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NRC Regulatory Agenda

Semiannual Report
January – June 2007

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

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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 29, 2007. Section I, "Rules," includes (A) rules on which final action has been taken since December 31, 2006, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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since December 31, 2006; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules, and (D) petitions pending staff review.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). Also, mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff (e-mail: (SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966, or fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101. 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, Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-6297 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail dam2@nrc.gov. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

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(A) Final Rules

I-RULES

A

1. Amendment of Access Authorization Fees (Parts 11 and 25)

RIN: 3150-AH99

Abstract: The final rule amends the Commission's regulations to adjust the agency access authorization fees charged to licensees for work performed under the Material Access authorization Program (MAAP) and the Information Access Authority Program(IAAP). The amended cost is due to an increase of the review time for each application for access authorization.

Timetable:			
	Final Rule Published	05/16/07	72 FR 27408
	Final Rule Effective	06/15/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Emily R. Banks, Office of Administration,
(301) 415-0320, e-mail erb@nrc.gov

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2. Criticality Control of Spent Fuel Within Dry Storage Casks or Transportation Packages in a Spent Fuel Pool (Part 50)

RIN: 3150-AH95

Abstract: The direct final rule amends the Commission's regulations that govern domestic licensing of production and utilization facilities so that the requirements governing criticality control for spent fuel storage racks do not apply to the fuel within a spent fuel transportation package or storage cask when a package or cask is in a spent fuel pool.

Timetable:			
	Direct Final Rule Published	11/16/06	71 FR 66648
	Direct Final Rule Effective	01/30/07	
	Proposed Rule Published	11/16/06	71 FR 66705
	Comment Period Closed	12/18/06	
	Confirmation of Effective Date	01/26/07	72 FR 3705

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: George M. Tartal, Office of Nuclear Reactor Regulation,
(301) 415-0016, e-mail gmt1@nrc.gov

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3. 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	06/27/07	72 FR 35144
	Final Rule Effective	06/27/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Michael K. Williamson, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6234, e-mail mkw1@nrc.gov

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4. List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 3 (Part 72)

RIN: 3150-AH98

Abstract: The direct final rule amends the Commission's regulations by revising the Holtec International HI-STORM 100 cask design listing to include Amendment No. 3 to Certificate of Compliance 1014. This amendment: (1) revises Technical Specifications related to cooling of the Multi-Purpose Canister cavity; (2) revises definitions of fuel debris, damaged fuel assembly, and non-fuel hardware; (3) revises Technical Specifications related to storage of pressurized water reactor fuel assembly; and (4) makes changes to incorporate minor editorial corrections.

Timetable:			
	Direct Final Rule Published	10/16/06	71 FR 60669
	Direct Final Rule Effective	01/02/07	
	Proposed Rule Published	10/16/06	71 FR 60672
	Comment Period Closed	11/15/06	
	Direct Final Rule Withdrawal	12/27/06	71 FR 77586
	Final Rule Published	04/26/07	72 FR 20712
	Final Rule Effective	05/29/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Federal and State Materials and Management Programs,
(301) 415-6219, e-mail jmm2@nrc.gov

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5. List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision: Amendment 9 (Part 72)

RIN: 3150-AI03

Abstract: The direct final rule amends the Commission's regulations by revising the Transnuclear, Inc., Standardized NUHOMS System listing within the list of approved spent fuel storage casks to include Amendment No. 9 to Certificate of Compliance (CoC) Number 1004. Amendment No. 9 modifies the CoC by revising Technical Specifications 1.2.1 and 1.2.14 to add the Framatome-ANP, Version 9.9-2 fuel assemblies as approved contents for storage in the NUHOMS-61BT dry shielded canister, under the general license provisions of 10 CFR Part 72.

Timetable:			
	Direct Final Rule Published	02/01/07	72 FR 4615
	Direct Final Rule Effective	04/17/07	
	Proposed Rule Published	02/01/07	72 FR 4660
	Comment Period Closed	03/05/07	
	Confirmation of Effective Date	04/17/07	72 FR 19109

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-6219, e-mail jmm2@nrc.gov

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

RIN: 3150-AH60

Abstract: The final rule amends the Commission's regulations to make generically applicable security requirements similar to those previously imposed by the Commission's April 29, 2003, DBT Orders, and redefines the level of security requirements necessary to ensure that the public health and safety, and common defense and security are adequately protected.

Timetable:			
	Final Rule Published	03/19/07	72 FR 12705
	Final Rule Effective	04/18/07	

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

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7. Secure Transfer of Nuclear Materials (Part 73)

RIN: 3150-AH90

Abstract: The final rule amends 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 final rule implements Section 656 by specifically excepting certain licensees from provisions of Section 170I of the Atomic Energy Act of 1954, as amended.

Timetable:	Proposed Rule Published	08/30/06	71 FR 51534
	Comment Period Closed	09/29/06	
	Final Rule Published	01/24/07	72 FR 3035
	Final Rule Effective	02/23/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Frank P. Cardile, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6185, e-mail fpc@nrc.gov

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8. Relief From Fingerprinting and Criminal History Records Checks (Part 73)

RIN: 3150-AI04

Abstract: The final rule amends the Commission's regulations to relieve certain categories of individuals from the requirement to undergo fingerprinting, identification, and criminal history records checks under section 149 of the Atomic Energy Act of 1954, as amended, (AEA) before being permitted unescorted access to radioactive materials or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant such checks.

Timetable:	Final Rule Published	02/02/07	72 FR 4945
	Final Rule Effective	02/02/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jared K. Heck, Office of the General Counsel,
(301) 415-1623, e-mail jkh3@nrc.gov

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9. Export and Import of Nuclear Material; Exports to Libya Restricted (Part 110)

RIN: 3150-AI02

Abstract: The final rule amends the Commission's regulations to conform NRC's export/import regulations with current U.S. Government law and policy on Libya. The Executive Branch rescinded Libya's designation as a State Sponsor of Terrorism (status held since 1979). The Executive Branch recommended that, in light of this change, the NRC revise its regulations by moving Libya from the embargoed to the restricted destinations list.

Timetable:			
	Final Rule Published	01/12/07	72 FR 1426
	Final Rule Effective	01/12/07	

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) 415-2490, e-mail bgs@nrc.gov
Jennifer Schwartzman, Office of International Programs,
(301) 415-2317, e-mail jks1@nrc.gov

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10. Revision of Fee Schedules; Fee Recovery for FY 2007 (Parts 170 and 171)

RIN: 3150-AI00

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 (FY) 2007, less the amounts appropriated from the Nuclear Waste Fund, and for Waste Incidental to Reprocessing and generic homeland security activities as required by the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), 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 in 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 2006, extended this 90 percent fee recovery requirement through FY 2006. Section 637 of the Energy Policy Act of 2005 made the 90 percent fee recovery requirement permanent beginning in FY 2007. The dollar amount to be recovered for FY 2007 is approximately $670.5 million. OBRA-90, as amended, requires that the fees for FY 2007 be collected by September 30, 2007.

Timetable:	Final Rule Published	06/06/07	72 FR 31401
	Final Rule Effective	08/06/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

Agency Contact: Renu Suri, Office of the Chief Financial Officer,
(301) 415-0161, e-mail rxs6@nrc.gov

(B) Proposed Rules

B

11. Emergency Preparedness Policies Developed for Nuclear Materials Facilities* (Part 1)

RIN: 3150-AI17

Abstract: The direct final rule will amend the Commission's regulations clarifying NSIR emergency preparedness program responsibilities by replacing the current reference to "nuclear reactors" with the phrase "nuclear facilities." This rulemaking will contribute to NRC performance goal number four to ensure that NRC actions are effective, efficient, realistic, and timely.

Timetable:	Direct Final Rule Published	05/21/07	72 FR 28449
	Direct Final Rule Effective	08/06/07	
	Proposed Rule Published	05/21/07	72 FR 28455
	Comment Period Closed	06/20/07	
	Confirmation of Effective Date	08/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Kevin R. O'Sullivan, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-8112, e-mail kro2@nrc.gov

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12. 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, 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, and O into the new subparts in 10 CFR Part 52.

The NRC is also proposing to retitle 10 CFR Part 52 as "Licenses, Certifications and Approvals 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, and O would also become new sections of the revised part. 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	08/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Nanette Giles, Office of New Reactors,
(301) 415-1180, e-mail nvg@nrc.gov

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13. 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	08/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: *Steven C. Hamrick, Office of the General Counsel,* (301) 415-4106, e-mail sch1@nrc.gov

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14. Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information (Part 2)

RIN: 3150-AI08

Abstract: The proposed rule would amend the Commission's regulations to provide for interlocutory review by the Commission of orders of a presiding officer or Atomic safety and Licensing Board on requests by potential parties for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) or Safeguards Information (SGI).

Timetable:	Proposed Rule Published	06/11/07	72 FR 32018
	Comment Period Closed	07/11/07	
	Final Rule Published	12/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Patrick M. Moulding, Office of the General Counsel, (301) 415-2549, e-mail pam3@nrc.gov

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15. 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 Republished	10/31/06	71 FR 64003
	Comment Period Closed	01/02/07	
	Final Rule Published	08/00/07	

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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16. Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent (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	09/22/06	71 FR 55382
	Comment Period Closed	12/06/06	
	Final Rule Published	09/00/07	

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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17. 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	07/28/06	71 FR 42952
	Comment Period Closed	09/11/06	
	Final Rule Published	10/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Catherine R. Mattsen, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6264, e-mail crm@nrc.gov

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18. 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 petitions for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and 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	11/00/07	

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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19. 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 clarification 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	11/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Andy Imboden, Office of Federal and State Materials and Environmental Management Programs, (301) 415-2327, e-mail asi@nrc.gov

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20. Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees For Engaging in Protected Activities (Parts 30, 40, 50, 52, 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	11/00/07	

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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21. 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 Federal and State Materials and Environmental Management Programs, (301) 415-8106, e-mail gcc1@nrc.gov

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

RIN: 3150-AH85

Abstract: The final rule amends 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 amendments provide improvements to NMMSS database in maintaining the accuracy of licensee inventory records in the NMMSS database.

Timetable:			
	Proposed Rule Published	02/06/07	72 FR 5348
	Comment Period Closed	04/23/07	
	Final Rule Published	02/00/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Neelam Bhalla, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6843, e-mail nxb@nrc.gov

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23. 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 draft final rule was provided to the ACRS on October 16, 2006. The staff is now working to address the policy and technical recommendations made by the ACRS. The staff prepared Commission paper (SECY-07-0082; May 16 2007) to inform the Commission of the impact of the ACRS recommendations and to request guidance before a new schedule is determined.

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	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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24. 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).

Proposed Rule Published	04/05/07	72 FR 16731
Comment Period Closed	06/21/07	
Final Rule Published	04/00/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: L. Mark Padovan, Office of Nuclear Reactor Regulation, (301) 415-1423, e-mail lmp@nrc.gov

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25. 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	10/27/06	71 FR 62942
	Comment Period Closed	01/10/07	
	Final Rule Published	09/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: L. Mark Padovan, Office of Nuclear Reactor Regulation, (301) 415-1423; e-mail: lmp@nrc.gov

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26. Power Reactor Security Requirements (Parts 50, 72, and 73)

RIN: 3150-AG63

Abstract: The proposed rule would amend the Commission's current security regulations and add new security requirements pertaining to nuclear power reactors. Additionally, this rulemaking includes 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: 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; fulfill certain provisions of the Energy Policy Act of 2005; 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; update the regulatory framework in preparation for receiving license applications for new reactors; and 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 requests the establishment of regulations governing proposed changes to facilities which could adversely affect the protection against radiological sabotage. The proposed rulemaking would also address a petition for rulemaking (PRM 73-11) regarding the posting of armed guards at the entrances of the owner-controlled area of nuclear power plants.

Timetable:	Proposed Rule Published	10/26/06	71 FR 62663
	Comment Period Closed	01/09/07	
	Extension of Comment Period Published	01/05/07	72 FR 480
	Extension of Comment Period Closed	02/23/07	
	Final Rule Published	06/00/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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27. 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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28. 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	12/07/05	
	Final Rule Published	12/00/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Frank P. Cardile, Office of Federal and State Materials and Management Programs,
(301) 415-6185, e-mail fpc@nrc.gov

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29. List of Approved Spent Fuel Storage Casks - NAC-MPC, Revision 5 (Part 72)

RIN: 3150-AI13

Abstract: The direct final rule amends the Commission's regulations to revise the NAC-MPC listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1025. Amendment No. 5 modifies the CoC by revising Technical Specifications to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents in lieu of thermal monitoring. The amendment also incorporates guidance from NRC Interim Staff Guidance (ISG)-22 and replace all references to backfilling with inert gas. In addition, the amendment revises the CoC description to remove the requirement for tamper-indicating devices on the Vertical concrete Casks and make several editorial changes to improve the clarity of the documents associated with the MPC system.

Timetable:	Direct Final Rule Published	05/10/07	72 FR 26535
	Direct Final Rule Effective	07/14/07	
	Proposed Rule Published	05/10/07	72 FR 26568
	Comment Period Closed	06/11/07	
	Confirmation of Effective Date	07/13/07	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-6219, e-mail jmm2@nrc.gov

(C) Advance Notices of Proposed Rulemaking

C

30. 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 Federal and State Materials and Environmental Management Programs, (301) 415-8112, e-mail kro2@nrc.gov

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31. 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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32. 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. The timing is being coordinated with the progress on other related rulemakings.

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 Federal and State Materials and Environmental Management Programs, (301) 415-6628, e-mail jrf2@nrc.gov

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(D) Unpublished Rules

D

33. Statement of Reorganization and General Information; Minor Amendments (Parts 1, 20, 30, and 32)

RIN: 3150-AI07

Abstract: The final rule amends the Commission's regulations to reflect the administrative changes to the agency due to the reorganization of the Office of Nuclear Material Safety and Safeguards and the creation of the Office of Federal and State Materials and Environmental Management Programs, and the reorganization of the Office of Nuclear Reactor Regulation and the creation of the Office of New Reactors.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Carina A. Clark, Office of Administration,
(301) 415-5306, e-mail cac8@nrc.gov

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34. Limited Work Authorizations for Nuclear Power Plants (Parts 2, 50, 51, and 52)

RIN: 3150-AI05

Abstract: The final rule will amend the Commission's regulations allowing certain construction activities on nuclear power plants to commence before a construction permit or combined license is issued. This final rule modifies the scope of activities that are considered construction for which a construction permit, combined license or LWA is necessary, specifies the scope of construction activities that may be performed under a LWA, and changes the review and approval process for LWA requests. The NRC is adopting these changes to enhance the efficiency of its licensing and approval process for new nuclear reactors. This rulemaking was originally published on October 17, 2006 (71 FR 61329), as a supplementary proposed rule to the rulemaking, " Limited Work Authorizations for Nuclear Power Plants (RIN AI05)." It is now treated as a separate final rulemaking.

Timetable: Final Rule Published 09/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Geary S. Mizuno, Office of the General Counsel,
(301) 415-1639, e-mail gsm@nrc.gov

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35. Update NRC Size Standards* (Parts 2 and 171)

RIN: 3150-AI15

Abstract: The direct final rule will revise the Commission's regulations to implement updated NRC size standards for qualifying an NRC licensee as a small entity under the Regulatory Flexibility Act. This action is necessary to conform NRC's size standards with recent changes to the Small Business Administration's size standards.

Timetable: Direct Final Rule Published 08/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

Agency Contact: Michael T. Lesar, Office of Administration,
(301) 415-7163, e-mail mtl@nrc.gov

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36. 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 Federal and State Materials and
Environmental Management Programs,
(301) 415-6185, e-mail fpc@nrc.gov

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37. 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 12/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Kevin R. O'Sullivan, Office of Federal and State Materials and Environmental Management Programs, (301) 415-8112, e-mail kro2@nrc.gov

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38. 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 12/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Catherine Mattsen, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6264, e-mail crm@nrc.gov

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39. Medical Use of Byproduct Material - Minor Corrections and Clarifications (Parts 32, and 35)

RIN: 3150-AI14

Abstract: The direct final rule will amend the Commission's regulations to make several minor corrections and clarifications to Parts 32 and 35.

Timetable: Direct Final Rule Published 08/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, (301) 415-0253, e-mail eml1@nrc.gov

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40. Uranium in Drinking Water (Part 40)

RIN: 3150-AH97

Abstract: The proposed rule would amend the Commission's regulations to include a new general license for a community water system (CWS), that during the treatment of drinking water, may accumulate and concentrate naturally-occurring uranium in media, effluents, and other residuals, above 0.05 percent by weight.

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 Federal and State Materials and Environmental Management Programs, (301) 415-8106, e-mail gcc@nrc.gov

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41. 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 Federal and State Materials and Environmental Management Programs, (301) 415-8106, e-mail gcc@nrc.gov

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42. 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 Federal and State Materials and Environmental Management Programs, (301) 415-6103, e-mail nst@nrc.gov

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43. 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 Federal and State Materials and Environmental Management Programs, (301) 415-6234, e-mail mkw1@nrc.gov

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44. 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: Mark S. Delligatti, Office of Federal and State Materials and Environmental Management Programs, (301) 415-8518, e-mail msd@nrc.gov

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45. 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: Carolyn J. Fairbanks, Office of Nuclear Reactor Regulation, (301) 415-6719, e-mail cfx1 @nrc.gov

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46. 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 in late 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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47. 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 in situations 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 additional information from the BWR Owners Group (BWROG) in order to continue its review. The BWROG responded by submitting a revised topical report on August 25, 2006. The staff review is ongoing. The BWROG is now responding to staff questions on the revised topical report.

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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48. Amend Fracture Toughness Requirements Against Pressurized Thermal Shock Event (Part 50)

RIN: 3150-AI01

Abstract: The proposed rule would amend the Commission's regulations that protect against brittle fracture of reactor vessels during severe cooldown events. The existing regulations establish screening limits that were developed based on what NRC believed to be a conservative probabilistic fracture mechanics analysis. Several licensees will exceed the screening limits in the

current rule during their license renewal periods. The staff proposes to provide alternate fracture toughness requirements which reflect the updated technical basis in the proposed rule.

Timetable: Proposed Rule Published 09/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: George M. Tartal, Office of Nuclear Reactor Regulation, (301) 415-0016, e-mail gmt1@nrc.gov

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49. Enhancements to Emergency Preparedness Regulations and Guidance (Part 50)

RIN: 3150-AI10

Abstract: The proposed rule would amend the Commission's regulations to enhance the emergency preparedness regulations to address concerns post September 11, 2001, as well as improve the emergency preparedness process.

Timetable: Proposed Rule Published 02/00/09

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Kathryn M. Brock, Office of Nuclear Security and Incident Response, (301) 415-2015, e-mail kmb3@nrc.gov

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50. Security Requirements for Geological Repository Operations Area (GROA) (Parts 60, 63, 72, 73, and 74)

RIN: 3150-AI06

Abstract: The proposed rule would amend the Commission's regulations that would establish post September 11, 2001, security and material control and accounting requirements for a geologic repository operations area (GROA) to reflect the current threat environment.

Timetable: Proposed Rule Published: 10/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Merri L. Horn, Office of Federal and State Materials and Environmental Management Programs
(301) 415-8126, e-mail mlh1@nrc.gov

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51. Revise Part 71 for IAEA and DOT Compatibility (Part 71)

RIN: 3150-AI11

Abstract: The proposed would amend the Commission's regulations to make Part 71 compatible with the 2005 edition of the IAEA Transportation Safety Standards TS-R-1, and the Department of Transportation regulations on transport safety, and to incorporate NRC-initiated changes on QA.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Naiem S. Tanious, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-6103, e-mail nst@nrc.gov

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52. License and Certificate of Compliance Terms (Part 72)

RIN: 3150-AI09

Abstract: The proposed rule would amend the Commission's regulations by seeking to improve regulatory efficiency by clarifying the scope, applicability, and terminology of 10 CFR Part 72 Certificates of Compliance (CoC) and general license regulations to better align them with each other. In addition, it also seeks to provide consistency between the general license requirements and the site-specific independent spent fuel storage installation license requirements within 10 CFR Part 72.

Timetable: Proposed Rule Published 07/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-5252, e-mail kkm@nrc.gov

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53. List of Approved Spent Fuel Storage Casks: TN-68 Revision 1* (Part 72)

RIN: 3150-AI21

Abstract: The direct final rule will amend the Commission's regulations to modify the Certificate of Compliance by revising Technical Specifications to change several fuel parameters that include increasing fuel burnup to 60 gigawatts-day/metric ton of uranium, increasing total cask decay heat to 30 kilowatts, increasing maximum average fuel enrichment to 4.7 weight percent uranium-235, and decreasing minimum fuel assembly cooling time to 7 years. The amendment will also add up to eight damaged fuel assemblies as authorized contents of the cask and reduces the cask spacing on the storage pad.

Timetable: Direct Final Rule Published 08/00/07

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Federal and State Materials and Management Programs,
(301) 415-6219, e-mail jmm2@nrc.gov

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54. Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property (Part 73)

RIN: 3150-AI12

Abstract: The proposed rule would amend the Commission's regulations to implement requirements for fingerprinting and criminal history record checks for unescorted access to radioactive material and other property as required by Section 652 of the Energy Policy Act (EPAct) of 2005, signed into law on August 8, 2005.

Timetable: Proposed Rule Published: Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Frank Cardile, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-6185, e-mail fpc@nrc.gov

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55. Export and Import of Nuclear Equipment and Materials; Updates and Clarifications* (Part 110)

RIN: 3150-AI16

Abstract: The proposed rule would amend the Commission's regulations to allow Category 2 export licensees of materials listed in Appendix P to Part 110 to verify the authorizations from the importing country and would allow Category 1 and 2 quantities of radioactive materials listed in Appendix P to be imported under a general license. Additionally, this rulemaking would correct and clarify many provisions in Part 110 (for example §110.23 would be amended to clarify and correct the requirements for the export of byproduct material).

Timetable: Proposed Rule Published 06/00/08

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) 415-2490; e-mail: bgs@nrc.gov

(A) Petitions Incorporated Into Final Rules or Denied

II
PETITIONS

A

1. Petitioner/Petition Docket Number: Mr. Eric Epstein* (PRM-50-81)

Federal Register Citation: N/A

Subject: Amend emergency planning regulations

Summary: The petitioner requested that the Commission amend its regulations to codify criteria in the Federal Emergency Management Agency (FEMA) 1986 Guidance Memorandum (GM) EV-2, "Protective Actions for School Children," into NRC's emergency planning regulations.

Timetable: A notice denying this petition was published in the Federal Register on March 5, 2007 (72 FR 9708).

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

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2. 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 final rulemaking was published in the Federal Register on March 19, 2007 (72 FR 12705).

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

(B) Petitions Incorporated Into Published Proposed Rules

B

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

Federal Register Citation: N/A

Subject: Fitness-for-Duty Programs

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

Timetable: A notice of receipt was not published for this petition. This petition qualified for special fast-track handling, as specified in § 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 draft final rule was provided to the Commission for consideration on December 22, 2006. The Commission approved the draft final rule with some recommended actions in April 2007. The final rule is anticipated to be published in November 2007.

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

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

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

Subject: Fitness-for-duty

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

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

Following consideration of public comments, the staff revised several rule provisions and provided the final rule package to the Commission via SECY-06-0244, dated December 22, 2006. On April 17, 2007, the Commission approved, with limited changes the proposed amendment to 10 CFR Part 26 , Fitness-for-Duty Programs. The staff currently anticipates publication of the final rule in November 2007. The implementation period for the fatigue management requirements will be 18 months beginning the date of publication in the Federal Register.

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

(C) Petitions Incorporated Into Unpublished Rules

C

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

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

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

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

Timetable: A notice of receipt for this petition was published in the Federal Register on January 17, 1992 (57 FR 2059). The public comment period closed on March 17, 1992. The petition is scheduled to be addressed by rulemaking. On March 15, 2007, and June 14, 2007, the staff requested the petitioner's input as to how to handle the petition. Completion of the rulemaking plan is undetermined.

Agency Contact: Ira P. Dinitz, Office of Nuclear Reactor Regulation, (301) 415-1289, e-mail ipd1@nrc.gov

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6. 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). A draft final rule was provided to the ACRS on October 16, 2006. After reviewing the draft, the ACRS recommended that the staff not issue the final rule in its current form. The staff is now working to address the policy and technical recommendations made by the ACRS.

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

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7. 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 document complying with the SRM was published in the Federal Register 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.

The NRC considered PRM-50-80 along with PRM-73-12 during review of stakeholder comments on the DBT proposed rule. The Commission directed that certain improvements should be made to existing plants to better respond to large fires and explosions. However, the NRC determined that existing reactors should not be required to perform plant-specific analysis regarding response to an aerial assault.

Because the NRC included the petitioners' request regarding the safety/security interface in the proposed rule for security assessments (SECY-06-0204), and because the NRC determined not to require existing plants to perform plant-specific analyses regarding aerial assault, the NRC is preparing to close PRM-50-80 as partially granted.

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

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8. 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 is under review.

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

(D) Petitions Pending Staff Review

D

9. 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 closed on August 29, 2005. Resolution of the petition is pending resolution of issues on a related 2.206 petition.

Agency Contact: Frank P. Cardile, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6185, e-mail fpc@nrc.gov

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10. 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 closed March 6, 2006. Resolution of the petition is scheduled for December 2007.

Agency Contact: Osiris Siurano, Office of Federal and State Materials and Environmental Management Programs, (301) 415-0664, e-mail osp@nrc.gov

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11. 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 closed on March 13, 2006. A public meeting is scheduled for August 2007, after which final actions for the petition will be determined. Resolution of the petition is scheduled for December 2007.

Agency Contact: Thomas F. Young, Office of Federal and State Materials and Environmental Management Programs, (301) 415-5795, e-mail tfy@nrc.gov

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12. 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 scheduled for October 2007.

Agency Contact: Neelam Bhalla, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6843, e-mail nxb@nrc.gov

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13. 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 are unduly burdensome and that the regulations should allow for limited authorized user status for the administration of these radioactive drugs with reduced levels of training and experience being appropriate to qualify for this limited authorization. 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 closed on August 28, 2006. Resolution of the petition is scheduled for August 2007.

Agency Contact: James R. Firth, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6628, e-mail jrf2@nrc.gov

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14. Petitioner/Petition Docket Number: E. Russell Ritenour, Ph.D., American Association of Physicists in Medicine (PRM-35-20)

Federal Register Citation: November 1, 2006 (71 FR 64168)

Subject: Medical use of byproduct material; revision of the "grandfather" provision

Summary: The petitioner requested that the Commission amend its regulations governing medical use of byproduct material to revise what it calls the "grandfather" provision to recognize individual diplomates of certifying boards that were previously named in these regulations before October 25, 2005.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 1, 2006 (71 FR 64168). The public comment period closed on January 16, 2007. Resolution of this petition is scheduled for November 2007.

Agency Contact: Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, (301) 415-0253, e-mail eml1@nrc.gov

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15. 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 Federal and State Materials and Environmental Management Programs,
(301) 415-8106, e-mail gcc1@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: Carolyn J. Fairbanks, Office of Nuclear Reactor Regulation,
(301) 415-6719, e-mail cxf1@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 late 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 analyses (RIN 3150-AH43). Since the technical basis for this rulemaking has not yet been developed, this petition will not be completed for several years.

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: Adrian Heymer, Nuclear Energy Institute* (PRM-50-82)

Federal Register Citation: N/A

Subject: Limited work authorization

Summary: The petitioner requested that the NRC amend its regulations to modify its limited work authorizations process consistent with industry proposal.

Timetable: A notice of receipt was not published for this petition. This petition is scheduled to be addressed in a final rule, "Limited work Authorization for Nuclear Power Plants (RIN AI05). Publication of the final rule is undetermined.

Agency Contact: Geary S. Mizuno, Office of the General Counsel
(301) 415-1639, e-mail: gsm@nrc.gov

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20. Petitioner/Petition Docket Number: Project on Government Oversight and Union of Concerned Scientists;* (PRM-50-83)

Federal Register Citation: March 29, 2007 (72 FR 14713)

Subject: Security regulations

Summary: The petitioners request that the NRC amend its regulations to require periodic demonstrations by applicable local, State and Federal entities to ensure that nuclear power plants can be adequately protected against radiological sabotage greater than the design basis threat.

Timetable: A notice of receipt for this petition was published in the Federal Register on March 29, 2007 (72 FR 14713). The public comment period closed on June 12, 2007. Resolution of the petition is scheduled for September 2007.

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

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21. Petitioner/Petition Docket Number: Mark Edward Leyse* (PRM-50-84)

Federal Register Citation: May 23, 2007 (72 FR 28902)

Subject: New regulations needed for reactor-operation parameters, uranium-oxide and mixed-oxide fuel and cladding

Summary: The petitioner requests that the NRC amend the regulations that govern domestic licensing of production and utilization facilities to require that nuclear power facilities be operated

to limit the thickness of crud (corrosion products) layers and/or the thickness of oxide layers on fuel rod cladding surfaces.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 23, 2007 (72 FR 28902). The public comment period closes on August 6, 2007. Resolution of the petition is scheduled for May 2008.

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

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22. 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 October 2007.

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

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23. Petitioner/Petition Docket Number: Massachusetts Attorney General (PRM-51-10)

Federal Register Citation: November 1, 2006 (71 FR 64169)

Subject: Environmental impacts of spent fuel storage

Summary: The petitioner requested that the Commission revoke certain regulations in their entirety, and revoke other regulations to the extent that these regulations, in the petitioner's view, state, imply, or assume that the environmental impacts of storing spent nuclear fuel in high-density pools are not significant; issue a generic determination to clarify that the environmental impacts of high-density pool storage of spent fuel, will be considered significant; and require that any NRC licensing decision concerning high-density pool storage of spent nuclear fuel be accompanied by an environmental impact statement that addresses the environmental impacts of this storage and

alternatives for avoiding or mitigating any environmental impacts. The petitioner is seeking the generic treatment of spent fuel pool hazards because he believes that a pool accident at any operating nuclear power plant in the New England and Mid-Atlantic states could significantly affect the health, environmental, and economic well-being of Massachusetts.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 1, 2006 (71 FR 64169). The public comment period closed on January 16, 2007. Extension of comment period published in the Federal Register on January 19, 2007 (72 FR 2464). The public comment period closed on March 19, 2007. Resolution of the petition is expected November 2007.

Agency Contact: L. Mark Padovan, Office of Nuclear Reactor Regulation, (301) 415-1423, e-mail lmp@nrc.gov

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24. Petitioner/Petition Docket Number: Sally Shaw (PRM-51-11)

Federal Register Citation: November 20, 2006 (71 FR 67072)

Subject: Generic environmental impact statement for nuclear power plant license renewal

Summary: The petitioner requested that the Commission prepare a rulemaking that will require that the NRC reconcile its generic environmental impact statement for nuclear power plant operating license renewal applications with the National Academy of Sciences Health Risks From Exposure to Low Levels of Ionizing Radiation: Biological Effects of Ionizing Radiation (BEIR) VII Phase 2 Report.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 20, 2006 (71 FR 67072). The public comment closed on February 5, 2007. Resolution of the petition is expected November 2007.

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

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25. Petitioner/Petition Docket Number: California Attorney General* (PRM-51-12)

Federal Register Citation: May 14, 2007 (72 FR 27068)

Subject: Temporary storage of spent fuel after cessation of reactor operation

Summary: The petitioner requests that NRC rescind its regulations that declare the potential environmental effects of the approval, construction, and operation of high-density pool storage of spent nuclear fuel are not and cannot be significant for purposes of the National Environmental Policy Act (NEPA) and NEPA analysis; adopt and issue a generic determination that approval of such storage at a nuclear power plant or any other facility does constitute a major Federal action

that may have a significant effect on the human environment; and order that no NRC licensing decision that approves high-density pool storage of spent nuclear fuel at a nuclear power plant or other storage facility may issue without the prior adoption and certification of an environmental impact statement (EIS) that complies with NEPA in all respects, including full identification, analysis, and disclosure of the potential environmental effects of such storage, including the potential for accidental or deliberately caused release of radioactive products to the environment, whether by accident or through acts of terrorism, as well as full and adequate discussion of potential mitigation for such effects, and full discussion of an adequate array or alternatives to the proposed storage project.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 14, 2007 (72 FR 27068). The public comment period closed on July 30, 2007. Resolution of the petition is expected May 2008.

Agency Contact: L. Mark Padovan, Office of Nuclear Reactor Regulation, (301) 415-1423, e-mail lmp@nrc.gov

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26. Petitioner/Petition Docket Number: Christine O. Gregoire, Governor of the State of Washington* (PRM-71-13)

Federal Register Citation: April 27, 2007 (72 FR 20962)

Subject:: Transportation requirements

Summary: The petitioner requests that the NRC adopt the use of global positioning satellite (GPS) tracking as a national requirement for mobile or portable uses of highly radioactive sources.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 27, 2007 (72 FR 20962). The public comment period closes on July 11, 2007. Resolution of the petition is scheduled for April 2008.

Agency Contact: Patricia L. Eng, Office of Federal and State Materials and Environmental Management Programs, (301) 415-7254, e-mail ple@nrc.gov

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27. 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 Federal and State Materials and Environmental Management Programs, (301) 415-6103, e-mail nst@nrc.gov

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28. 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. This petition is being resolved as part of the Power Reactor Security Requirements rulemaking (RIN 3150-AG63). Resolution of the petition is undetermined.

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

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29. Petitioner/Petition Docket Number: Union of Concern Scientists* (PRM-73-13)

Federal Register Citation: April 9, 2007 (72 FR 17440)

Subject:: Security regulations

Summary: The petitioner requests that the NRC amend its regulations to close a loophole in current regulations that would enable persons who do not meet trustworthiness and reliability standards for unescorted access to protected areas of nuclear power plants to enter protected

areas with an unarmed escort. The petitioner believes that current regulations create a security vulnerability that could potentially compromise public health and safety.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 9, 2007 (72 FR 17440). The public comment period closed on June 25, 2007. Resolution of the petition is scheduled for April 2008.

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

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(See instructions on the reverse)

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