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From:

Timothy Hagan

TACs:

MD3897

To:

J. E. Dyer

***** YELLOW *****

For Signature of:

Routing:

Description:

Request for Update to the NRC Regulatory Agenda

Assigned To:

DPR

Contact:

CASE, MICHAEL J

Special Instructions:

Memorandum from Timothy F. Hagan dated: December 22, 2006

SUBJECT: REQUEST FOR UPDATE TO THE NRC REGULATORY AGENDA

Mail Stop

Karen D. Cyr, General Counsel	O-15 D21
Edward T. Baker, Director, Office of Information Services	T-6 F15
Jesse L. Funches, Chief Financial Officer	T-9 F4
Janice Dunn Lee, Director, Office of International Programs	O-4 E21
Annette Vietti-Cook, Secretary of the Commission	O-16 C1
Michael R. Johnson, Director, Office of Enforcement	O-14 E1
Corenthis B. Kelley, Director, Office of Small Business and Civil Rights	T-2 C2
Jack R. Strosnider, Jr., Director, Office of Nuclear Material Safety and Safeguards	T-8 A23
James E. Dyer, Director, Office of Nuclear Reactor Regulation	O-5 E7
Roy P. Zimmerman, Director, Office of Nuclear Security and Incident Response	T-4 D22A
Marva C. Gary, Director, Division of Administrative Services, Office of Administration	T-7 D26



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 22, 2006

MEMORANDUM TO: Those on the Enclosed List

FROM: Timothy F. Hagan, Director 
Office of Administration

SUBJECT: REQUEST FOR UPDATE TO THE NRC REGULATORY AGENDA

The Office of Administration (ADM) is updating the U.S. Nuclear Regulatory Commission (NRC) Regulatory Agenda for the period of July 2006 through December 2006. Enclosed are instructions for updating and adding agenda entries. Also enclosed are copies of agenda entries that were included in the last published agenda for the rules and petitions for rulemaking (PRMs) for which your office is responsible. We request that you provide us with updated information on those actions for which your office has lead responsibility.

The NRC Regulatory Agenda is used to indicate those rules that have received the Executive Director for Operation's (EDO) initial approval or annual re-approval for continued development. In offices under the EDO's purview, only those rules that have received the EDO's approval may be developed and may appear in the agenda.

Additionally, the EDO's procedures on timely resolution of PRMs require that each office under the EDO's purview report the status of each PRM to the Rulemaking, Directives, and Editing Branch, Division of Administrative Services, ADM. The EDO requires that new PRMs be resolved within 12 months from the date of publication of the notice of receipt in the Federal Register. The EDO must approve in advance any extension of a PRM resolution date. Your response must indicate any proposed extension of a PRM resolution date, the new proposed date, and the specific reason(s) for the proposed extension. You must describe the reason(s) in sufficient detail to enable the EDO to monitor the action that has been taken to date and to determine whether to grant the request for an extended resolution date.

Please provide the information requested in the enclosed instructions to Doris Mendiola, ADM, Mail Stop T-6 D59, by January 19, 2007. Your staff may direct any questions concerning this agenda update to Ms. Mendiola on 415-6297 (DAM2).

Enclosures:

1. Instructions for Regulatory Agenda Updates
2. Regulatory Agenda Entries from the Last Published Agenda

ENCLOSURE 1

**INSTRUCTIONS FOR
REGULATORY AGENDA UPDATES**

Instructions for Regulatory Agenda Updates

Please provide the following information for each agenda entry:

1. A summary of the action that describes the issue to be addressed and its significance, the necessity and urgency for addressing this issue, and how the issue will be addressed through rulemaking. Also, summarize the potential effect of the rule on the public, the nuclear industry, and the NRC.
2. Each rule must be given one of the priority designations listed below. This information will be included in the Unified Agenda of Federal Regulatory and Deregulatory Actions, which should be published in the Federal Register in the spring of 2007. The unified agenda is issued by the Regulatory Information Service Center, Office of Management and Budget.

Economically Significant -- As defined under Executive Order 12866, a rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These rules are included in the Regulatory Plan.

Other Significant -- A rulemaking that is not economically significant but that the agency considers significant. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the Regulatory Plan.

Substantive, Nonsignificant -- A rulemaking that has substantive impacts but is neither significant, routine and frequent, nor informational/administrative.

Routine and Frequent -- A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

Informational/Administrative/Other -- A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the agenda to inform the public of the activity.

3. The latest information regarding the development of the rule, the schedule for completing action on the rule, and the reasons for any changes to the schedule. If delays in the schedule are the result of circumstances beyond the NRC staff's control or the NRC's established priority system, this should be clearly stated.
4. If a Regulatory Flexibility Analysis is required, and whether the rule will affect small entities and, if so, whether the small entities are businesses, governmental jurisdictions, or organizations.

5. The legal authority for the action and whether the rule is subject to a legal deadline, either statutory or judicial, and whether this deadline is for a proposed rule, a final rule, or some other action.
6. The date the rulemaking was originally approved by the EDO, if applicable.
7. The latest dates for publication and for the comment period.
8. The target dates for the next scheduled action and for final action on the rule.
9. The name, telephone number, and e-mail of the NRC contact.

For each rule being developed that has been approved by the EDO but not included in the last agenda, please provide the required information as a new agenda entry in the NRC agenda format.

Petitions for Rulemaking

Please provide updated information for the petitions and include a new petition entry for the next agenda with the following:

1. **Petitioner/Petition Docket Number** -- Name of petitioner.
2. **Federal Register Citation** -- Date notice of receipt published in the **Federal Register**.
3. **Subject** -- One line subject.
4. **Summary** -- Small paragraph of what the petitioner is requesting.
5. **Timetable** -- Publication of the notice of receipt, comment period expired, and the target dates for the next scheduled action for the petition.
6. **Agency Contact** -- The name, telephone number, and e-mail of the NRC contact.

ENCLOSURE 2

**REGULATORY AGENDA ENTRIES
FROM THE LAST PUBLISHED AGENDA**

OFFICE OF NUCLEAR REACTOR REGULATION

1. 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 AG24)
2. Collection, Reporting, or Posting of Information (Parts 19, 20, and 50)
(RIN AH40)
3. Fitness-for-Duty Programs (Part 26)(RIN AF12)
4. Modifications to Pressure-Temperature Limits (Part 50)(RIN AG98)
5. Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition (Part 50)
(RIN AH29)
6. Performance-Based ECCS Acceptance Criteria (Part 50)(RIN AH42)
7. Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident
(LOCA) (Part 50)(RIN AH43)
8. Post-Fire Operator Manual Actions (Part 50)(RIN AH54)
9. Industry Codes and Standards; Amended Requirements (Part 50)(RIN AH76)
10. Incorporation by Reference of NRC Regulatory Guides Listing Approved ASME
Code Cases (Part 50)(RIN AH80)
11. Approach to Risk-Inform, Performance-Base Requirement for Nuclear Power
Plants (Parts 50 and 53)(RIN AH81)
12. Elimination of Requirement to Submit annual Financial Report (Parts 50 and
72)(RIN AH39)
13. Update Fuel Performance Considerations and Other Fuel Cycle Issues
(Part 51)(RIN AA31)
14. AP1000 Design Certification (Part 52, Appendix D)(RIN AH56)
15. Design Basis Threat (DBT) (Part 73)(RIN AH60)