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NRC Regulatory Agenda

Semiannual Report
January - June 2006

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

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Two White Flint North
11545 Rockville Pike
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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 June 30, 2006. Section I, "Rules," includes (A) rules on which final action has been taken since December 31, 2005, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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since December 31, 2005; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules, and (D) petitions pending staff review.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). Comments can also be submitted via the Federal eRulemaking Portal http://www.regulations.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 O1-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.

CONTENTS

Page

Preface iii

I. Rules

(A) Final Rules

1. Minor Correction Amendments (Parts 1, 20, 55, 70, 73, and 110) 1

2. Post-Fire Operator Manual Actions (Part 50) 1

3. AP1000 Design Certification (Part 52, Appendix D) 1

4. List of Approved Spent Fuel Storage Casks: FuelSolutions™ Cask System, Revision, Amendment 4 (Part 72) 2

5. List of Approved Spent Fuel Storage Casks: VSC-24 Revision, Amendment 6 (Part 72) 3

6. Relief From Fingerprinting and Criminal History Records Check for Designated Categories of Individuals* (Part 73) 3

7. Implementation of the Energy Policy Act of 2005 (Part 110) 4

8. Revision of NRC Form 7, Application of NRC Export/Import License, Amendment, or Renewal (Part 110) 4

9. Revision of Fee Schedules; Fee Recovery for FY 2006 (Parts 170 and 171) ... 5

(B) Proposed Rules

10. Licenses, Certifications, and Approvals for Nuclear Power Plants (Parts 1, 2, 10, 19, 20, 21, 25, 26, 50, 51, 52, 54, 55, 72, 73, 75, 95, 140, and 170) 7

11. Use of Electronic Submissions in Agency Hearings (Parts 1, 2, 13, and 110) .. 8

12. Protection of Safeguards Information (Parts 2, 30, 40, 50, 52, 63, 70, 72, 73, 76, and 150) 8

CONTENTS

(B) Proposed Rules (con't)

13. National Source Tracking (Parts 20, 32, and 150) 9

14. Fitness-for-Duty Programs (Part 26) 10

15. Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (Parts 30, 31, 32, and 150) 11

16. Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees For Engaging in Protected Activities (Parts 30, 40, 50, 60, 61, 63, 70, 71, 72, and 76) 11

17. Transfers of Certain Source Materials by Specific Licensees (Part 40) 12

18. Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition (Part 50) 12

19. Elimination of Requirement to Submit Annual Financial Report (Parts 50 and 72) 13

20. Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51) 13

21. Implementation of a Dose Standard Beyond 10,000 Years (Part 63) 14

22. List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition* (Part 72) 15

23. Design Basis Threat (DBT) (Part 73) 15

(C) Advance Notices of Proposed Rulemaking

24. Entombment Options for Power Reactors (Parts 20 and 50) 17

25. Approach to Risk-Inform, Performance-Base Requirement for Nuclear Power Plants* (Parts 50, and 53) 17

26. Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73) 18

CONTENTS

(D) Unpublished Rules

27. Charges for Duplicating Records (Part 9) 19

28. Collection, Reporting, or Posting of Information (Parts 19, 20, and 50) 19

29. Controlling the Disposition of Solid Materials (Part 20) 20

30. Requirements for Expanded Definition of Byproduct Material (Parts 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, 110, 150, 170, and 171) 20

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

32. Requirements for Distribution of Byproduct Material and Exemptions from Licensing* (Parts 30, 31, and 32) 21

33. Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (Parts 30, 31, 32, and 150) 21

34. Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40) 22

35. Implement US-IAEA Safeguards Agreement (Parts 40, 50, 60, 61, 63, 70, 72, 75, 76, and 150) 23

36. Administrative Changes (Parts 40 and 73) 23

37. Regulatory Improvements to Nuclear Materials Management and Safeguards System Database (Parts 40, 72, 74, and 150) 23

38. Integrated Rulemaking for Decommissioning Nuclear Power Reactors (Part 50) 24

39. Modifications to Pressure-Temperature Limits (Part 50) 25

40. Industry Codes and Standards; Amended Requirements (Part 50) 25

41. Performance-Based ECCS Acceptance Criteria (Part 50) 26

CONTENTS

(D) Unpublished Rules (con't)

42. Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident (LOCA) (Part 50) 26

43. Incorporation by Reference of NRC Regulatory Guides Listing Approved ASME Code Cases* (Part 50) 27

44. Reactivity Control of Spent Fuel Within Dry Storage and/or Transport Casks or Containers* (Part 50) 27

45. Conforming Administrative Changes (Part 70) 28

46. Facility Change Process Involving Items Relied On For Safety* (Part 70) 28

47. Power Reactor Security Requirements (Part 73) 29

48. Secure Transfer of Nuclear Materials (Part 73) 29

II. Petitions for Rulemaking

(A) Petitions Incorporated Into Final Rules or Petitions Denied

NONE

(B) Petitions Incorporated Into Published Proposed Rules

1. Virginia Electric and Power Company (PRM-26-1) 31

2. Barry Quigley (PRM-26-2) 31

(C) Petitions Incorporated Into Unpublished Rules

3. North Carolina Public Staff Utility Commission (PRM-50-57) 33

4. Nuclear Energy Institute (PRM-50-75) 33

5. Union of Concerned Scientists and Mothers for Peace (PRM-50-80) 34

CONTENTS

(C) Petitions Incorporated Into Unpublished Rules (con't)

6. New England Coalition on Nuclear Pollution (PRM-51-1) 34

7. Committee to Bridge the Gap (PRM-73-12) 35

(D) Petitions Pending Staff Review

8. James Salsman (PRM-20-26) 37

9. Organization of Agreement States (PRM-31-05) 37

10. Organization of Agreement States (PRM-34-06) 37

11. Peter G. Crane* (PRM-35-18) 38

12. William Stein III, M.D.* (PRM-35-19) 38

13. American National Standards Institute N43.10 Committee (PRM-36-1) 39

14. State of Colorado and Organization of Agreement States (PRM-40-27) 39

15. Terrence O. Hee, Ion Technology (PRM-40-29) 40

16. Westinghouse Electric Company (PRM-50-69) 40

17. Nuclear Energy Institute (PRM-50-71) 41

18. Performance Technology (PRM-50-77) 41

19. Joseph R. Egan, State of Nevada (PRM-51-09) 42

20. Andrew J. Spano, County of Westchester, NY (PRM-54-02) 42

21. Joseph Scarpelli, Mayor of Brick Township, NJ (PRM-54-03) 43

22. State of Nevada (PRM-73-10) 43

23. Three Mile Island Alert (PRM-73-11) 44

(A) Final Rules

I-RULES

A

1. Minor Correction Amendments (Parts 1, 20, 55, 70, 73, and 110)

RIN: 3150-AH82

Abstract: The final rule amends the Commission's regulations to correct several miscellaneous errors in the *Code of Federal Regulations (CFR).* This document is necessary to inform the public of these corrective changes to NRC regulations.

Timetable:	Final Rule Published	03/27/06	71 FR 15005
	Final Rule Effective	03/27/06	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Betty K. Golden, Office of Administration,
(301) 415-6863, e-mail bkg2@nrc.gov

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2. Post-Fire Operator Manual Actions (Part 50)

RIN: 3150-AH54

Abstract: The proposed rule would have amended the Commission's regulations by 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. By a Staff Requirements Memorandum (SECY-06-0010) dated February 8, 2006, the Commission approved the withdrawal of the proposed rule.

Timetable:	Proposed Rule Published	03/07/05	70 FR 10901
	Comment Period Closed	05/23/05	
	Proposed Rule Withdrawn	03/06/06	71 FR 11169

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

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3. AP1000 Design Certification (Part 52, Appendix D)

RIN: 3150-AH56

Abstract: The final rule amends the Commission's regulations to provide for certification of the AP1000 design. Design certification rules are initiated by an applicant for design certification under Subpart B of Part 52.

Timetable:	Final Rule Published	01/27/06	71 FR 4464
	Final Rule Effective	02/27/06	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Lauren Quinones-Navarro, Office of Nuclear Reactor Regulation, (301) 415-2007, e-mail lnq@nrc.gov

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4. List of Approved Spent Fuel Storage Casks: FuelSolutions™ Cask System, Revision, Amendment 4 (Part 72)

RIN: 3150-AH86

Abstract: The direct final rule amends the Commission's regulations by revising the FuelSolutions™ Cask System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 4 to Certificate of Compliance Number 1026. Amendment No. 4 will modify the present cask system design to revise the Technical Specification (TS) requirements related to periodic monitoring during storage operation. Specifically, the changes will permit longer surveillance intervals for casks with total heat loads lower than the design-basis heat load and permit either visual inspection of the cask vent screens or measurements of the cask liner temperature to satisfy the periodic monitoring requirements of 10 CFR 72.122(h)(4).

Timetable:	Direct Final Rule Published	04/18/06	71 FR 19806
	Direct Final Rule Effective	07/03/06	
	Proposed Rule Published	04/18/06	71 FR 19831
	Comment Period Closed	05/18/06	
	Confirmation of Effective Date Published	06/19/06	71 FR 35147

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

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5. List of Approved Spent Fuel Storage Casks: VSC-24 Revision, Amendment 6 (Part 72)

RIN: 3150-AH87

Abstract: The direct final rule amends the Commission's regulations by revising the BNG Fuel Solutions Corporation VSC-24 Cask System listing within the "List of approved spent fuel storage casks" to include Amendment No. 6 to Certificate of Compliance Number 1007. Amendment No. 6 will modify the present cask system design to revise the Technical Specification (TS) requirements related to periodic monitoring during storage operation. Specifically, the amendment will eliminate TS 1.3.4 that requires daily temperature measurement of the cask. The daily temperature measurement is not required because the daily visual inspection of the cask inlet and outlet vent screens, required by TS 1.3.1, provides the capability to determine when corrective action needs to be taken to maintain safe storage conditions in accordance with the requirements in 10 CFR 72.122(h)(4). The amendment will also revise TS 1.2.3 to correspond with TS 1.3.1 by revising the method of thermal performance evaluation to allow for daily temperature surveillance once the cask has reached thermal equilibrium.

Timetable:			
	Direct Final Rule Published	03/21/06	71 FR 14089
	Direct Final Rule Effective	06/05/06	
	Proposed Rule Published	03/21/06	71 FR 14120
	Comment Period Closed	04/20/06	
	Confirmation of Effective Date Published	05/30/06	71 FR 30576

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

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6. Relief From Fingerprinting and Criminal History Records Check for Designated Categories of Individuals* (Part 73)

RIN: 3150-AH94

Abstract: The final rule amends the Commission's regulations by issuing a new regulation to relieve certain categories of individuals who have been approved by the Commission for access to Safeguards Information from the fingerprinting and criminal history records check requirements of section 149 of the Atomic Energy Act of 1854, as amended.

Timetable:			
	Final Rule Published	06/13/06	71 FR 33989
	Final Rule Effective	06/13/06	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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7. Implementation of the Energy Policy Act of 2005 (Part 110)

RIN: 3150-AH88

Abstract: The final rule amends the Commission's regulations to implement the Energy Policy Act of 2005 (EPAct). This rulemaking facilitates exports of high-enriched uranium fuel or targets to produce medical isotopes by specified countries in reactors that are either utilizing an alternative nuclear reactor fuel or have agreed to do so when an alternative nuclear reactor fuel can be used in the reactor (EPAct Sec. 630). The rule prohibits the issuance of export licenses to countries which the Department of State has determined have engaged in state-sponsored terrorism (EPAct Sec. 632). In addition, the rule amends Part 110 to capture discrete sources of radium-226 and accelerator produced radioactive material (EPAct Sec. 651 (d) & (e)). Radium-226 will be added to Part 110, Appendix P, in accordance with already existing Commission security policy and the export/import Guidance provisions of the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources.

Timetable:			
	Final Rule Published	04/20/06	71 FR 20336
	Final Rule Effective	08/07/06	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Brooke G. Smith, Office of International Programs, (301) 415-2347, e-mail bgs@nrc.gov

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8. Revision of NRC Form 7, Application of NRC Export/Import License, Amendment, or Renewal (Part 110)

RIN: 3150-AH89

Abstract: The direct final rule amends the Commission's regulations regarding the use of NRC Form 7. Recently, NRC Form 7 was revised to consolidate all license requests in 10 CFR part 110 (e.g., applications for export, import, combined export/import, amendments, and renewals) in one application form, revised NRC Form 7, "Application for NRC Export/Import License, Amendment, or Renewal."

Timetable:			
	Direct Final Rule Published	04/13/06	71 FR 19102
	Direct Final Rule Effective	06/27/06	
	Proposed Rule Published	04/13/06	71 FR 19135
	Comment Period Closed	05/15/06	

Confirmation of Effective Date	06/23/06	71 FR 35995

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Brooke G. Smith, Office of International Programs, (301) 415-2347, e-mail bgs@nrc.gov

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9. Revision of Fee Schedules; Fee Recovery for FY 2006 (Parts 170 and 171)

RIN: 3150-AH83

Abstract: The final rule amends 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 2006, 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.

To address fairness and equity concerns related to charging NRC license holders for agency budgeted costs that do not provide a direct benefit to the licensee, the FY 2001 Energy and Water Development Appropriations Act amended OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount was 90 percent for FY 2005. The FY 2006 Energy and Water Development Appropriations Act, as amended by the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006, extended this 90 percent fee recovery requirement through FY 2006. The dollar amount to be recovered for FY 2006 is approximately $624.0 million. OBRA-90, as amended, requires that the fees for FY 2006 be collected by September 30, 2006.

Timetable:	Final Rule Published	05/30/06	71 FR 30722
	Final Rule Effective	07/31/06	

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

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(B) Proposed Rules

B

10. Licenses, Certifications, and Approvals for Nuclear Power Plants (Parts 1, 2, 10, 19, 20, 21, 25, 26, 50, 51, 52, 54, 55, 72, 73, 75, 95, 140, and 170)

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 licensing processes currently described in 10 CFR Part 52 (early site permits, early site reviews, standard design certification, standard design approvals, combined licenses, and manufacturing 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 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. As a result of the comments received and a number of other factors, the Commission decided that a substantial rewrite and expansion of the original rulemaking would be necessary to ensure that the entire body of NRC regulations is able to support the agency's licensing and regulation of future nuclear power facilities under Part 52.

Timetable:			
	Proposed Rule Published	07/03/03	68 FR 40026
	Comment Period Closed	09/16/03	
	Proposed Rule Published	03/13/06	71 FR 12781
	Comment Period Closed	05/30/06	

	Final Rule Published	10/00/06

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

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11. Use of Electronic Submissions in Agency Hearings (Parts 1, 2, 13, and 110)

RIN: 3150-AH74

Abstract: The proposed rule would amend the Commission's regulations on the use of electronic submissions in all agency hearings except for those conducted on a high-level radioactive waste repository application. The amendments would require the electronic transmission of electronic documents in filing and service. Although exceptions to these requirements would be established to allow paper filings, the NRC would maintain a strong preference for fully electronic filing and service. The proposed rule builds upon prior NRC rules and developments in the Federal courts regarding the use of electronic submissions. The Commission is also seeking comment on draft guidance on how to submit hearing documents to the NRC electronically.

Timetable:	Proposed Rule Published	12/16/05	70 FR 74950
	Comment Period Closed	03/01/06	
	Final Rule Published	10/00/06	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Darani M. Reddick, Office of the General Counsel,
(301) 415-3841, e-mail dmr1@nrc.gov

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12. 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 reflect recent Commission practices reflected in Orders and Threat Advisories, and Confirmatory Action Letters issued since September 11, 2001. The amendments also 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. The Commission directed that this rule be republished as a proposed rule to allow comments on proposed changes to rule text in response to public and Commission comment as well as to reflect amendments to the AEA in the Energy Policy Act of 2005, and orders issued to licensees authorized to possess and transfer items containing certain quantities of radioactive material.

Timetable:	Proposed Rule Published	02/11/05	70 FR 7196
	Comment Period Closed	03/28/05	
	Proposed Rule Republished	07/00/06	
	Comment Period Closed	10/00/06	
	Final Rule Published	12/00/06	

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 mur@nrc.gov

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13. 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 sealed sources, as designated in the IAEA Code of Conduct (Category 1 and 2 sources). The tracking system is intended to track the 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). A change in basis from common defense and security to public health and safety was published for a 20-day comment period. The comment period was extended for an additional 25 days.

Timetable:	Proposed Rule Published	07/28/05	70 FR 43646
	Comment Period Closed	10/11/05	
	Proposed Rule Published	06/13/06	71 FR 34024

	Comment Period Closed	07/13/06
	Extension Comment Period Published	07/00/06
	Final Rule Published	08/00/06

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

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14. 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. The proposed rule was published in August 2005, and includes provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. 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	08/26/05	70 FR 50442
	Comment Period Closed	12/27/05	
	Final Rule Published	01/00/07	

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

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15. Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (Parts 30, 31, 32, and 150)

RIN: 3150-AH41

Abstract: The final rule amends the Commission's regulations in Parts 30, 31, 32, and 150. The results of the reevaluation of exemptions are being used to improve effectiveness and efficiency and better ensure safety. The final rule eliminates obsolete provisions and their associated distributor requirements currently in the regulations. Improvements to distributor reporting requirements are also included. A minor change to a general license is also included. This rulemaking has subsumed RM# 526, "Use of Exempt Sources in Devices."

Timetable:	Proposed Rule Published	01/04/06	71 FR 275
	Comment Period Closed	03/20/06	
	Final Rule Published	01/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Andy Imboden, Office of Nuclear Material Safety and Safeguards, (301) 415-6128, e-mail asi@nrc.gov

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16. Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees For Engaging in Protected Activities (Parts 30, 40, 50, 60, 61, 63, 70, 71, 72, and 76)

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	01/31/06	71 FR 5015
	Comment Period Closed	04/17/06	
	Final Rule Published	02/00/07	

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

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17. 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 C. Comfort, Jr., Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

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18. 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 (NEI) (PRM-50-75). 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 for resolution of the petition in conjunction with this rulemaking. The NEI requested that NRC extend the comment period for 30 additional days. On June 28, 2006, the NRC held a public meeting to discuss ways to resolve several comments. Preparation of the final rule is ongoing.

Timetable:	Proposed Rule Published	11/07/05	70 FR 67597
	Comment Period Closed	02/06/06	

Extension of Comment Period Published	01/25/06	71 FR 4061
Comment Period Closed	03/08/06	
Final Rule Published	01/00/07	

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

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19. Elimination of Requirement to Submit Annual Financial Report (Parts 50 and 72)

RIN: 3150-AH39

Abstract: The direct final rule amends the Commission's regulations to eliminate the requirement (for licensees that file financial reports with the Securities and Exchange Commission (SEC) or the Federal Energy Regulatory Commission (FERC)) that each reactor licensee and each holder of a construction permit shall submit its annual financial report, including the certified financial statements, to the Commission. The Commission is also amending its regulations to eliminate the requirement (for Independent Spent Fuel Storage Installation (ISFSI) licensees that file financial reports with the SEC or the FERC), that each ISFSI licensee shall furnish its annual financial report, including the certified financial statements to the Commission.

Timetable:

Direct Final Rule Published	05/22/06	71 FR 29244
Direct Final Rule Effective	08/07/06	
Proposed Rule Published	05/22/06	71 FR 29273
Comment Period Closed	06/21/06	
Confirmation of Effective Date	07/00/06	

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

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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

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21. Implementation of a Dose Standard Beyond 10,000 Years (Part 63)

RIN: 3150-AH68

Abstract: The proposed rule would amend the Commission's regulations to revise existing regulations on technical criteria for disposal of high-level radioactive waste in a geologic repository at Yucca Mountain, Nevada, to be consistent with the environmental standards developed by the U.S. Environmental Protection Agency.

Timetable:	Proposed Rule Published	09/08/05	70 FR 53313
	Comment Period Closed	11/07/05	

	Final Rule Published	Undetermined

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

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22. List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition* (Part 72)

RIN: 3150-AH93

Abstract: The direct final rule amends the Commission's regulations to add the NUHOMS HD Cask System to the "List of approved spent fuel storage casks" to add Certificate of Compliance No. 1030. This allows the holders of power rector operating licenses to store spent fuel in this approved cask system under a general license.

Timetable:	Direct Final Rule Published:	05/02/06	71 FR 25740
	Direct Final Rule Effective	07/17/06	
	Proposed Rule Published	05/02/06	71 FR 25782
	Comment Period Closed	06/01/06	
	Direct Final Rule Withdrawn	07/00/06	
	Final Rule Published	10/00/06	

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, (310) 415-6219, e-mail jmm2@nrc.gov

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23. Design Basis Threat (DBT) (Part 73)

RIN: 3150-AH60

Abstract: The proposed rule would amend the Commission's regulations to revise its design basis threat (DBT) 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	11/07/05	70 FR 67380
	Comment Period Closed	01/23/06	

Reopening of Comment Period Published	01/24/06	71 FR 3791
Reopening of Comment Period Closed	02/22/06	
Final Rule Published	12/00/06	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Manash K. Bagchi, Office of Nuclear Reactor Regulation, (301) 415-2905, e-mail mkb2@nrc.gov

(C) Advance Notices of Proposed Rulemaking

C

24. 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 2005 and plans to issue a research information letter summarizing the results of prior work, e.g., concrete used in engineered backfills and radionuclide isolation in concrete. The staff is continuing to defer this rulemaking activity.

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

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25. Approach to Risk-Inform, Performance-Base Requirement for Nuclear Power Plants* (Parts 50, and 53)

RIN: 3150-AH81

Abstract: The advanced notice of proposed rulemaking would obtain public comment on a proposed approach to risk-inform the requirements for power reactors including developing an alternative set of new risk-informed requirements.

Timetable:			
	ANPRM Published	05/04/06	71 FR 26267
	Comment Period Closed	12/29/06	
	Proposed Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 58411

Effects on Small Business and Other Entities: None

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

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26. 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: James R. Firth, Office of Nuclear Material Safety and Safeguards, (301) 415-6628, e-mail jrf2@nrc.gov

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(D) Unpublished Rules

D

27. Charges for Duplicating Records (Part 9)

RIN: 3150-AH66

Abstract: The final rule amends the Commission's regulations by revising its charges for copying publicly available documents by the copy service at the NRC's Public Document Room.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Anna T. McGowan, Office of Information Services, (301) 415-7204, e-mail axm10@nrc.gov

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28. 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 1 mSv (100 mrem); (2) licensees for production and utilization facilities governed by 10 CFR Part 50 would not need to label containers in accordance with § 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 § 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 § 20.1003, "Definitions," to clarify the definition of total effective dose equivalent.

Timetable: Proposed Rule Published 08/00/06

Legal Authority: 42 USC 2201; 42 USC 5841

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

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29. Controlling the Disposition of Solid Materials (Part 20)

RIN: 3150-AH18

Abstract: The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved. The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. As such, the Commission deferred this rulemaking for the time being.

Timetable: Proposed Rule Published Undetermined

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

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30. Requirements for Expanded Definition of Byproduct Material (Parts 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, 110, 150, 170, and 171)

RIN: 3150-AH84

Abstract: The proposed rule would amend the Commission's regulations to include certain radium sources, accelerator-produced radioactive materials, and certain naturally occurring radioactive material, as required by Section 651(e) of the Energy Policy Act of 2005.

Timetable: Proposed Rule Published 07/00/06

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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31. 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 financial assurance, and 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 04/00/07

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

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

RIN: 3150-AH91

Abstract: The proposed rule would amend the Commission's regulations by making the requirements for distributors of byproduct material more explicit, less prescriptive, and more risk-informed, improve safety criteria for approving products through licensing actions, and redefine categories of devices to be used under exemption.

Timetable: Proposed Rule Published 11/00/08

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

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33. Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (Parts 30, 31, 32, and 150)

RIN: 3150-AH41

Abstract: The final rule amends the Commission's regulations in Parts 30, 31, 32, and 150. The results of the reevaluation of exemptions are being used to improve effectiveness and efficiency and better ensure safety. The final rule eliminates obsolete provisions and associated distributor requirements currently in the regulations. Improvements to distributor reporting requirements are also included. A minor change to a general license is also included. This rulemaking has subsumed RM# 526, "Use of Exempt Sources in Devices."

Timetable:	Proposed Rule Published	01/04/06	71 FR 275
	Comment Period Closed	03/20/06	
	Final Rule Published	01/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Andy Imboden, Office of Nuclear Material Safety and Safeguards, (301) 415-6128, e-mail asi@nrc.gov

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34. 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 § 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 C. Comfort, Jr., Office of Nuclear Material Safety and Safeguards, (301) 415-8106, e-mail gcc1@nrc.gov

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35. 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

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36. Administrative Changes (Parts 40 and 73)

RIN: 3150-AH49

Abstract: The final rule amends the Commission's regulations to update the list of non-Agreement States.

Timetable: Final Rule Published Undetermined

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

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37. Regulatory Improvements to Nuclear Materials Management and Safeguards System Database (Parts 40, 72, 74, and 150)

RIN: 3150-AH85

Abstract: The proposed rulemaking would amend the Commission's regulations in 10 CFR Parts 40, 72, 74, and 150 related to current reporting requirements for certain NRC-licensed and Agreement State facilities related to the Nuclear Materials Management and Safeguards System (NMMSS) database. The proposed amendments would provide improvements to NMMSS database in maintaining the accuracy of licensee inventory records in the NMMSS database.

Timetable: Proposed Rule Published 12/00/06

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Neelam Bhalla, Office of Nuclear Material Safety and Safeguards, (301) 415-6843; e-mail: nxb@nrc.gov

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38. 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 under § 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

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39. 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: Nihar K. Ray, Office of Nuclear Reactor Regulation, (301) 415-2643, e-mail nkr@nrc.gov

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

RIN: 3150-AH76

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the 2004 Edition 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 2004 Edition of Division 1 rules in Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME BPV Code; and the 2004 Edition, of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code).

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Merrilee J. Banic, Office of Nuclear Reactor Regulation, (301) 415-2771, e-mail mjb@nrc.gov

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41. 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 testing demonstrated that adequate ductility would be maintained, and ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking also would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). The NRC is performing research activities to develop a technical basis for initiating rulemaking on this item, and is expected to be developed by early CY-2007.

Timetable: Proposed Rule Published Undetermined

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

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

RIN: 3150-AH43

Abstract: The proposed rule would amend the Commission's regulations to eliminate, based upon appropriate risk considerations, the assumption of a coincident loss of offsite power for postulated large-break (low frequency) loss-of-coolant accidents (LB-LOCA) in General Design Criterion (GDC) 35. The proposed rule would provide a voluntary alternative to existing requirements where specified acceptance criteria are satisfied, and also would address a petition for rulemaking submitted by Bob Christie (Performance Technology) (PRM-50-77). On

December 2, 2005, the NRC requested further information from the BWR owners Group in order to allow the review to proceed.

Timetable: Proposed Rule Published Undetermined

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 rdf@nrc.gov

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43. Incorporation by Reference of NRC Regulatory Guides Listing Approved ASME Code Cases* (Part 50)

RIN: 3150-AH80

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference recent revisions of Regulatory Guides listing NRC-approved American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code Cases pertaining to in-service inspection (DG-1134) and design, fabrication, and materials (DG-1133) in nuclear power reactors. The proposed rule identifies the 2004 Editions of the ASME BPV Code and the ASME Operations and Maintenance (OM) Code as the editions that nuclear facilities will be required to use, subject to certain limitations and modifications.

Timetable: Proposed Rule Published 08/00/06

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Merrilee J. Banic, Office of Nuclear Reactor Regulation, (301) 415-2771; e-mail: mjb@nrc.gov

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44. Reactivity Control of Spent Fuel Within Dry Storage and/or Transport Casks or Containers* (Part 50)

RIN: 3150-AH95

Abstract: The direct final rule amends the Commission's regulations that govern domestic licensing of production and utilization facilities to declare that the reactivity control requirements for spent fuel storage racks do not apply to the fuel located in dry storage and/or transport casks or containers in the spent fuel pool.

Timetable: Direct Final Rule Published 07/00/06

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: George M. Tartal, Office of Nuclear Material Safety and Safeguards, (301) 415-0016, e-mail gmt1@nrc.gov

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45. Conforming Administrative Changes (Part 70)

RIN: 3150-AH62

Abstract: The final rule amends the Commission's regulations in 10 CFR part 70 to make conforming changes to citations in the regulatory text. These changes update and correct cross-references within part 70.

Timetable: Final Rule Published Undetermined

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) 415-415-6234, e-mail mkw1@nrc.gov

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46. Facility Change Process Involving Items Relied On For Safety* (Part 70)

RIN: 3150-AH96

Abstract: The direct final rule amends the Commission's regulations to clarify a requirement pertaining to items relied on for safety (IROFS). This rulemaking corrects an inconsistency in the regulations pertaining to IROFS.

Timetable: Direct Final Rule Published 11/00/06

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

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47. Power Reactor Security Requirements (Part 73)

RIN: 3150-AG63

Abstract: The proposed rule would amend the Commission's regulations by adding new security requirements pertaining to nuclear power reactors to include new security requirements for Category I strategic special nuclear material (SSNM) facilities for access to enhanced weapons and firearms background checks. The proposed rulemaking would: (1) make generically applicable security requirements imposed by Commission orders issued after the terrorist attacks of September 11, 2001, based upon experience and insights gained by the Commission during implementation, (2) fulfill certain provisions of the Energy Policy Act of 2005, (3) add several new requirements that resulted from insights from implementation of the security orders, review of site security plans, and implementation of the enhanced baseline inspection program and force-on-force exercises, (4) update the regulatory framework in preparation for receiving license applications for new reactors, and (5) impose requirements to assess and manage site activities that can adversely affect safety and security. The proposed safety and security requirements would address, in part, a Petition for Rulemaking (PRM 50-80) that requested the establishment of regulations governing proposed changes to facilities which could adversely affect the protection against radiological sabotage.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Richard Rasmussen, Office of Nuclear Security and Incident Response, (301) 415-0610, e-mail rar@nrc.gov

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48. Secure Transfer of Nuclear Materials (Part 73)

RIN: 3150-AH90

Abstract: The proposed rule would amend the Commission's regulations to include requirements for secure transfer of nuclear materials as required by Section 656 of the Energy Policy Act of 2005. The proposed amendment would implement Section 656 by specifically excepting certain licensees from provisions of Section 170I of the Atomic Energy Act, as amended.

Timetable: Proposed Rule Published 08/00/06

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

(A) Petitions Incorporated Into Final Rules or Denied

None

II
PETITIONS

A

(B) Petitions Incorporated Into Published Proposed Rules

B

1. 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 § 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 3150-AF12). The proposed rule was published in the Federal Register on May 9, 1996 (61 FR 21105). A new proposed rule was provided to the Commission via SECY-05-0074, dated April 28, 2005. The NRC published the proposed rule in the Federal Register on August 26, 2005; 70 FR 50442, for a 120-day comment period that ended December 27, 2005. The staff is currently working to finalize the Part 26, FFD rule requirements.

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

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2. 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 was provided to the Commission via SECY-05-0074, dated April 28, 2005. The NRC published the proposed rule in the Federal Register on August 26, 2005; 70 FR 50442, for a 120-day comment period that ended December 27, 2005. The staff is currently reviewing the comments.

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

(C) Petitions Incorporated Into Unpublished Rules

C

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

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4. **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). The proposed rule was published on November 7, 2005 (70 FR 67598). The comment period closed on March 8, 2006. The staff held a public meeting on June 28, 2006, to discuss ways to resolve several comments. Preparation of the final rule package is ongoing.

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

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5. **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. On March 28, 2005, the staff submitted SECY-05-0048 to the Commission. On June 28, 2005, the Commission issued a Staff Requirements Memorandum directing the staff to pursue rulemaking to amend the regulations. On October 27, 2005, in SRM-SECY-05-0048 Supplemental Amendment, the Commission directed the staff to issue a Federal Register notice that the NRC is considering rulemaking for the safety security interface issue and intends to address the aerial assault issue when the NRC responds to comments on its proposed Design Basis Threat (DBT) rule. A Federal Register notice complying with the SRM was published on November 17, 2005 (70 FR 69690). The proposed rule for the DBT was published in the Federal Register on November 7, 2005 (70 FR 67380). The staff combined the safety/security interface portion of rulemaking for PRM-50-80 into the ongoing security rulemaking for Part 73.

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

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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

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7. 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. This petition is scheduled to be addressed by rulemaking "Re-evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage (RIN 3150-AG63)." Publication of the proposed rule is undetermined. On November 7, 2005 (70 FR 67380), the DBT rulemaking was published in the Federal Register with a 75-day comment period. The Nuclear Energy Institute requested a 30-day extension to the comment period. On January 24, 2006; 71 FR 3791, the Commission granted a 30-day extension of the public comment period. The staff is pursuing approval of the final rule package.

Agency Contact: Manash K. Bagchi, Office of Nuclear Reactor Regulation, (301) 415-2905, e-mail mkg2@nrc.gov

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(D) Petitions Pending Staff Review

D

8. Petitioner/Petition Docket Number: James Salsman (PRM-20-26)

Federal Register Citation: June 15, 2005 (70 FR 34699)

Subject: Heavy metal toxicity

Summary: The petitioner requested that the Commission amend its regulations to modify exposure and environmental limits of heavy metal exposure.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 15, 2005 (70 FR 34699). The public comment period closes on August 29, 2005. Resolution of the petition is scheduled for September 2006.

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

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9. Petitioner/Petition Docket Number: Organization of Agreement States (PRM-31-05)

Federal Register Citation: December 20, 2005 (70 FR 75423)

Subject: Byproduct material; domestic licensing: Industrial devices

Summary: The petitioner is requesting that the NRC amend its regulations to require specific licensing for devices that are currently regulated by a combination of general licensing and registration, and to revise the compatibility category for 10 CFR 31.6 from "B" to "C"

Timetable: A notice of receipt was published in the Federal Register on December 20, 2005 (70 FR 75423). The public comment closes March 6, 2006. Resolution of the petition is scheduled for December 2006.

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

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10. Petitioner/Petition Docket Number: Organization of Agreement States (PRM-34-06)

Federal Register Citation: December 28, 2005 (70 FR 76724)

Subject: Radiation safety training before using sources of radiation for industrial radiography

Summary: The petitioner requests that the NRC amend its regulations to require that an individual receive at least 40 hours of radiation safety training before using sources of radiation for industrial radiography, by clarifying the requirements for at least two individuals to be present at a temporary job site, and by clarifying how many individuals are required to meet surveillance requirements. The petitioner also requests that NUREG–1556, Volume 2, be revised to reflect the performance based changes in the proposed amendments.

Timetable: A notice of receipt was published in the Federal Register on December 28, 2005 (70 FR 76724). The public comment closes on March 13, 2006. Resolution of the petition is scheduled for December 2006.

Agency Contact: Carrie Brown, Office of Nuclear Material Safety and Safeguards, (301) 415-8092, e-mail cxb@nrc.gov

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11. Petitioner/Petition Docket Number: Peter G. Crane* (PRM-35-18)

Federal Register Citation: December 21, 2005 (70 FR 75752)

Subject: Partial revocation of patient release rule in 10 CFR 35.75 for patients treated with radiopharmaceuticals.

Summary: The petitioner requested that the Commission amend the regulation that governs medical use of byproduct material concerning release of individuals who have been treated with radiopharmaceuticals. The petitioner believes the regulation is defective on legal and policy grounds. The petitioner requests that the patient release rule be partially revoked to not allow patients to be released from radioactive isolation with more than the equivalent of 30 millicuries of radioactive iodine-131 in their bodies

Timetable: A notice of receipt for this petition was published in the Federal Register on December 21, 2005 (70 FR 75752). The public comment period closed on March 6, 2006. Resolution of the petition is schedule for December 2006.

Agency Contact: Neelam Bhalla, Office of Nuclear Material Safety and Safeguards, (301) 415-6843, e-mail nxb@nrc.gov

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12. Petitioner/Petition Docket Number: William Stein III, M.D.* (PRM-35-19)

Federal Register Citation: June 14, 2006 (71 FR 34285)

Subject: Training and experience requirements for medical oncologists and hemotologists who wish to be authorized users for certain radiopharmaceuticals.

Summary: The petitioner is requesting that the NRC amend the regulations that govern medical use of byproduct material concerning training and experience (T&E) for parenteral administration of certain radioactive drugs used to treat cancer. The petitioner believes that the current regulations do not adequately consider the training necessary for a class of physicians, namely medical oncologists and hemotologists, to qualify as an Authorized User (AU) physician to administer these drugs. The petitioner requests that the regulations be amended to clearly codify an 80-hour training and experience requirement as appropriate and sufficient for physicians desiring to attain AU status for these unsealed byproduct materials.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 14, 2006 (71 FR 34285). The public comment period closes on August 28, 2006. Resolution of the petition is schedule for August 2007.

Agency Contact: Neelam Bhalla, Office of Nuclear Material Safety and Safeguards, (301) 415-6843, e-mail nxb@nrc.gov

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13. 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. The staff is working to complete NRC action documenting resolution of the petition.

Agency Contact: Thomas Young, Office of Nuclear Material Safety and Safeguards, (301) 415-5795, e-mail tfy@nrc.gov

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14. 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 C. Comfort, Jr., Office of Nuclear Material Safety and Safeguards, (301) 415-8106, e-mail gcc1@nrc.gov

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15. 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 six 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. 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

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16. 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: Nihar K. Ray, Office of Nuclear Reactor Regulation, (301) 415-2643, e-mail nkr@nrc.gov

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17. 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 (RIN 3150-AH42). The technical basis for initiating rulemaking is expected to be completed by early CY 2007.

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

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

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19. Petitioner/Petition Docket Number: Joseph R. Egan, State of Nevada (PRM-51-09)

Federal Register Citation: August 12, 2005 (70 FR 47148)

Subject: Adoption of an environmental impact statement prepared by the Secretary of Energy

Summary: The petitioner requested that the Commission amend its regulations that govern the adoption of an environmental impact statement prepared by the Secretary of Energy in proceedings for issuance of a construction authorization or materials license with respect to a geological repository. The petitioner believes that the current regulations, as written, violate the National Environmental Policy Act of 1969 (NEPA), as amended, the Nuclear Waste Policy Act of 1982 (NWPA), as amended, and a recent court of appeals decision.

Timetable: A notice of receipt for this petition was published in the Federal Register on August 12, 2005 (70 FR 47148). The public comment period closed. Resolution of the petition is expected September 2006.

Agency Contact: E. Neil Jensen, Office of the General Counsel, (301) 415-1637, e-mail enj@nrc.gov

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20. Petitioner/Petition Docket Number: Andrew J. Spano, County of Westchester, NY (PRM-54-02)

Federal Register Citation: June 15, 2005 (70 FR 34700)

Subject: Amend license renewal criteria and requirements

Summary: The petitioner requested that the Commission amend its regulations to provide that a renewed license be issued only if the plant operator demonstrates that the plant meets all criteria and requirements that would be applicable if the plant was being proposed *de novo* for initial construction.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 15, 2005 (70 FR 34700). The public comment period closed on August 29, 2005. This petition is being evaluated together with PRM-54-03. Resolution of the petition is expected September 2006.

Agency Contact: Merrilee J. Banic, Office of Nuclear Reactor Regulation, (301) 415-2771, e-mail mjb@nrc.gov

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21. Petitioner/Petition Docket Number: Joseph Scarpelli, Mayor of Brick Township, NJ (PRM-54-03)

Federal Register Citation: September 14, 2005 (70 FR 54310)

Subject: Renewal license

Summary: The petitioner requests that the NRC amend its regulations to provide that a renewed license will be issued only if the plant operator demonstrates that the plant meets all criteria and requirements that would be applicable if the plant was being proposed *de novo* for initial construction.

Timetable: A notice of receipt was published in the Federal Register on September 14, 2005 (70 FR 54310). The public comment closed on November 25, 2005. This petition is being evaluated together with PRM-54-02. Resolution of the petition is scheduled for September 2006.

Agency Contact: Merrilee J. Banic, Office of Nuclear Reactor Regulation, (301) 415-2771, e-mail mjb@nrc.gov

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22. 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

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23. 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

NRC FORM 335
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U.S. NUCLEAR REGULATORY COMMISSION

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.

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OFFICIAL BUSINESS

I-RULES Section 1 - Rules

- **A** Action Completed Rules
- **B** Proposed Rules
- **C** Advance Notice - Proposed Rulemaking
- **D** Unpublished Rules

II PETITIONS Section II - Petitions for Rulemaking

- **A** Petitions - Final or Denied
- **B** Petitions - Incorporated into Published Proposed Rules
- **C** Petitions - Incorporated into Unpublished Rules
- **D** Petitions - Pending