

REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 2003

Specification of a Probability for Unlikely Features, Events and Processes - Part 63 - RIN AG91

On October 8, 2002 (67 FR 62628), the NRC published an amendment to its regulations, effective November 7, 2002, governing the disposal of high-level radioactive wastes in a potential geologic repository at Yucca Mountain, Nevada, that defines the term “unlikely” in quantitative terms. This amendment is necessary to clarify how NRC plans to implement two of the environmental standards for Yucca Mountain issued by the U.S. Environmental Protection Agency (EPA). Specifically, EPA’s standards require the exclusion of “unlikely” features, events or processes, or sequences of events and processes, from the required assessments for the human-intrusion and ground-water protection standards.

Cost Recovery for Contested Hearings Involving U.S. Government National Security Initiatives - Part 170 - RIN AH03

On October 17, 2002 (67 FR 64033), the NRC published an amendment to its regulations, effective November 18, 2002, to allow the NRC to recover its costs associated with contested hearings on licensing actions involving U.S. Government national security initiatives through licensing fees assessed to the affected applicant or licensee. This final rule is a special exception to the Commission’s longstanding policy of not charging this type of fee for contested hearings. In this case, the Commission will charge its contested hearing costs directly to the involved licensee or applicant rather than recovering its costs through the annual fees assessed to all licensees within the affected class.

NRC Public Document Room Address Change and Corrections to Information Collection Provisions - Parts 1, 2, 7, 9, 19, 20, 26, 30, 31, 33, 39, 50, 51, 52, 54, 55, 71, 75, 100, and 110 - RIN AH01

On November 4, 2002 (67 FR 67096), the NRC published an amendment to its regulations, effective immediately, to reflect the new address for the Public Document Room and to correct information collection sections in the Code of Federal Regulations. These amendments are necessary to inform the public of these administrative changes to the NRC regulations.

List of Approved Spent Fuel Storage Casks: VSC-24 Revision - Part 72 - RIN AH05

On November 20, 2002 (67 FR 69987), the NRC published an amendment to its regulations, effective February 3, 2002, revising the Pacific Sierra Nuclear Associates VSC-24 system listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of Compliance No. 1007. The companion proposed rule was published on November 20, 2002 (67 FR 70029). The confirmation of effective date was published on January 21, 2003 (68 FR 2686).

Minor Errors in Regulatory Text; Correction - Parts 1, 19, 20, 21, 32, 34, 39, 51, 55, 73, and 81 - RIN AH11

On December 19, 2002 (67 FR 77651), the NRC published an amendment, effective immediately, to make a number of minor corrections to its regulations. This rule is necessary to

correct omissions, typographical errors, and erroneous citations and references that appear in the NRC's regulations.

Material Control and Accounting Amendments - Parts 51, 61, 70, 72, 73, 74, 75, 76, and 150 - RIN AG69

On December 23, 2002 (67 FR 78130), the NRC published an amendment to its material control and accounting (MC&A) regulations, effective March 24, 2003. The reporting requirements for submitting Material Balance Reports and Inventory Composition Reports are being revised to change both the frequency and timing of the reports for all licensees, except for Category I licensees. The reporting requirements for Category I facilities remain unchanged. The categorical exclusion for approving safeguards plans is being revised to specifically include approval of amendments to safeguards plans. The MC&A requirements for Category II facilities are being revised to be more risk-informed. The amendments are intended to reduce unnecessary burden on licensees and the NRC without adversely affecting public health and safety.

Decommissioning Trust Provisions - Parts 50 and 72 - RIN AG52

On December 24, 2002 (67 FR 78332), the NRC published an amendment to its regulations, December 24, 2003, relating to decommissioning trust provisions for nuclear power plants. For licensees that are no longer rate-regulated, or no longer have access to a non-bypassable charge for decommissioning, the NRC is requiring that decommissioning trust agreements be in a form acceptable to the NRC to increase assurance that an adequate amount of decommissioning funds will be available for their intended purpose.

Federal Advisory Committee Act Regulations - Part 7 - RIN AH02

On December 31, 2002 (67 FR 79837), the NRC published an amendment to its regulations on the Federal Advisory Committee Act (FACA) to conform with General Services Administration regulations. This amendment, effective January 30, 2003, clarifies NRC's practices regarding Federal advisory committee exemptions from the FACA requirements.

List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1; Addition - Part 72 - RIN AG74

On January 6, 2003 (68 FR 463), the NRC published an amendment to its regulations, effective February 5, 2003, to add the Standardized Advanced NUHOMS System to the list of approved spent fuel storage casks. The Standardized Advanced NUHOMS System has improved shielding and the ability to withstand a higher seismic spectra than the Standardized NUHOMS System; otherwise, the cask designs are the same.

List of Approved Spent Fuel Storage Casks: FuelSolutions™ Cask System Revision - Part 72 - RIN AH13

On February 21, 2003 (68 FR 8445), the NRC published an amendment to its regulations, effective May 7, 2003, revising the BNFL Fuel Solutions (FuelSolutions™) cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3

to Certificate of Compliance Number 1026. The companion proposed rule was published on February 21, 2003 (68 FR 8472). The confirmation of effective date was published on May 1, 2003 (68 FR 23183).

Source Material Reporting Under International Agreements - Parts 40 and 150 - RIN AH10

On March 5, 2003 (68 FR 10362), the NRC published an amendment to its regulations, effective October 1, 2003, to require licensees to report their holdings of source material (uranium and thorium) to the NRC. This amendment requires licensees to report the receipt or transfer of source material controlled under any of the various international Agreements for Peaceful Nuclear Cooperation. This change enables the U.S. Government to maintain the comprehensive national inventory of nuclear materials required under these agreements. This amendment also allows licensees additional flexibility in submitting their annual source material inventory statements. The amended regulations permit licensees to submit these statements along with their material status reports for special nuclear material. The companion proposed rule was published on March 5, 2003 (68 FR 10410). The confirmation of effective date was published on May 12, 2003 (68 FR 25281).

Radiation Exposure Reports: Labeling Personal Information - Part 20 - RIN AH07

On March 25, 2003 (68 FR 14307), the NRC published an amendment to its regulations, effective June 9, 2003, to require licensees to clearly label any section of the event report containing personal information "Privacy Act Information: Not for Public Disclosure." This action ensures that personal information filed with the NRC is segregated from the event report and maintained in a separate, non-public document. The companion proposed rule was published on March 25, 2003 (68 FR 14349). The confirmation of effective date was published on May 22, 2003 (68 FR 27903).

Filing and Notification Requirements for the Shipments of Certain Radioactive Materials - Parts 70, 71, and 73 - RIN AH09

On March 26, 2003 (68 FR 14528), the NRC published an amendment to its regulations, effective immediately, to revise filing and advance notification requirements for the shipments of certain radioactive materials. These amendments are necessary to reflect the recent organizational and administrative changes within NRC and to inform the public and licensees of these changes.

Availability of Official Records - Part 2 - RIN AC07

On April 17, 2003 (68 FR 18836), the NRC published an amendment to its regulations, effective June 16, 2003, to require those who submit documents claimed to contain proprietary or other confidential information to specifically mark those portions of the document containing this information to decrease the chances of inadvertent public release of the information by the NRC, codify NRC's practices and delineate the circumstances under which the agency will not return confidential documents that have been submitted to the NRC, and codify NRC's practices of making as many copies of copyrighted material submitted to the agency as it needs to perform its regulatory and licensing functions. The amendments are necessary to conform

the NRC's regulations regarding the availability of official records to case law and agency practice.

Medical Use of Byproduct Material: Clarifying and Minor Amendments - Part 35 - RIN AH08

On April 21, 2003 (68 FR 19321), the NRC published an amendment to its regulations to clarify the definitions of *authorized users*, *authorized medical physicists*, *authorized nuclear pharmacists*, and *radiation safety officers*; clarify the notification requirements if the patient is in a medical emergency or dies; clarify the recordkeeping requirements for calibration of brachytherapy sources; correct the title for the National Institute of Standards and Technology; clarify that before October 24, 2004, individuals who meet the training and experience requirements in Subpart J of part 35 may undertake responsibilities specified in certain sections in Subparts B and D-H of part 35; and eliminate a restriction that training for ophthalmic use of strontium-90 can only be conducted in medical institutions. These amendments, effective July 7, 2003, are necessary to clarify certain inconsistencies within the regulations and to allow training in ophthalmic treatment to be conducted in eye clinics or private practices, in addition to medical institutions. The companion proposed rule was published on April 21, 2003 (68 FR 19466). The confirmation of effective date was published on June 16, 2003 (68 FR 35534).

Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan - Parts 2, 20, and 50 - RIN AG56

On April 22, 2003 (68 FR 19711), the NRC published an amendment to its regulations to standardize the process for allowing a power reactor licensee to release part of its facility or site for unrestricted use before the NRC approves the license termination plan (LTP). This type of release is termed a "partial site release." This amendment identifies the criteria and regulatory framework that a licensee will use to request NRC approval for a partial site release and provides additional assurance that residual radioactivity will meet the radiological criteria for license termination, even if parts of the site were released before license termination. This amendment also clarifies that the radiological criteria for unrestricted use apply to a partial site release. The effective date for § 50.75(g)(4) is November 18, 2003. All remaining sections are effective on May 22, 2003.

General License for Import of Major Nuclear Reactor Components - Part 110 - RIN AH21

On May 28, 2003 (68 FR 31587), the NRC published an amendment to its regulations to issue a general license for the import of major components of utilization facilities for end-use at NRC-licensed reactors. This amendment, effective August 11, 2003, is necessary to facilitate imports of major components of domestic nuclear reactors in furtherance of protection of public health and safety, and also reduces unnecessary regulatory burdens related to the maintenance of NRC-licensed reactors. The companion proposed rule was published on May 28, 2003 (68 FR 31641). The confirmation of effective date was published on July 31, 2003 (68 FR 44870).

Event Notification Requirements - Parts 72 and 73 - RIN AG90

On June 5, 2003 (68 FR 33611), the NRC published an amendment to its event notification regulations that apply to an Independent Spent Fuel Storage Installation (ISFSI) and to a Monitored Retrievable Storage (MRS) installation. This amendment, effective October 3, 2003, also revises safeguards event notification requirements that apply to facilities such as reactor facilities, fuel cycle facilities, ISFSIs, an MRS installation, licensees who possess or transport special nuclear material or spent fuel, a geological repository operations area, and gaseous diffusion plants. Some changes will reduce licensee burden by consolidating some notifications and lengthening, where appropriate, the reporting period for other notifications. New requirements will be added to permit the NRC to more effectively carry out its responsibilities during emergencies and in responding to public, media, and other stakeholder inquiries during events or conditions at licensees' facilities. These changes will align the standards for both the event notification requirements and the safeguards event notification requirements with previous changes made to the power reactor event notification requirements.

Revision of Fee Schedules; Fee Recovery for FY 2003 - Parts 170 and 171 - RIN AH14

On June 18, 2003 (68 FR 36714), the NRC published an amendment to its regulations to amend the licensing, inspection, and annual fees charged to its applicants and licenses. The final rule is effective on August 18, 2003. The amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 94 percent of its budget authority in fiscal year (FY) 2003, less the amounts appropriated from the Nuclear Waste Fund. The amount to be recovered for FY 2003 is approximately \$526.3 million.

Incorporation by Reference of ASME BPV and OM Code Cases - Part 50 - RIN AG86

On July 8, 2003 (68 FR 40469), the NRC published an amendment to its regulations, effective August 7, 2003, to incorporate by reference NRC Regulatory Guides listing Code cases published by the American Society of Mechanical Engineers (ASME) which the NRC has reviewed and found to be acceptable for use. These Code cases provide alternatives to requirements in the ASME Boiler and Pressure Vessel Code (BPV Code) and the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) pertaining to construction, inservice inspection and inservice testing of nuclear power plant components. This action incorporates by reference three regulatory guides that address NRC review and approval of ASME-published Code cases. Therefore, the Code cases listed in these regulatory guides are incorporated by reference into the NRC's regulations.

Facility Security Clearance and Safeguarding of National Security Information and Restricted Data - Minor Changes - Part 95 - RIN AH17

On July 11, 2003 (68 FR 41221), the NRC published an amendment to its regulations, effective immediately, to reflect organizational changes resulting from the creation of the Office of Nuclear Security and Incident Response, to correct a minor error, and to change the example of the derivative classification stamp.

List of Approved Spent Fuel Storage Casks: NAC-MPC Revision - Part 72 - RIN AH20

On July 18, 2003 (68 FR 42570), the NRC published an amendment to its regulations, effective October 1, 2003, revising the NAC International, Inc., Multipurpose Canister cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1025. The companion proposed rule was published on July 18, 2003 (68 FR 42646). The confirmation of effective date was published on September 25, 2003 (68 FR 55304).

Adjustment of the Maximum Retrospective Deferred Premium - Part 140 - RIN AH23

On August 7, 2003 (68 FR 46929), the NRC published an amendment to its regulations, effective August 20, 2003, to increase the maximum secondary retrospective deferred premium for liability insurance coverage in the event of nuclear incidents at licensed, operating, commercial nuclear power plants with a rated capacity of 100,000 kW or more. The increase in the primary nuclear liability insurance layer, which was increased on January 1, 2003, to \$300 million, is also reflected in this rule.

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, and -61BT, Revision - Part 72 - RIN AH26

On August 19, 2003 (68 FR 49683), the NRC published an amendment to its regulations to revise the Transnuclear, Inc., Standardized NUHOMS-24P, -52B, and -61BT cask system listing within the list of approved spent fuel storage casks to include Amendment Number 5 to Certificate of Compliance Number 1004. The companion proposed rule was published on August 19, 2003 (68 FR 49726).

Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance - Part 4 - RIN AG65

On August 26, 2003 (68 FR 51334), the NRC published an amendment to its regulations, effective September 25, 2003, implementing Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive federal financial assistance.

Combustible Gas Control in Containment - Parts 50 and 52 - RIN AG76

On September 16, 2003 (68 FR 54123), the NRC published an amendment to its regulations, effective October 16, 2003, for combustible gas control in power reactors applicable to current licensees and is consolidating combustible gas control regulations for future reactor applicants and licensees. This amendment eliminates the requirements for hydrogen recombiners and hydrogen purge systems, and relaxes the requirements for

hydrogen and oxygen monitoring equipment to make them commensurate with their risk significance.

Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations - Part 72 - RIN AG93

On September 16, 2003 (68 FR 54143), the NRC published an amendment to its licensing requirements to update the seismic siting and design criteria, including geologic, seismic, and earthquake engineering considerations. The amendment allows the NRC and its licensees to benefit from experience gained in the licensing of existing facilities and to incorporate rapid advancements in the earth sciences and earthquake engineering. The amendments, effective October 16, 2003, make the NRC regulations that govern certain independent spent fuel storage installations (ISFSIs) and monitored retrievable storage installations (MRSs) more compatible with the 1996 amendments that addressed uncertainties in seismic hazard analysis for nuclear power plants. The amendments allow certain ISFSI or MRS applicants to use a design earthquake level commensurate with the risk associated with an ISFSI or MRS.

REGULATIONS AND AMENDMENTS PROPOSED

Financial Assurance Amendments for Materials Licensees - Parts 30, 40, and 70 - RIN AG85

On October 7, 2002 (67 FR 62403), the NRC published an amendment to its regulations that would require certain materials licensees to bring the amount of financial assurance required more in line with current decommissioning costs. The objective of this amendment is to maintain adequate financial assurance so that timely decommissioning can be carried out following shutdown of a licensed facility.

Voluntary Fire Protection Requirements for Light Water Reactors; Adoption of NFPA 805 as a Risk-Informed, Performance-Based Alternative - Part 50 - RIN AG48

On November 1, 2002 (67 FR 66578), the NRC published an amendment to its regulations that would permit reactor licensees to voluntarily adopt a set of fire protection requirements contained in the National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition" (NFPA 805). The proposed rule would provide existing nuclear power plant licensees with an alternative set of risk-informed, performance-based fire protection requirements.

List of Approved Spent Fuel Storage Casks: VSC-24 Revision - Part 72- RIN AH05

On November 20, 2002 (67 FR 70029), the NRC published an amendment to its regulations that would revise the Pacific Sierra Nuclear Associates VSC-24 system listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of

Compliance No. 1007. The companion direct final rule was published on November 20, 2002 (67 FR 69987).

List of Approved Spent Fuel Storage Casks: FuelSolutions™ Cask System Revision - Part 72 - RIN AH13

On February 21, 2003 (68 FR 8472), the NRC published an amendment to its regulations that would revise the BNFL Fuel Solutions (FuelSolutions™) cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1026. The companion direct final rule was published on February 21, 2003 (68 FR 8445).

Source Material Reporting Under International Agreements - Parts 40 and 150 - RIN AH10

On March 5, 2003 (68 FR 10410), the NRC published an amendment to its regulations that would require licensees to report their holdings of source material (uranium and thorium) to the NRC. This amendment would require licensees to report the receipt or transfer of source material controlled under any of the various international Agreements for Peaceful Nuclear Cooperation. This change would enable the U.S. Government to maintain the comprehensive national inventory of nuclear materials required under these agreements. This rule also would allow licensees additional flexibility in submitting their annual source material inventory statements. The amended regulations would permit licensees to submit these statements along with their material status reports for special nuclear material. The companion direct final rule was published on March 5, 2003 (68 FR 10362).

Radiation Exposure Reports: Labeling Personal Information - Part 20 - RIN AH07

On March 25, 2003 (68 FR 14349), the NRC published an amendment to its regulations that would require licensees to clearly label any section of the event report containing personal information "Privacy Act Information: Not for Public Disclosure." This action would ensure that personal information filed with the NRC is segregated from the event report and maintained in a separate, non-public document. The companion direct final rule was published on March 25, 2003 (68 FR 14307).

Revision of Fee Schedules; Fee Recovery for FY 2003 - Parts 170 and 171 - RIN AH14

On April 3, 2003 (68 FR 16374), the NRC published an amendment to its regulations that would amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 94 percent of its budget authority in fiscal year (FY) 2003, less the amounts appropriated from the Nuclear Waste Fund. The amount to be recovered for FY 2003 is approximately \$526.3 million.

Medical Use of Byproduct Material: Clarifying and Minor Amendments - Part 35 - RIN AH08

On April 21, 2003 (68 FR 19466), the NRC published an amendment to its regulations that would clarify the definitions of authorized users, authorized medical physicists, authorized nuclear pharmacists, and radiation safety officers; clarify the notification requirements if the patient is in a medical emergency or dies; clarify the recordkeeping requirements for calibration of brachytherapy sources; correct the title for the National Institute of Standards and Technology; clarify that before October 24, 2004, individuals who meet the training and experience requirements in Subpart J of part 35 may undertake responsibilities specified in certain sections in Subparts B and D-H of part 35; and eliminate a restriction that training for ophthalmic use of strontium-90 can only be conducted in medical institutions. These amendments are necessary to clarify certain inconsistencies within the regulations and to allow training in ophthalmic treatment to be conducted in eye clinics or private practices, in addition to medical institutions. The companion direct final rule was published on April 21, 2003 (68 FR 19321).

Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors - Part 50 - RIN AG42

On May 16, 2003 (68 FR 26511), the NRC published an amendment to its regulations that would provide an alternative approach for establishing the requirements for treatment of structures, systems and components (SSCs) for nuclear power reactors using a risk-informed method of categorizing SSCs according to their safety significance. The proposed amendment would revise requirements with respect to "special treatment," that is, those requirements that provide increased assurance (beyond normal industrial practices) that SSCs perform their design basis functions. This proposed amendment would permit licensees (and applicants for licenses) to remove SSCs of low safety significance from the scope of certain identified special treatment requirements and revise requirements for SSCs of greater safety significance.

General License for Import of Major Nuclear Reactor Components - Part 110 - RIN AH21

On May 28, 2003 (68 FR 31641), the NRC published an amendment to its regulations that would issue a general license for the import of major components of utilization facilities for end-use at NRC-licensed reactors. The amendment is necessary to facilitate imports of major components of domestic nuclear reactors in furtherance of protection of public health and safety, and also reduce unnecessary regulatory burdens related to the maintenance of NRC-licensed reactors. The companion direct final rule was published on May 28, 2003 (68 FR 31587).

Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants - Parts 2, 20, 21, 50, 51, 52, 72, 73, 140, and 170 - RIN AG24

On July 3, 2003 (68 FR 40026), the NRC published an amendment to its regulations that would amend the 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, design certification,

and combined license processes. This amendment is expected to improve the effectiveness of the licensing processes for future applicants.

List of Approved Spent Fuel Storage Casks: NAC-MPC Revision - Part 72 - RIN AH20

On July 18, 2003 (68 FR 42646), the NRC published an amendment to its regulations that would revise the NAC International, Inc., Multipurpose Canister cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1025. The companion direct final rule was published on July 18, 2003 (68 FR 42570).

Emergency Planning and Preparedness for Production and Utilization Facilities - Part 50 - RIN AH00

On July 24, 2003 (68 FR 43673), the NRC published an amendment to its regulations that would amend the current regulations as they relate to NRC approval of licensee changes to Emergency Action Levels and exercise requirements for co-located licensees.

Security Requirements for Portable Gauges Containing Byproduct Material - Part 30 - RIN AH06

On August 1, 2003 (68 FR 45172), the NRC published an amendment to its regulations that would require a portable gauge licensee to provide a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the portable gauges are not under the control and consistent surveillance of the licensee.

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, and -61BT, Revision - Part 72 - RIN AH26

On August 19, 2003 (68 FR 49726), the NRC published an amendment to its regulations that would revise the Transnuclear, Inc., Standardized NUHOMS-24P, -52B, and -61BT cask system listing within the list of approved spent fuel storage casks to include Amendment Number 5 to Certificate of Compliance Number 1004. The companion direct final rule was published on August 19, 2003 (68 FR 49683).

ADVANCE NOTICES OF PROPOSED RULEMAKING

None