	69 FR 55785
Comment Period Closed	11/30/04	
Final Rule Published	04/00/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Suzanne Schuyler-Hayes, Office of International Programs,
(301) 415-2333, e-mail ssh@nrc.gov

(C) Advance Notices of Proposed Rulemaking



C

22. Disposal by Release Into Sanitary Sewerage (Part 20)

RIN: 3150-AE90

Abstract: The advance notice of proposed rulemaking (ANPRM) was published to request public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. By incorporating current sewer treatment technologies, the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. Through the Interagency Steering Committee on Radiation Standards (ISCORS), the NRC and the Environmental Protection Agency conducted a joint survey of sewage treatment plants. The results of the final report of the joint survey were considered in the Commission's denial of the petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22). A notice denying the petition was published in the Federal Register on January 27, 2005 (70 FR 3898). The staff is considering public comments and whether to withdraw this ANPRM.

Timetable: ANPRM Published 02/25/94 59 FR 9146
 Comment Period Closed 05/26/94

Proposed Rule or Withdrawal
 Notice Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Lydia Chang, Office of Nuclear Material Safety and Safeguards,
 (301) 415-6319, e-mail lwc1@nrc.gov

23. Entombment Options for Power Reactors (Parts 20 and 50)

RIN: 3150-AG89

Abstract: The advance notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02-0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory Research has conducted research to develop a sound technical basis for an entombment option, estimated in 2005. The Commission, in a Staff Requirements Memorandum dated November 26, 2002, did not object to staff's proposal, and requested information regarding the scope and type of research needed to support any entombment option. This information was provided to the Commission on May 14, 2003. The Office of Nuclear Regulatory Research conducted research in 2004 and plans to issue an Interim Research Report in mid-2005. The staff is continuing to defer this rulemaking activity.

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Timetable: ANPRM Published 10/16/01 66 FR 52551
 Comment Period Closed 12/31/01
 Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Kevin R. O'Sullivan, Office of Nuclear Material Safety and Safeguards,
 (301) 415-8112, e-mail kro2@nrc.gov

24. Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73)

RIN: 3150-AG41

Abstract: The advance notice of proposed rulemaking (ANPRM) invited early input from affected parties and the public on the issues associated with the advance notification of Indian Tribes of spent fuel shipments. The Department of Energy (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 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. NRC's current regulations do 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. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

Timetable: ANPRM Published 12/21/99 64 FR 71331
 Comment Period Closed 07/05/00 65 FR 18010
 Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Roger W. Broseus, Office of Nuclear Material Safety and Safeguards,
 (301) 415-7608, e-mail rwb@nrc.gov

(D) Unpublished Rules

D

25. Administrative Changes (Parts 1, 20, 30, 40, and 73)

RIN: 3150-AH49

Abstract: The final rule amends the Commission's regulations to reflect the change of address for the NRC Region III Office in Lisle, Illinois. The final rule also updates the list of non-Agreement States and informs the public of the consolidation of the Region I and Region II materials programs.

Timetable: Final Rule Published 04/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Michael K. Williamson; Office of Nuclear Material Safety and Safeguards, (301) 415-6234, e-mail mkw1@nrc.gov

26. Protection of Safeguards Information* (Parts 2, 30, 40, 50, 52, 63, 70, 72, 73, 76, and 150)

RIN: 3150-AH57

Abstract: The proposed rule would amend the Commission's regulations for the protection of Safeguards Information (SGI) to be consistent with recent Commission practices reflected in Orders and Threat Advisories, and Confirmatory Action Letters issued since September 11, 2001. The amendments also would provide the flexibility afforded the Commission for the protection of such information by the Atomic Energy Act of 1954, as amended (AEA). The proposed amendments would affect certain licensees, information, and materials not currently specified in the regulations, but which are within the scope of the AEA. The proposed amendments are intended to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials.

Timetable: Proposed Rule Published 03/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Marjorie Rothschild, Office of the General Counsel, (301) 415-1633, e-mail mr@nrc.gov

27. Collection, Reporting, or Posting of Information (Parts 19, 20, and 50)**RIN:** 3150-AH40

Abstract: The proposed rule would amend the Commission's regulations to clarify or revise the regulations such that (1) licensees would not be required, unless a specific request was made by a worker, to provide an annual report to a worker of their radiation dose if a worker received less than two percent of the limits defined in 10 CFR Part 20; (2) licensees for production and utilization facilities governed by 10 CFR Part 50 would not need to label containers in accordance with 10 CFR 20.1904, "Labeling containers," if the containers met conditions such as being clearly identifiable as containing radioactive materials, being accessible only to trained individuals, and being located in an area posted pursuant to 10 CFR 20.1902, "Posting requirements"; and (3) licensees would no longer need to attempt to obtain records of a worker's cumulative radiation dose unless the worker was to be involved in a planned special exposure. In addition, the staff is considering using this opportunity to propose a change to 10 CFR 20.1003, "Definitions," to clarify the definition of total effective dose equivalent (TEDE).

Timetable: Proposed Rule Published 03/00/05**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** William D. Reckley, Office of Nuclear Reactor Regulation,
(301) 415-1323, e-mail wdr@nrc.gov

28. Controlling the Disposition of Solid Materials (Part 20)**RIN:** 3150-AH18

Abstract: The proposed rule would amend the Commission's regulations to evaluate alternatives for controlling the disposition of solid materials with very low, or no levels of radioactivity. Current practice is to, on a case-by-case basis, either apply Regulatory Guide 1.86 surface contamination values or determine that there is no detectable activity using environmental measurements methods. In addition, there are no current release levels established generally for volumetrically contaminated materials. An examination of approaches to the control of disposition of solid materials would help the NRC staff evaluate the cost effectiveness of means to handle requests for clearance of materials during both operation and decommissioning.

Timetable: Proposed Rule Published 05/00/05**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None

Agency Contact: Frank P. Cardile, Office of Nuclear Material Safety and Safeguards,
(301) 415-6185, e-mail fpc@nrc.gov

29. Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule (Parts 20, 30, 40, 70, and 72)

RIN: 3150-AH45

Abstract: The proposed rule would amend the Commission's regulations by examining the addition and revision of requirements for (1) financial assurance and (2) licensee monitoring, reporting, and remediation to reduce the potential for sites that could have funding shortfalls or contamination that would complicate future decommissioning (i.e., create a future legacy site).

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Leslie S. Kerr, Office of Nuclear Material Safety and Safeguards,
(301) 415-6272, e-mail lsk@nrc.gov

30. National Source Tracking (Parts 20, 32, and 150)

RIN: 3150-AH48

Abstract: The proposed rule would amend the Commission's regulations to establish the regulatory foundation for a new national source tracking system for high-risk sealed sources, as designated in the IAEA Code of Conduct (Category 1 and 2 sources). The tracking system is intended to track the high-risk sources from cradle-to-grave. Licensees will be required to report manufacture of new sources, transfer of sources, receipt of sources and end-points for sources (e.g. export and disposal).

Timetable: Proposed Rule Published 06/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Merri L. Horn, Office of Nuclear Material Safety and Safeguards,
(301) 415-8126, e-mail mlh1@nrc.gov

31. Exemptions from Licensing and Distribution of Byproduct Material; Licensing and Reporting Requirements (Parts 30, 31, and 32)

RIN: 3150-AH41

Abstract: The proposed rule would use the results of the reevaluation of exemptions to make Parts 30, 31, and 32 more risk informed, less prescriptive, and better ensure safety. The proposed rule would eliminate unnecessary restrictions and obsolete provisions currently in the regulations. Improvements to distributor reporting requirements are also being considered. This rulemaking subsumes RM# 526, "Use of Exempt Sources in Devices, 10 CFR 30.18."

Timetable: Proposed Rule Published 12/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Catherine R. Mattsen, Office of Nuclear Material Safety and Safeguards, (301) 415-6264, e-mail crm@nrc.gov

32. Clarification of NRC Civil Penalty Authority Over Non-Licensees* (Parts 30, 40, 50, 60, 61, 70, and 72)

RIN: 3150-AH59

Abstract: The proposed rule would amend the Commission's regulations to enable NRC to impose civil penalties upon non-licensee contractors and subcontractors who discriminate against employees engaged in protected activities.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Doug Starkey, Office of Enforcement (301) 415-3456, e-mail drs@nrc.gov

33. Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40)

RIN: 3150-AH15

Abstract: The proposed rule 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 rule also would 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 licensees. Source material is used under general license and 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 and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold 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 that are not required to meet the requirements of Parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and Organization of Agreement States.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gary Comfort, Jr., Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

34. Implement US-IAEA Safeguards Agreement (Parts 40, 50, 60, 61, 63, 70, 72, 75, 76, and 150)

RIN: 3150-AH38

Abstract: The final rule will amend the Commission's regulations to implement the additional reporting and complementary access requirements contained in the US/IAEA Additional Protocol for the application of safeguards in the United States.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Naiem Tanious, Office of Nuclear Material Safety and Safeguards,
(301) 415-6103, e-mail nst@nrc.gov

35. Integrated Rulemaking for Decommissioning Nuclear Power Reactors (Part 50)

RIN: 3150-AG47

Abstract: A staff requirements memorandum dated June 23, 1999, directed the NRC staff to consider an integrated, risk-informed decommissioning rule rather than individual rulemakings to address emergency preparedness, insurance, safeguards, operator staffing, and backfit for nuclear power plants that are being decommissioned. SECY-99-168, dated June 30, 1999, recommended that the integrated approach be approved and outlined staff plans for pursuing such a rulemaking. Accordingly, the staff has subsumed previous rulemaking activities in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit into one integrated rulemaking effort. This rulemaking would apply to 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. The Commission approved this approach in an SRM dated December 21, 1999. This rulemaking also would address a petition for rulemaking submitted by the North Carolina Public Utility Commission (PRM-50-57).

In SECY-00-0145, dated June 28, 2000, the NRC staff recommended a decommissioning rulemaking plan in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit (the integrated decommissioning rulemaking plan). The rulemaking plan relied on a draft decommissioning risk study as the basis for its recommendations. The Commission returned the rulemaking plan to the staff for rework in September 2000, based on changes to the decommissioning risk study findings. The decommissioning risk study, NUREG-1738, was issued in January 2001. After assessing the findings in the risk study, the staff presented a policy options paper to the Commission, SECY-01-0100, dated June 4, 2001, that provided options and made recommendations on issues to be addressed in the integrated rulemaking. Following the terrorist events of September 11, 2001, the NRC staff recommended and the Commission approved the withdrawal of SECY-01-0101 because of the likely changes in the staff's position on decommissioning plant safeguards. The decommissioning policy position will be revisited when a broad-scope NRC safeguards policy is developed in response to potential terrorist acts at nuclear facilities. The schedule for the integrated rulemaking cannot be determined at this time.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Anthony N. Tse, Office of Nuclear Material Safety and Safeguards,
(301) 415-6233, e-mail ant@nrc.gov

36. Modifications to Pressure-Temperature Limits (Part 50)

RIN: 3150-AG98

Abstract: The proposed rule would amend the Commission's regulations to eliminate those requirements for pressure-temperature limits that are related to the metal temperature of the reactor pressure vessel closure head flange and vessel flange areas. The proposed rule would amend footnotes 2 and 6 to Table 1 of Appendix G, and simplify restructuring of the table. Also, this rulemaking would address the petition for rulemaking submitted by Westinghouse Electric Company (PRM-50-69).

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Matthew Mitchell, Office of Nuclear Reactor Regulation,
(301) 415-3303, e-mail mam4@nrc.gov

37. Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition (Part 50)

RIN: 3150-AH29

Abstract: The proposed rule would amend the Commission's regulations to allow for a risk-informed alternative to the present loss-of-coolant accident (LOCA) break size. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-75).

Timetable: Proposed Rule Published 06/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Richard F. Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116, e-mail rfd@nrc.gov

38. Elimination of Requirement to Submit Annual Financial Report (Part 50)

RIN: 3150-AH39

Abstract: The proposed rule would amend the Commission's regulations to eliminate the reporting requirement in 10 CFR 50.71(b), which requires that licensees for production and

utilization facilities submit annual financial reports, including certified financial statements, to the Commission.

The proposed rule would eliminate the costs to licensees of submitting their annual financial reports and the costs to the NRC of processing those submittals. The cost savings are relatively small but it is expected that the costs associated with the rulemaking will be justified by the cost savings from eliminating the reporting requirement. The elimination of the report will also serve to fulfill a Congressional mandate to address outdated or paperwork oriented requirements.

Timetable: Proposed Rule Published 06/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: William D. Reckley, Office of Nuclear Reactor Regulation,
(301) 415-1323, e-mail wdr@nrc.gov

39. Performance-Based ECCS Acceptance Criteria (Part 50)

RIN: 3150-AH42

Abstract: The proposed rule would amend § 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. Existing provisions of § 50.46 applicable to certain zirconium-based cladding materials would be supplemented by performance-based standards for maximum peak cladding temperature and oxidation limit. The supplementary performance standard would allow licensees to use alternative cladding materials, without seeking an exemption, provided that (1) testing demonstrated that adequate ductility would be maintained, and (2) ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking would also address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71).

Timetable: Proposed Rule Published 03/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Richard Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116, e-mail rfd@nrc.gov

40. Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident (LOCA) (Part 50)

To achieve the general objective, the regulation requires that onsite security programs and security organizations be designed to prevent core damage and/or spent fuel damage. The rulemaking uses risk insights to determine which plant systems need protection.

Timetable: Proposed Rule Published 02/00/06

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Undetermined

Agency Contact: Scott A. Morris, Office of Nuclear Security and Incident Response,
(301) 415-7083, e-mail sam1@nrc.gov

43. Design Basis Treat* (Part 73)

RIN: 3150-AH60

Abstract: The proposed rule would amend the Commission's regulations to revise its design basis threat requirements to consolidate the supplemental requirements put in place by orders following the September 11, 2001, terrorist attacks with the existing DBT requirements in § 73.1.

Timetable: Proposed Rule Published 06/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Timothy A. Reed, Office of Nuclear Reactor Regulation,
(301) 415-1462, e-mail: tar@nrc.gov

44. Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite (Part 110)

RIN: 3150-AH51

Abstract: The direct final rule amends the Commission's regulations by revising its export/import regulations to remove the NRC's export licensing requirements for nuclear grade graphite for non-nuclear end use. The purpose of this change is to remove from NRC export licensing jurisdiction nuclear materials which are not of significance from a nuclear proliferation perspective. The responsibility for the licensing of exports of nuclear grade graphite for non-nuclear end use will be transferred to the Department of Commerce (DOC). The DOC, which has concurred in this rule, will issue a direct final rule that will place these exports under its jurisdiction. The DOC direct final rule will be published concurrently and will become effective on the same date as the NRC's direct final rule.

NRC Regulatory Agenda**Unpublished Rules**

Timetable: Direct Final Rule Published 03/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Suzanne Schuyler-Hayes, Office of International Programs,
(301) 415-2333, e-mail ssh@nrc.gov

45. Revision of Fee Schedules; Fee Recovery, FY 2005* (Parts 170 and 171)

RIN: 3150-AH61

Abstract: The proposed rule would amend the Commission's licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for Fiscal Year 2005, less the amounts appropriated from the Nuclear Waste Fund and General Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

The FY 2001 Energy and Water Development Appropriations Act amended OBRA-90 to decrease the NRC's fee recovery amount by two percent per year beginning in FY 2001, until the fee recovery amount is 90 percent for FY 2005. The purpose of this amendment is to address the fairness and equity concerns related to charging NRC license holders for agency expenses that do not provide a direct benefit to the licensee. The dollar amount to be recovered for FY 2005 is approximately \$540.7 million. OBRA-90, as amended, requires that the fees for FY 2005 be collected by September 30, 2005.

Timetable: Proposed Rule Published 02/00/05

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

Agency Contact: Tammy Croote, Office of the Chief Financial Officer,
(301) 415-6041, e-mail txc1@nrc.gov

**(A) Petitions Incorporated Into Final Rules
or Denied**

**II
PETITIONS**

A

1. **Petitioner/Petition Docket Number:** Robert H. Leyse (PRM-50-78)

Federal Register Citation: October 31, 2002 (67 FR 66347)

Subject: Impact of CRUD deposition on the performance of all heat transfer surfaces in nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations to address the impact of fouling on the performance of all heat transfer surfaces in nuclear power plants. The petitioner alleges that this fouling is generally not adequately considered in the licensing and the compliance inspections at nuclear power plants.

Timetable: A notice denying this petition was published in the Federal Register on September 23, 2004 (69 FR 56958).

Agency Contact: Eileen M. McKenna, Office of Nuclear Reactor Regulation,
(301) 415-2189, e-mail emm@nrc.gov

**(B) Petitions Incorporated Into Published
Proposed Rules**

B

2. Petitioner/Petition Docket Number: Northeast Ohio Regional Sewer District (PRM-20-22)

Federal Register Citation: October 20, 1993 (58 FR 54071)

Subject: Release of radioactive material to the sanitary sewer system

Summary: The petitioner requested that the Commission amend its regulations to require that licensees provide at least 24 hours advance notice to the appropriate sewage treatment plant before releasing radioactive material to the sanitary sewer system. The petitioner also requested that the NRC exempt materials that enter the sanitary waste stream from the requirements regarding Commission approval for incineration under the NRC's current regulations.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 20, 1993 (58 FR 54071). The public comment period closed on January 3, 1994. The final resolution of the petition has been deferred pending the outcome of the rulemaking, "Disposal by Release Into Sanitary Sewerage" (RIN AE90). The advance notice of proposed rulemaking was published in the Federal Register on February 25, 1994 (59 FR 9146). The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Lydia Chang, Office of Nuclear Material Safety and Safeguards,
(301) 415-6319, e-mail lwc1@nrc.gov

3. Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-26-1)

Federal Register Citation: N/A

Subject: Fitness-for-Duty Programs

Summary: The petitioner requested that the Commission amend its regulations to change the frequency that licensees are required to audit their fitness-for-duty programs from annually to biennially.

Timetable: A notice of receipt was not published for this petition. This petition qualified for special fast-track handling, as specified in 10 CFR 2.802(e); publication of the docketing of PRM-26-1 was not required. This petition was addressed in a proposed rulemaking, "Fitness-for-Duty Program" (RIN AF12). The proposed rule was published in the Federal Register on May 9, 1996 (61 FR 21105). A new proposed rule is expected to be provided to the Commission in June 2005.

Agency Contact: Rebecca Karas, Office of Nuclear Reactor Regulation,
(301) 415-3711, e-mail rlk@nrc.gov

(C) Petitions Incorporated Into Unpublished Rules

c

4. Petitioner/Petition Docket Number: Barry Quigley (PRM-26-2)

Federal Register Citation: December 1, 1999 (64 FR 67202)

Subject: Fitness-for-duty

Summary: The petitioner requested that the Commission amend its regulations to (1) add enforceable working hour limits to 10 CFR Part 26; (2) add a criterion to 10 CFR Part 55 to require evaluation of known sleeping disorders; (3) revise the Enforcement Policy to include examples of working hour violations warranting various NRC sanctions; and (4) revise NRC Form 396 to include self-disclosure of sleeping disorders by licensed operators. The petitioner also requested changes to NRC Inspection Procedure 81502, Fitness-for-Duty Program. The petitioner believes that clear and enforceable working hour limits are required to ensure that the impact of personal fatigue is minimized.

Timetable: A notice of receipt for this petition was published in the Federal Register on December 1, 1999 (65 FR 67202). The comment period closed on February 14, 2000. This petition is scheduled to be addressed through rulemaking, "Modifications to Fitness-for-Duty Rule Program." (RIN 3150-AF12). The proposed rule is scheduled to be provided to the Commission by June 1, 2005.

Agency Contact: David Desaulniers, Office of Nuclear Reactor Regulation,
(301) 415-1043; e-mail drd@nrc.gov

5. Petitioner/Petition Docket Number: North Carolina Public Staff Utility Commission (PRM-50-57)

Federal Register Citation: January 17, 1992 (57 FR 2059)

Subject: Reducing or eliminating insurance requirements at decommissioned nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations to substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shut down and are awaiting decommissioning, and all the nuclear fuel has been removed from the reactor site.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 17, 1992 (57 FR 2059). The public comment period closed on March 17, 1992. The petition is scheduled to be addressed by rulemaking. Completion of the rulemaking plan is undetermined.

Agency Contact: Stewart Schneider, Office of Nuclear Reactor Regulation,
(301) 415-4123, e-mail sxs4@nrc.gov

6. Petitioner/Petition Docket Number: New England Coalition on Nuclear Pollution
(PRM-51-1)

Federal Register Citation: January 16, 1976 (41 FR 2448)

Subject: Amendments to Table S-3 in 10 CFR Part 51

Summary: The petitioner requested that the Commission amend its regulations to "Table S-3 - Summary of Environmental Considerations for Uranium Fuel Cycle" [Uranium Fuel Cycle Environmental Data -Table S-3].

Timetable: A notice of receipt for this petition was published in the Federal Register on January 16, 1976 (41 FR 2448). The public comment period closed on March 16, 1976. The Commission closed three issues by denial in a Federal Register notice published on April 14, 1978 (43 FR 15613). Action on the remaining issue will be addressed by rulemaking, "Update Fuel Performance Considerations and Other Fuel Cycle Issues (RIN 3150-AA31)." Publication of the proposed rule is undetermined.

Agency Contact: Stewart Schneider, Office of Nuclear Reactor Regulation,
(301) 415-4123, e-mail sxs4@nrc.gov

(D) Petitions Pending Staff Review

D

7. Petitioner/Petition Docket Number: Sander C. Perle, Technical Director of ICN World Wide Dosimetry Service (PRM-20-25)

Federal Register Citation: May 2, 2003 (68 FR 23618)

Subject: Require dosimeter accreditation from the NVLAP of the National Institute of Standards and Technology

Summary: The petitioner requested that the Commission amend its regulations to require that any dosimeter, without exception, that is used to report dose of record and demonstrate compliance with the dose limits specified in the Commission's regulations be processed and evaluated by a dosimetry processor holding accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology. The petitioner also requested that the definition of *Individual monitoring devices (individual monitoring equipment)* be revised to include "electronic dosimeters, optically stimulated dosimeters" as examples of certain devices.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 5, 2003 (68 FR 23618). The public comment period closed on July 21, 2003. The staff is working to complete NRC action documenting resolution of the petition.

Agency Contact: Torre Taylor, Office of Nuclear Material Safety and Safeguards, (301) 415-7900, e-mail tmt@nrc.gov

8. Petitioner/Petition Docket Number: Organization of Agreement States* (PRM-35-17)

Federal Register Citation: October 28, 2004 (69 FR 62831)

Subject: Training hours required

Summary: The petitioner requested that the Commission amend its regulations to specify the minimum number of didactic (classroom and laboratory) training hours required to meet the requirement for training and experience to qualify as an authorized nuclear pharmacist and an authorized user identified in the NRC's regulations on training for uptake, dilution, and excretion studies; imaging and localization studies; and use of unsealed byproduct material for which a written directive is required.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 28, 2004 (69 FR 62831). This notice of receipt is being published for information only, not for public comment. This rulemaking is being addressed in a final rulemaking, "Medical Use of Byproduct Material - Recognition of Specialty Boards" (RIN 3150-AH19). This final rule is scheduled to be published March 2005.

Agency Contact: Roger W. Broseous, Office of Nuclear Material Safety and Safeguards,
(301) 415-7608, e-mail rwb@nrc.gov

9. Petitioner/Petition Docket Number: American National Standards Institute N43.10
Committee (PRM-36-1)

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

Subject: Radiation safety requirements

Summary: The petitioner requested that the Commission amend its radiation safety requirements for irradiators to allow the operation of panoramic irradiator facilities without continuous onsite attendance.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 15, 1998 (63 FR 49298). The public comment period closed on November 30, 1998. This action is on hold pending a review of NRC rules in response to events of September 11, 2001.

Agency Contact: Lydia Chang, Office of Nuclear Material Safety and Safeguards,
(301) 415-6319, e-mail lwc1@nrc.gov

10. Petitioner/Petition Docket Number: State of Colorado and Organization of Agreement
States (PRM-40-27)

Federal Register Citation: July 7, 1999 (64 FR 36615)

Subject: Exemption for source material general licensees

Summary: The petitioner requested that the Commission amend its regulations to restrict the exemption in § 40.22(b) for source material general licensees from the radiation protection and worker notification requirements in 10 CFR Parts 19 and 20. Current NRC regulations exempt source material general licensees from the requirements that specify standards of protection against radiation and notification of individuals who participate in licensed activities. The petitioner believes that no basis exists for exempting these licensees from compliance with radiation safety standards if a licensee can exceed currently specified dose limits, create areas where individuals may be exposed to radiation, or dispose of radioactive waste in a manner that is not permitted for other licensees.

Timetable: A notice of receipt for this petition was published in the Federal Register on July 7, 1999 (64 FR 36615). The public comment period closed on September 20, 1999. Resolution of the petition is undetermined.

Agency Contact: Gary Comfort, Jr., Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

11. Petitioner/Petition Docket Number: Donald A. Barbour, Philotechnics (PRM-40-28)

Federal Register Citation: January 21, 2000 (65 FR 3394)

Subject: Effective control of depleted uranium aircraft counterweights

Summary: The petitioner requested that the Commission amend its regulations governing the domestic licensing of source material to provide additional rules for the effective control of depleted uranium aircraft counterweights. The petitioner believes that this regulatory clarification should address a number of issues concerning the exemption, storage, and disposal of these devices.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 21, 2000 (65 FR 3394). The public comment period closed on April 5, 2000. In a partial response to the petitioner's request, NRC issued a Regulatory Information Summary (RIS 01-013) on July 20, 2001. NRC is evaluating the remaining issues and will provide further information and recommendation to the Commission.

Agency Contact: Gary Comfort, Jr., Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

12. Petitioner/Petition Docket Number: Terrence O. Hee, Ion Technology (PRM-40-29)

Federal Register Citation: October 15, 2003 (68 FR 59346)

Subject: Catalytic devices containing thorium

Summary: The petitioner requested that the Commission amend its regulations regarding unimportant quantities of source material to exempt end users of catalytic devices containing thorium from the NRC's licensing requirements, provided that the thorium content does not exceed 6 percent by weight. The petitioner asserts that this device, in conjunction with a patented new methodology, could substantially reduce air pollution chemicals from mobile and stationary combustion processes and that the use of the included source material would not significantly impact public health and safety.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 15, 2003 (68 FR 59346). The public comment period closed on December 29, 2003. A request for additional information was sent to the petitioner on May 29, 2004. Resolution of the petition is expected in 2005.

Agency Contact: Gary Comfort, Jr., Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

13. Petitioner/Petition Docket Number: Westinghouse Electric Company (PRM-50-69)

Federal Register Citation: February 8, 2000 (65 FR 6044)

Subject: Reactor vessel head closure flange requirements

Summary: The petitioner requested that the Commission amend its regulations governing pressure and temperature limits for the reactor pressure vessel to eliminate requirements for the metal temperature of the closure head flange and vessel flange regions. The petitioner believes the elimination of the flange requirement has no impact on boiling-water reactors and could improve plant safety in pressurized-water reactors.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 8, 2000 (65 FR 6044). The public comment period closed on April 24, 2000. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Matthew Mitchell, Office of Nuclear Reactor Regulation,
(301) 415-3303, e-mail mam4@nrc.gov

14. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-71)

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

Subject: Alternate cladding material

Summary: The petitioner requested that the Commission 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 that have already been approved by the NRC.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 31, 2000 (65 FR 34599). The public comment period closed on August 14, 2000. The staff is working to complete action documenting the resolution of the petition in conjunction with the rulemaking on performance-based ECCS acceptance criteria (FIN 3150-AH42).

Agency Contact: Richard Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116 e-mail rfd@nrc.gov

15. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-75)

Federal Register Citation: April 8, 2002 (67 FR 16654)

Subject: ECCS Models: Alternate maximum break size

Summary: The petitioner requested that the Commission amend its Emergency Core Cooling System (ECCS) regulations to allow the use of an alternative maximum pipe break size for the largest pipe in the reactor coolant system in ECCS evaluation models for Light-Water Nuclear Power Reactors.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 8, 2002 (67 FR 16654). The public comment period closed on June 24, 2002. The staff is working to complete action documenting the resolution of the petition in conjunction with completing the rulemaking on redefinition of the large break loss-of-coolant accident (RIN 3150-AH29).

Agency Contact: Richard F. Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116, e-mail rfd@nrc.gov

16. Petitioner/Petition Docket Number: Robert H. Leyse (PRM-50-76)

Federal Register Citation: August 9, 2002 (67 FR 51783)

Subject: Models for Emergency Core Cooling Systems and associated guidance documents

Summary: The petitioner requested that the Commission amend its regulations concerning evaluation models for Emergency Core Cooling Systems (ECCS) and associated guidance documents. The petitioner believes the amendments are necessary to correct technical deficiencies that do not consider the complex thermal hydraulic conditions during a Loss-of-Coolant-Accident (LOCA), including the potential for very high fluid temperatures.

Timetable: A notice of receipt for this petition was published in the Federal Register on August 9, 2002 (67 FR 51783). The public comment period closed on October 23, 2002. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Timothy Reed, Office of Nuclear Reactor Regulation,
(301) 415-1462, e-mail tar@nrc.gov

17. Petitioner/Petition Docket Number: Performance Technology (PRM-50-77)

Federal Register Citation: June 13, 2002 (67 FR 40622)

Subject: Short-term equipment response times of emergency diesel generators

Summary: The petitioner requested that the Commission amend its regulations to increase short-term equipment response times of emergency diesel generators that it believes are inappropriate and detrimental to safety. The petitioner requested that the NRC increase emergency diesel generator start times, enhance operator training, and delete the requirement that offsite electrical power is assumed disconnected from the nuclear unit switchyard during postulated accidents. The petitioner believes that its proposed amendments would increase safety at licensed nuclear facilities.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 13, 2002 (67 FR 40622). The public comment period closed on August 27, 2002. The staff is working to complete action documenting the resolution of the petition in conjunction with the rulemaking for decoupling the assumed loss of offsite power from loss-of-coolant accident (RIN 3150-AH43).

Agency Contact: Richard Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116, e-mail rfd@nrc.gov

18. Petitioner/Petition Docket Number: Lawrence T. Christian, et al. (PRM-50-79)

Federal Register Citation: November 1, 2002 (67 FR 66588)

Subject: Emergency planning for daycare centers and nursery schools in the vicinity of nuclear power plants

Summary: The petitioners requested that the NRC amend its regulations regarding offsite emergency plans for nuclear power plants. The petitioners contend that local and state emergency planning regulations do not adequately address the health and safety of young children attending nursery schools and daycare centers located in evacuation zones. The petitioners believe that Federally-mandated emergency planning requirements for child care facilities are necessary to ensure the safety of preschool children in the event of a nearby radiological accident.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 1, 2002 (67 FR 66588). The public comment period closed on January 15, 2003. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Michael Jamgochian, Office of Nuclear Reactor Regulation,
(301) 415-3224, e-mail mtj1@nrc.gov

19. Petitioner/Petition Docket Number: Union of Concerned Scientists and Mothers for Peace (PRM-50-80)

Federal Register Citation: June 16, 2003 (68 FR 35585)

Subject: Security regulations and implementation procedures for nuclear power plant reactors and their spent fuel

Summary: The petitioner requested that the Commission amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased; and to require licensees to formally evaluate specified intentional or accidental aerial hazards and make necessary changes to ensure that the plant can reach and maintain safe shutdown.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 16, 2003 (68 FR 35585). The public comment period closed on September 2, 2003. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Joseph Birmingham, Office of Nuclear Reactor Regulation,
(301) 415-2829, e-mail jlb4@nrc.gov

20. Petitioner/Petition Docket Number: State of Nevada (PRM-73-10)

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

Subject: Safeguards for shipments of spent nuclear fuel against sabotage and terrorism

Summary: The petitioner requested that the Commission 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.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 13, 1999 (64 FR 49410). The public comment period closed on January 28, 2000. In light of the September 11, 2001, terrorist attack on the United States, the Commission directed the staff to reevaluate NRC's safeguards and physical security programs for licensed facilities and activities, including transportation of spent nuclear fuel and high level waste. Any revision to NRC's regulations and guidance will be based on that review. Resolution of the petition is undetermined.

Agency Contact: Naiem Tanious, Office of Nuclear Material Safety and Safeguards,
(301) 415-6103, e-mail nst@nrc.gov

21. Petitioner/Petition Docket Number: Three Mile Island Alert (PRM-73-11)

Federal Register Citation: November 2, 2001 (66 FR 55603)

Subject: Post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations governing the physical protection of plants and materials to require NRC licensees to post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants by adding armed site protection officers to the security forces.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 2, 2001 (66 FR 55603). The public comment period closed on January 16, 2002. Resolution of this petition is scheduled for 2006.

Agency Contact: George J. Mencinsky, Office of Nuclear Reactor Regulation,
(301) 415-3093, e-mail gjm@nrc.gov

22. Petitioner/Petition Docket Number: Committee to Bridge the Gap* (PRM-73-12)

Federal Register Citation: November 8, 2004 (69 FR 64690)

Subject: Design basis threat

Summary: The petitioner requested that the Commission amend its regulations to upgrade the "design basis threat" regulations ((DBT), or the magnitude of threat that the facility's security systems must be capable of defeating) and associated requirements for protection of domestic reactors from nuclear terrorism to a level that encompasses, with a sufficient margin of safety, the terrorist capabilities evidenced by the attacks of September 11, 2001.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 8, 2004 (69 FR 64690). The public comment period closed on January 24, 2004. Resolution of this petition is scheduled for November 2005.

Agency Contact: Timothy A. Reed, Office of Nuclear Reactor Regulation,
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BIBLIOGRAPHIC DATA SHEET

(See instructions on the reverse)

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10. SUPPLEMENTARY NOTES

11. ABSTRACT (200 words or less)

The NRC Regulatory Agenda is a compilation of all rules on which NRC has recently completed action, or has proposed action, or is considering action, and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued semiannually.

12. KEY WORDS/DESCRIPTORS (List words or phrases that will assist researchers in locating the report.)

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OFFICIAL BUSINESS

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**II
PETITIONS**

Section II - Petitions for Rulemaking

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