

REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 2005

Industry Codes and Standards: Amended Requirements - Part 50 - RIN AH24

On October 1, 2004 (69 FR 58804), the NRC published an amendment to its regulations that incorporates by reference the 2001 Edition and the 2002 and 2003 Addenda of Division 1 of Section III of the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code* (BPV Code); the 2001 Edition and the 2002 and 2003 Addenda of Division 1 of Section XI of the ASME BPV Code; and the 2001 Edition and the 2002 and 2003 Addenda of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code) to provide updated rules for constructing and inspecting components and testing pumps and valves in light-water cooled nuclear power plants. This final rule, effective November 1, 2004, incorporates by reference the latest edition and addenda of the ASME BPV and OM Codes that have been approved for use by the NRC subject to certain limitations and modifications. The NRC is also withdrawing its approval of Subsection NH of the 1995 through 2000 Addenda of Section III of the ASME BPV Code.

Criminal History Check: Assessment of Application Fee - Part 73 - RIN AH53

On October 1, 2004 (69 FR 58820), the NRC published an amendment to its regulations to reflect an administrative change in the method of calculating the agency's application fee for criminal history checks requested by licensees. The amendment, effective immediately, establishes the application fee amount as the sum of the user fee charged by the Federal Bureau of Investigation for performing criminal history checks on fingerprint records and an NRC handling charge assessed to ensure full recovery of NRC's administrative costs related to fingerprint record processing. The resulting increase in the fee is \$3.00. The amendment also provides for the NRC to publish its current criminal history check fee on the NRC public Web site.

Adjustment of Civil Penalties for Inflation - Part 2 - RIN AH55

On October 26, 2004 (69 FR 62393), the NRC published an amendment to its regulations, effective November 26, 2004, to adjust the maximum Civil Monetary Penalties (CMPs) it can assess under statutes within the jurisdiction of the NRC. These changes are mandated by Congress in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The NRC's Rules of Practice are amended by adjusting the maximum CMP for a violation of the Atomic Energy Act of 1954 (AEA), as amended, or any regulation or order issued under the AEA from \$120,000 to \$130,000 per violation per day.

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

On November 22, 2004 (69 FR 68008), the NRC published an amendment to its regulations to 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 amendment, effective December 22, 2004, revises 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 amendment permits 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. In addition to the rulemaking and its associated analyses, the Commission is also issuing a regulatory guide to implement the rule.

Minor Correction Amendments for FY 2004 - Parts 19, 34, 40, 55, and 60 - RIN AH58

On December 22, 2004 (69 FR 76599), the NRC published an amendment to its regulations, effective immediately, to correct several miscellaneous errors in the NRC's regulations.

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

On January 12, 2005 (70 FR 2001), the NRC published an amendment to its regulations governing the use of byproduct material in specifically licensed portable gauges. The final rule, effective July 11, 2005, requires a portable gauge licensee to use 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 constant surveillance of the licensee. The primary intent of this rulemaking is to increase licensees' control of portable gauges to reduce the opportunity for unauthorized removal or theft.

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

On January 26, 2005 (70 FR 3591), the NRC published an amendment to its emergency planning regulations, effective April 26, 2005, governing the domestic licensing of production and utilization facilities. The final rule amends the current regulations as they relate to NRC approval of licensee changes to Emergency Action Levels. The final rule also clarifies exercise requirements for co-located licensees. These amendments are intended to resolve an inconsistency and an ambiguity in current regulations.

Medical Use of Byproduct Material - Recognition of Speciality Boards - Part 35 - RIN AH19

On March 30, 2005 (70 FR 16336), the NRC published an amendment to its regulations, effective April 29, 2005, governing the medical use of byproduct material to change its requirements for recognition of specialty boards whose certifications may be used to demonstrate the adequacy of the training and experience of individuals to serve as radiation safety officers, authorized medical physicists, authorized nuclear pharmacists, or authorized users. The final rule also revises the requirements for demonstrating the adequacy of training and experience for pathways other than the board certification pathway. This final rule grants, in part, a petition for rulemaking submitted by the Organization of Agreement States (PRM-35-17).

Model Milestones for NRC Adjudicatory Proceedings - Part 2 - RIN AH71

On April 20, 2005 (70 FR 20457), the NRC published an amendment to its regulations,

effective May 20, 2005, to adopt model milestones for the conduct of NRC adjudicatory proceedings, to require a presiding officer to refer to the model milestones as a starting point for establishing a hearing schedule in an adjudicatory proceeding, and to manage the case in accordance with that schedule.

Export and Import of Nuclear Equipment and Material; Exports to Syria Embargoed - Part 110 - RIN AH67

On May 25, 2005 (70 FR 29934), the NRC published an amendment to its regulations, effective immediately, to remove Syria from the list of restricted destinations and add it to the list of embargoed destinations. This amendment is necessary to conform the NRC's regulations with U.S. law and foreign policy.

Revision of Fee Schedules; Fee Recovery for FY 2005 - Parts 170 and 171 - RIN AH61

On May 26, 2005 (70 FR 30526), the NRC published an amendment to its regulations amending the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments, effective July 25, 2005, are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in fiscal year (FY) 2005, less the amounts appropriated from the Nuclear Waste Fund. The total amount to be recovered for FY 2005 is approximately \$540.7 million. After accounting for carryover and billing adjustments, the net amount to be recovered through fees is approximately \$538 million.

Delegation Changes - Part 10 - RIN AH69

On May 31, 2005 (70 FR 30896), the NRC published an amendment to its regulations, effective immediately, to change the references from Deputy Executive Director for Management Services to Deputy Executive Director for Information Services and Administration and Chief Information Officer. The revision is necessary to reflect a recent realignment in the Office of the Executive Director for Operations.

Broadening Scope of Access Authorization and Facility Security Clearance Regulations - Parts 25 and 95 - RIN AH52

On June 2, 2005 (70 FR 32224), the NRC published an amendment to its regulations, effective July 5, 2005, to broaden the scope of the regulations applicable to persons who may require access to classified information, to include persons who may need access in connection with licensing and regulatory activities under the regulations that govern the disposal of high-level radioactive waste in geologic repositories, and persons who may need access in connection with other activities as the Commission may determine, such as vendors of advanced reactor designs. This amendment also broadens the scope of the regulations applicable to procedures for obtaining facility security clearances to include persons who may need to use, process, store, reproduce, transmit, transport, or handle NRC classified information in connection with the previously identified activities. In addition, NRC is correcting the scope section of the regulations that govern access authorization for licensee personnel to include certificate holders and applicants for a certificate; clarifying the definition of "license" in the regulations that govern access authorization for licensee personnel and govern facility

security clearance to include a reference to the regulations that govern combined licenses; correcting a typographical error in the definition of “security container” in its facility security regulations; and updating the references to Executive Order 12958 which has been amended. On December 15, 2004 (69 FR 74949), the NRC published in the *Federal Register* a direct final rule that would have amended NRC's regulations to broaden the scope of the regulations in 10 CFR Parts 25 and 95. The NRC concurrently published a companion proposed rule on December 15, 2004 (69 FR 75007). Because the NRC received one significant adverse comment in response to the proposed rule, NRC withdrew the direct final rule on February 24, 2005 (70 FR 8921). The NRC addressed the comment received on the proposed rule in this final rule.

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision - Part 72 - RIN AH64

On June 7, 2005 (70 FR 32977), the NRC published an amendment to its regulations, effective June 7, 2005, to revise the Holtec International HI-STORM 100 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 2 to Certificate of Compliance Number 1014. Amendment No. 2 modifies the cask design to include changes to materials used in construction, changes to the types of fuel that can be loaded, changes to shielding and confinement methodologies and assumptions, revisions to various temperature limits, changes in allowable fuel enrichments, and other changes to reflect current NRC staff guidance and use of industry codes under a general license.

Public Records - Part 9 - RIN AH12

On June 14, 2005 (70 FR 34303), the NRC published an amendment to its regulations, effective July 14, 2005, to reflect changes regarding officials who initially deny access to records or deny access to records whose initial denial has been appealed, and to reflect a change of an appellate official due to a reorganization. This amendment authorizes the Executive Assistant to the Secretary of the Commission, rather than the Assistant Secretary, to make the initial determination to deny NRC records, in whole or in part, under the NRC's regulations. An appeal of a denial of request for waiver or reduction of fees, or denial of a request for expedited processing is made to the Executive Director for Operations, rather than the Secretary of the Commission. The final rule establishes NRC procedures to give predislosure notification to submitters of confidential business or commercial information, and makes a number of additional clarifying and conforming amendments.

Export and Import of Radioactive Materials: Security Policies - Part 110 - RIN AH44

On July 1, 2005 (70 FR 37985), the NRC published an amendment to its regulations, effective December 28, 2005, pertaining to the export and import of radioactive materials. The amendments implement recent changes to the nuclear and radioactive material security policies of both the Commission and the Executive Branch. The final rule takes into account provisions in the International Atomic Energy Agency (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources concerning the import and export of radioactive sources, and the supplemental IAEA Guidance on the Import and Export of Radioactive Sources on internationally harmonized guidance for the import and export of radioactive sources. The amendments provide for enhanced tracking of certain exports and imports of radioactive sealed sources and bulk material for certain radionuclides. The amended regulation includes new

specific export and import license requirements, advance notification procedures before shipment, verification of the recipient facility's licensing status, and review of the adequacy of the receiving country's controls on radioactive sources. The amendments apply to a small number of radioactive materials when exported or imported in amounts exceeding clearly defined International System limits. The amended regulation provides the Commission with flexibility to treat each export and import license application on a case-by-case basis, with the ability to accommodate the still evolving domestic and international security measures for radioactive material.

Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite - Part 110 - RIN AH51

On July 21, 2005 (70 FR 41937), the NRC published an amendment to its regulations, effective July 21, 2005, to remove the NRC's export licensing requirements for nuclear grade graphite for non-nuclear end use. The purpose of this change is to remove from NRC export licensing jurisdiction nuclear materials which are not of significance from a nuclear proliferation perspective. The responsibility for the licensing of exports of nuclear grade graphite for non-nuclear end use will be transferred to the Department of Commerce.

Incorporation by Reference of ASME BPV Code Cases - Part 50 - RIN AH35

On September 29, 2005 (70 FR 56809), the NRC published an amendment to its regulations, effective October 31, 2005, 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) pertaining to construction and inservice inspection of nuclear power plant components. This action updates the incorporation by reference of two regulatory guides that address NRC review and approval of ASME-published Code Cases. Concurrent with this action, the NRC published a notice of the issuance and availability of the final regulatory guides. As a result of these related actions, the Code Cases listed in these regulatory guides are incorporated by reference into the NRC's regulations.

DIRECT FINAL RULES

Broadening Scope of Access Authorization and Facility Security Clearance Regulations - Parts 25 and 95 - RIN AH52

On December 15, 2004 (69 FR 74949), the NRC published an amendment to its regulations to broaden the scope of the regulations applicable to persons who may require access to classified information, to include persons who may need access in connection with licensing and regulatory activities under the regulations that govern the disposal of high-level radioactive waste in geologic repositories, and persons who may need access in connection with other activities as the Commission may determine, such as vendors of advanced reactor designs. This amendment would also broaden the scope of the regulations applicable to procedures for obtaining facility security clearances to include persons who may need to use, process, store, reproduce, transmit, transport, or handle NRC classified information in

connection with the above-identified activities. In addition, NRC would correct the scope section of the regulations that govern access authorization for licensee personnel to include certificate holders and applicants for a certificate; clarify the definition of "license" in the regulations that govern access authorization for licensee personnel and govern facility security clearance to include a reference to the regulations that govern combined licenses; correct a typographical error in the definition of "security container" in its facility security regulations; and update the references to Executive Order 12958 which has been amended. The companion proposed rule was concurrently published with this direct final rule on December 15, 2004 (69 FR 75007). Because a significant adverse comment was received in response to the proposed rule, the direct final rule was withdrawn on February 24, 2005 (70 FR 8921). The NRC addressed the comment received on the companion proposed rule in a final rule that was published in the *Federal Register* on June 2, 2005 (70 FR 32224).

List of Approved Spent Fuel Storage Casks: NUHOMS®-24PT4 Revision - Part 72 - RIN AH63

On February 28, 2005 (70 FR 9501), the NRC published an amendment to its regulations revising the Transnuclear, Inc., Standardized Advanced NUHOMS® System listing within the list of approved spent fuel storage casks to include Amendment No. 1 to Certificate of Compliance Number (CoC No.) 1029. Amendment No. 1 will add another Dry Shielded Canister (DSC), designated NUHOMS®-24PT4, to the authorized contents of the Standardized Advanced NUHOMS® System. Also, the regulation will be amended to correct a typographical error that incorrectly states the expiration date of the CoC. The companion proposed rule was published on February 28, 2005 (70 FR 9548). The confirmation of effective date was published on May 3, 2005 (70 FR 22781).

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision - Part 72 - RIN AH64

On February 28, 2005 (70 FR 9504), the NRC published an amendment to its regulations, effective May 16, 2005, revising the Holtec International HI-STORM 100 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 2 to Certificate of Compliance Number (CoC No.) 1014. Amendment No. 2 will modify the cask design to include changes to materials used in construction, changes to the types of fuel that can be loaded, changes to shielding and confinement methodologies and assumptions, revisions to various temperature limits, changes in allowable fuel enrichments, and other changes to reflect current NRC staff guidance and use of industry codes, under a general license. The companion proposed rule was concurrently published with this direct final rule on February 28, 2005 (70 FR 9550). Because a significant adverse comment was received in response to the proposed rule, the direct final rule was withdrawn on May 12, 2005 (70 FR 24936).

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-24P, -52B, -61BT, -32PT, -24PHB, and -24PTH Revision - Part 72 - RIN AH72

On May 25, 2005 (70 FR 29931), the NRC published an amendment to its regulations to revise the Transnuclear, Inc., Standardized NUHOMS® System listing within the list of approved spent fuel storage casks to include Amendment No. 8 to Certificate of Compliance Number (CoC No.) 1004. Amendment No. 8 would have modified the cask design by adding a new

spent fuel storage and transfer system, designated the NUHOMS®-24PTH System. The NUHOMS®-24PTH System consists of new or modified components: The -24PTH dry shielded canister (DSC); a new -24PTH DSC basket design; a modified horizontal storage module (HSM), designated the HSM-H; and a modified transfer cask (TC), designated the OS 197FC TC. The NUHOMS®-24PTH System is designed to store fuel with a maximum average burnup of up to 62 gigawatts-day/metric ton of uranium; maximum average initial enrichment of 5.0 weight percent; minimum cooling time of 3.0 years; and maximum heat load of 40.8 kilowatts per DSC, under a general license. The companion proposed rule was published on May 25, 2005 (70 FR 30015). Because the NRC staff became aware of changes in the Technical Specifications associated with this CoC, the direct final rule and companion proposed rule were withdrawn on July 15, 2005 (70 FR 40879 and 70 FR 40924).

List of Approved Spent Fuel Storage Casks: VSC-24 Revision - Part 72 - RIN AH70

On June 30, 2005 (70 FR 37647), the NRC published an amendment to its regulations, effective September 13, 2005, revising the BNG Fuel Solutions Corporation Ventilated Storage Cask (VSC-24) System listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance Number 1007. Amendment No. 5 changes the certificate holder's name from Pacific Sierra Nuclear Associates to BNG Fuel Solutions Corporation. The companion proposed rule was published on June 30, 2005 (70 FR 37714). The confirmation of effective date was published on August 29, 2005 (70 FR 50957).

List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 4 - Part 72 - RIN AH75

On July 25, 2005 (70 FR 42485), the NRC published an amendment to its regulations, effective October 11, 2005, to revise the NAC International, Inc., NAC-UMS Universal Storage System listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of Compliance (CoC) Number 1015. Amendment No. 4 modifies the cask design by replacing the specific term "zircaloy" with the more generic term "zirconium alloy"; revising the definitions of "operable" and "site specific fuel"; revising vacuum drying pressure and time limits; revising short-term temperature limits and completion times for the heat removal system; clarifying the surface dose rate surveillance; adding a dissolved boron concentration option; deleting a redundant boron concentration administrative control; adding an alternate site-specific design basis earthquake analysis; and incorporating editorial and administrative changes. The companion proposed rule was published on July 25, 2005 (70 FR 42513). The confirmation of effective date was published on September 22, 2005 (70 FR 55513).

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-32PT, -24PHB, and -24PTH; Revision 8 - Part 72 - RIN AH77

On September 20, 2005 (70 FR 55023), the NRC published an amendment to its regulations, effective December 5, 2005, to revise the Transnuclear, Inc., Standardized NUHOMS® System listing within the list of approved spent fuel storage casks to include Amendment No. 8 to Certificate of Compliance Number (CoC) 1004. Amendment No. 8 adds a new spent fuel storage and transfer system, designated the NUHOMS®-24PTH System, and modifies the NUHOMS®-32PT and -24PHB dry shielded canister designs. The companion proposed rule was published on September 20, 2005 (70 FR 55036).

REGULATIONS AND AMENDMENTS PROPOSED

Packaging and Transportation of Radioactive Material; Withdrawal of Subpart I - Part 71 - RIN AG71

On January 4, 2005 (70 FR 312), the NRC published a proposed amendment to its regulations that would withdraw a portion of a proposed rule (Subpart I, April 30, 2002; 67 FR 21390) that would have allowed certificate holders for dual-purpose (storage and transport) spent fuel casks, designated as Type B(DP) packages, to make certain design changes to the transportation package without prior NRC approval. The NRC is taking this action because it has received significant comments regarding the cost and complexity to implement the proposed change authority rule.

Protection of Safeguards Information - Parts 2, 30, 40, 50, 52, 60, 63, 70, 71, 72, 73, 76, and 150 - RIN AH57

On February 11, 2005 (70 FR 7196), the NRC published a proposed amendment to its regulations that would protect Safeguards Information from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. The proposed amendments are consistent with recent Commission practices reflected in orders and threat advisories issued since September 11, 2001. The proposed amendments would affect certain licensees, information, and materials not currently specified in the regulations but which are within the scope of Commission authority under the Atomic Energy Act of 1954, as amended.

Revision of Fee Schedules; Fee Recovery for FY 2005 - Parts 170 and 171 - RIN AH61

On February 22, 2005 (70 FR 8678), the NRC published a proposed 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 90 percent of its budget authority in fiscal year (FY) 2005, less the amounts appropriated from the Nuclear Waste Fund. The total amount to be recovered for FY 2005 is approximately \$540.7 million. After accounting for carryover and billing adjustments, the net amount to be recovered through fees is approximately \$538 million.

Fire Protection Program - Post-Fire Operator Manual Actions Draft Regulatory Guide; Issuance, Availability - Part 50 - RIN AH54

On March 7, 2005 (70 FR 10901), the NRC published a proposed amendment to its fire protection regulations for nuclear power facilities operating prior to January 1, 1979. The amendment would allow nuclear power plant licensees to use manual actions by plant operators as an alternative method to achieve hot shutdown conditions in the event of fires in certain plant areas, provided that the actions are evaluated against specified criteria and determined to be acceptable and that fire detectors and an automatic fire suppression system are provided in the fire area. This rule also requested comments on a draft regulatory guide to support this proposed rulemaking, "Demonstrating the Feasibility and Reliability of Operator Manual Actions in Response to Fire," DG-1136.

AP1000 Design Certification - Part 52 - RIN AH56

On April 18, 2005 (70 FR 20062), the NRC published a proposed amendment to its regulations that would certify the AP1000 standard plant design. This action is necessary so that applicants or licensees intending to construct and operate and AP1000 design may do so by referencing the AP1000 design certification rule. This amendment also requested public comment on the environmental assessment for the APP1000 design.

National Source Tracking of Sealed Sources - Parts 20, 32, and 150 - RIN AH48

On July 28, 2005 (70 FR 43646), the NRC published a proposed amendment to its regulations that would implement a National Source Tracking System for certain sealed sources. The proposed amendments would require licensees to report certain transactions involving these sealed sources to the National Source Tracking System. These transactions would include manufacture, transfer, receipt, or disposal of the nationally tracked source. The proposed amendment also would require each licensee to provide its initial inventory of nationally tracked sources to the National Source Tracking System and annually verify and reconcile the information in the system with the licensee's actual inventory. In addition, the proposed amendment would require manufacturers to assign a unique serial number to each nationally tracked source.

Implementation of a Dose Standard After 10,000 Years - Part 63 - RIN AH68

On September 8, 2005 (70 FR 53313), the NRC published a proposed amendment to its regulations governing the disposal of high-level radioactive wastes in a proposed geologic repository at Yucca Mountain, Nevada. The proposed rule would implement the U.S. Environmental Protection Agency's (EPA's) proposed standards for doses that could occur after 10,000 years but within the period of geologic stability. The proposed rule also specifies a value to be used to represent climate change after 10,000 years, as called for by EPA, and specifies that calculations of radiation doses for workers use the same weighting factors that EPA is proposing for calculating individual doses to members of the public.

ADVANCE NOTICES OF PROPOSED RULEMAKING

None

AVAILABILITY OF DRAFT RULE LANGUAGE

Protection of Safeguards Information - Parts 2, 30, 40, 50, 52, 63, 70, 72, 73, 76, and 150 - RIN AH57

On November 16, 2004 (69 FR 67070), the NRC published draft rule language to provide for further protection of Safeguards Information (SGI). The NRC is proposing to amend its regulations in part 73 for the protection of SGI to be consistent with recent Commission practices reflected in Orders and Threat Advisories issued since September 11, 2001, and to 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 licensees, information, and materials not currently specified in the regulations, but 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.

Regulations for the Safe Transport of Radioactive Material; Solicitation of Comments on Proposed Changes - Part 71

On April 27, 2005 (70 FR 21684), the NRC and the U.S. Department of Transportation (DOT) jointly published draft rule language on proposed changes to the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material (referred to as TS-R-1). The proposed changes were submitted by the U.S. and other IAEA member states and International Organizations, and might necessitate subsequent domestic compatibility rulemakings by both the NRC and DOT.

Licenses, Certifications, and Approvals for Nuclear Power Plants - Parts 1, 2, 10, 19, 20, 21, 25, 26, 50, 51, 52, 54, 55, 72, 73, 75, 95, 140, and 170 - RIN AG24

On September 6, 2005 (70 FR 52942), the NRC published a notice of availability of the draft wording of a proposed amendment of its regulations. The proposal would amend 10 CFR Part 52, "Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants," and associated regulations based on experience gained from early site permit (ESP) and design certification reviews and discussions with stakeholders on the ESP and combined license (COL) processes. The changes should improve the effectiveness and efficiency of the licensing processes for future applicants.

PETITIONS FOR RULEMAKING - NOTICE OF RECEIPT

Stanley Fitch, Organization of Agreement States - PRM-35-17

On October 28, 2004 (69 FR 62831), the NRC published a notice of receipt of a petition for rulemaking, dated September 3, 2004, which was filed with the Commission by Stanley Fitch on behalf of the Organization of Agreement States (OAS). The petition was docketed by the NRC on October 1, 2004. The petitioner requested that the NRC amend its regulations to specify the minimum number of didactic (classroom and laboratory) training hours required to meet the requirement for training and experience to qualify as an authorized nuclear pharmacist and an authorized user identified in the NRC's regulations on training for uptake, dilution, and excretion studies; imaging and localization studies; and use of unsealed byproduct material for which a written directive is required. This notice of receipt was published for information only, not for public comment.

Committee to Bridge the Gap - PRM-73-12

On November 8, 2004 (69 FR 64690), the NRC published for public comment a notice of receipt of a petition for rulemaking, dated July 23, 2004, which was filed with the Commission by Daniel Hirsch, President, Committee to Bridge the Gap (CBG). The petition was docketed

by the NRC on September 29, 2004. The petitioner requested that the NRC 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.

James Salsman - PRM-20-26

On June 15, 2005 (70 FR 34699), the NRC published for public comment a notice of receipt of a petition for rulemaking, dated May 6, 2005, which was filed with the Commission by James Salsman. The petition was docketed by the NRC on May 13, 2005. The petitioner requested that the NRC amend its regulations to modify exposure and environmental limits of heavy metal radionuclides.

Andrew J. Spano, County of Westchester, NY - PRM-54-02

On June 15, 2005 (70 FR 34700), the NRC published for public comment a notice of receipt of a petition for rulemaking, dated May 10, 2005, which was filed with the Commission by Andrew J. Spano, County Executive, Westchester County, New York. The petition was docketed by the NRC on May 13, 2005. The petitioner requested that the NRC amend its regulations to provide that a renewed license will be issued only if the plant operator demonstrates that the plant meets all criteria and requirements that would be applicable if the plant was being proposed *de novo* for initial construction.

State of Nevada - PRM-51-09

On August 12, 2005 (70 FR 47148), the NRC published for public comment a notice of receipt of a petition for rulemaking, dated April 8, 2005, which was filed with the Commission by the State of Nevada. The petition was docketed by the NRC on April 25, 2005. The petitioner requested that the NRC amend its regulations that govern 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 regulation, as written, violates the National Environmental Policy Act of 1969, as amended (NEPA), the Nuclear Waste Policy Act of 1982, as amended (NWPA), and a recent court of appeals decision.

Joseph Scarpelli, Mayor of Brick Township, NJ - PRM-54-03

On September 14, 2005 (70 FR 54310), the NRC published for public comment a notice of receipt of petition for rulemaking, dated July 20, 2005, which was filed with the Commission by Michele R. Donato, Esquire, on behalf of Mayor Joseph Scarpelli of Brick Township, NJ. The petition was docketed by the NRC on July 25, 2005. The petitioner requested that the NRC amend its regulations to provide that a renewed license will be issued only if the plant operator demonstrates that the plant meets all criteria and requirements that would be applicable if the plant was being proposed *de novo* for initial construction.

PETITIONS FOR RULEMAKING - DENIED

Donald A. Barbour, Philotechnics - PRM-40-28

On January 12, 2005 (70 FR 2053), the NRC published a denial of petition for rulemaking submitted by Donald A. Barbour, Philotechnics. The petitioner requested that the NRC amend its regulations governing the domestic licensing of source material to provide clarity regarding the effective control of depleted uranium aircraft counterweights held under the exemption in 10 CFR 40.13(c)(5). The NRC denied the petition because it has determined that current NRC regulations provide adequate clarity and effectively address the petitioner's concerns.

Sander C. Perle, ICN Worldwide Dosimetry - PRM-20-25

On January 14, 2005 (70 FR 2577), the NRC published a denial of a petition for rulemaking submitted by Sander C. Perle, ICN Worldwide Dosimetry (now Global Dosimetry Solutions, Inc.). The petitioner requested that the NRC amend its regulations to require that any dosimeter, without exception, that is used to report dose of record and demonstrate compliance with the dose limits specified in the Commission's regulations be processed and evaluated by a dosimetry processor holding accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; the definition of "Individual monitoring devices" (individual monitoring equipment) be revised to mean any device used by licensees to show compliance with the Commission's regulations; and "electronic dosimeters and optically stimulated dosimeters" be added as additional examples of individual monitoring devices. The NRC denied the petition because it has determined that the current NRC regulations are adequate to protect worker and public health and safety. The NRC believes there is insufficient evidence that the petition solves a regulatory problem or improves health and safety.

Northeast Ohio Regional Sewer District - PRM-20-22

On January 27, 2005 (70 FR 3898), the NRC published a denial of a petition for rulemaking submitted by the Northeast Ohio Regional Sewer District. The petitioner requested that NRC amend its regulations to require all licensees to provide no less than 24 hours advance notice to the appropriate sewage treatment plant before releasing radioactive material into a sanitary sewer system, and to exempt radioactive materials that enter the sanitary waste stream from the requirements regarding NRC approval for incineration. The NRC denied the petition because it has determined that current NRC regulations for discharge of licensed material into sanitary sewer systems are adequate and that current regulations for NRC approval for treatment or disposal of licensed material by incineration are necessary to ensure the protection of public health and safety and the environment.

State of Nevada - PRM-51-08

On August 17, 2005 (70 FR 48329), the NRC published a denial of a petition for rulemaking submitted by the State of Nevada. The petitioner requested that the NRC amend a decision reached in a 1990 rulemaking, referred to as the "Waste Confidence" decision, that at least one mined geologic repository will be available within the first quarter of the twenty-first

century as well as a regulation making a generic determination of no significant environmental impact from the temporary storage of spent fuel after cessation of reactor operation which incorporates this decision. The petitioner stated that the decision and rule must be amended to avoid "prejudging" the outcome of the anticipated licensing proceeding on a potential application from the Department of Energy for a construction authorization for a geologic repository at the Yucca Mountain, Nevada, site. The NRC is denying the petition because the petition fundamentally misconstrues the decision NRC reached in 1990 and because the information provided in the petition does not meet the criteria NRC set in 1999 for reopening the Waste Confidence findings. Further, the Commission's commitment to a fair and comprehensive adjudication on a potential license application for Yucca Mountain is not jeopardized by the 2025 date for repository availability. Under these circumstances, the Commission finds no reason to undertake the burden of reopening the Waste Confidence decision.

Robert H. Leyse - PRM-50-76

On September 6, 2005 (70 FR 52893), the NRC published a denial of a petition for rulemaking submitted by Mr. Robert H. Leyse. The petitioner requested that the NRC's regulations concerning the specified evaluation models for emergency core cooling systems (ECCS) and associated guidance documents be amended. The petitioner asserted that amendments are necessary to correct technical deficiencies in the correlations and data used for calculation of metal-water oxidation. The petitioner stated that the correlations and data do not consider the complex thermal-hydraulic conditions present during a loss-of-coolant accident (LOCA), including the potential for very high fluid temperature. The NRC denied the petition because none of the specific technical issues raised by the petitioner have shown safety-significant deficiencies in the research, calculation methods, or data used to support ECCS performance evaluations. NRC's technical safety analysis demonstrates that current procedures for evaluating ECCS performance are based on sound science and that no amendments to the NRC's regulations and guidance documents are necessary.