

REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 2007

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

On November 8, 2006 (71 FR 65685), the NRC published an amendment to its regulations, effective February 6, 2007, to implement a National Source Tracking System for certain sealed sources. Compliance with the reporting provisions in 10 CFR 20.2207 is required by November 15, 2007, for Category 1 Sources, and November 30, 2007, for Category 2 Sources. The amendments require licensees to report certain transactions involving these sealed sources to the National Source Tracking System. These transactions include manufacture, transfer, receipt, disassembly, or disposal of nationally tracked sources. The amendments also require each licensee to provide its initial inventory of nationally tracked sources to the National Source Tracking System and annually reconcile the information in the system with the licensee's actual inventory. In addition, the amendments require manufacturers to assign a unique serial number to each nationally tracked source.

List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition - Part 72 - RIN AH93

On December 11, 2006 (71 FR 71463), the NRC published an amendment to its regulations, effective January 10, 2007, to add the NUHOMS HD cask system to the list of approved spent fuel storage casks. The final rule allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license. A correction to this rulemaking was published February 7, 2007 (72 FR 5595) to correct an erroneous date.

Export and Import of Nuclear Material; Exports to Libya Restricted - Part 110 - RIN AI02

On January 12, 2007 (72 FR 1426), the NRC published an amendment to its export/import regulations, effective immediately, to move Libya from the list of embargoed destinations to the list of restricted designations. This amendment is necessary to conform the NRC's regulations to U.S. Government foreign policy.

Secure Transfer of Nuclear Materials - Part 73 - RIN AH90

On January 24, 2007 (72 FR 3025), the NRC published an amendment to its regulations, effective February 23, 2007, to implement requirements for secure transfer of nuclear materials as required by Section 656 of the Energy Policy Act of 2005, signed into law on August 8, 2005. The final rule implements Section 656 by specifically exempting certain licensees from provisions of Section 170I of the Atomic Energy Act of 1954, as amended.

Relief From Fingerprinting and Criminal History Records Checks - Part 73 - RIN AI04

On February 2, 2007 (72 FR 4945), the NRC published an amendment to its regulations, effectively immediately, 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, 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.

Design Basis Threat - Part 73 - RIN AH60

On March 19, 2007 (72 FR 12705), the NRC published an amendment to its regulations, effective April 18, 2007, to revise the requirements pertaining to the design basis threats (DBTs). This final rule makes generically applicable security requirements similar to those previously imposed by the Commission's DBT Orders of April 29, 2003, based upon experience and insights gained by the Commission during implementation, and redefines the level of security requirements necessary to ensure that the public health and safety and common defense and security are adequately protected. Under Section 170E of the Atomic Energy Act, the final rule revises the DBT requirements for radiological sabotage, generally applicable to power reactors and Category I fuel cycle facilities, and for theft or diversion of NRC-licensed Strategic Special Nuclear Material, applicable to Category I fuel cycle facilities. Also, this final rule addresses the NRC's final disposition of PRM-73-12 by partially granting the petition.

Access Authorization Fees - Parts 11 and 25 - RIN AH99

On May 16, 2007 (72 FR 27408), the NRC published an amendment to its access authorization fees charged to licensees for work performed under the Material Access Authorization Program (MAP) and the Information Access Authority Program. This amendment was effective on June 15, 2007. The amended cost is due to an increase of the review time for each application for access authorization. The formula for calculating fees remains the same as based on current Office of Personnel Management (OPM) billing rates for personnel background investigations. The formula is designed to recover the full cost of processing a request for access authorization from the licensee. The use of the fee assessment formula tied to current OPM billing rates eliminates the need for the NRC to update its access authorization fee schedules through regular rulemakings.

Revision of Fee Schedules; Fee Recovery for FY 2007 - Parts 170 and 171 -RIN AI00

On June 6, 2007 (72 FR 31401), the NRC published an amendment to its licensing, inspection, and annual fees charged to its applicants and licensees. This amendment was effective on August 6, 2007. This amendment implements 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) 2007, less the amounts appropriated from the Nuclear Waste Fund and for Waste Incidental to Reprocessing activities and generic homeland security activities. The required fee recovery amount for the FY 2007 budget is approximately \$ 669.2 million. After accounting for carryover and billing adjustments, the net amount to be recovered is approximately \$670.5 million. A correction to this final rule was published on July 26, 2007 (72 FR 41009). This document corrected an erroneous amendatory instruction.

Administrative Changes - 10 CFR Chapter I - RIN AI18

On June 18, 2007 (72 FR 33386), the NRC published an amendment to its regulations, effective immediately, to update a telephone number for the Office of Information Services and an NRC Web site location. This document is necessary to inform the public of these changes to the NRC's regulations.

Conforming Administrative Changes - Part 70 - RIN AH62

On June 27, 2007 (72 FR 35144), the NRC published an amendment, effective immediately, making conforming changes to citations in the NRC's regulations. This action is necessary to inform the public of these changes to the NRC's regulations.

Use of Electronic Submissions in Agency Hearings - Parts 1, 2, 13, and 110 - RIN AH74

On August 28, 2007 (72 FR 49139), the NRC published an amendment, effective October 15, 2007, to require the use of electronic submissions in all agency hearings, consistent with the existing practice for the high-level radioactive waste repository application (which is covered under a separate set of regulations). The amendments require the electronic transmission of electronic documents in submissions made to the NRC's adjudicatory boards. Although exceptions to these requirements are established to allow paper filings in limited circumstances, the NRC maintains a strong preference for fully electronic filing and service. The final rule builds upon prior NRC rules and developments in the Federal courts regarding the use of electronic submissions.

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, 170, and 171 - RIN AG24

On August 28, 2007 (72 FR 49351), the NRC published an amendment to its regulations, effective September 27, 2007, to revise the provisions applicable to the licensing and approval processes for nuclear power plants (i.e., early site permit, standard design approval, standard design certification, combined license, and manufacturing license). These amendments clarify the applicability of various requirements to each of the licensing processes by making necessary conforming amendments throughout the NRC's regulations to enhance the NRC's regulatory effectiveness and efficiency in implementing its licensing and approval processes.

DIRECT FINAL RULES

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 3 - Part 72 - RIN AH98

On October 16, 2006 (71 FR 60659), the NRC published a direct final rule that revises the Holtec International HI-STORM 100 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1014. The companion proposed rule was published on October 16, 2006 (71 FR 60672). This direct final rule was withdrawn on December 27, 2006 (71 FR 77586), because of the receipt of significant adverse comments. The final rule was published on April 26, 2007 (72 FR 20712). The final rule was effective on May 29, 2007.

Criticality Control of Fuel Within Dry Storage Casks or Transportation Packages in a Spent Fuel Pool - Part 50 - RIN AH95

On November 16, 2006 (71 FR 66648), the NRC published a direct final rule, effective on January 30, 2007, that revises its regulations that govern domestic licensing of production and utilization facilities so that the requirements governing criticality control for spent fuel pool

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. These packages and casks are subject to separate criticality control requirements. The companion proposed rule was published on November 16, 2006 (71 FR 66705). The confirmation of effective date was published on January 26, 2007 (72 FR 3705).

Facility Change Process Involving Items Relied on for Safety - Part 70 - RIN AH96

On December 1, 2006 (71 FR 69430), the NRC published a confirmation of effective date for the direct final rule that was published on September 27, 2006 (71 FR 56344). This direct final rule amended the NRC's regulations to clarify a requirement pertaining to items relied on for safety (IROFS). This rulemaking corrected an inconsistency in the regulations pertaining to IROFS.

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision 9 - Part 72 - RIN AI03

On February 1, 2007 (72 FR 4615), the NRC published a direct final rule, effective April 17, 2007, that revises 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 Number 1004. The companion proposed rule was published on February 1, 2007 (72 FR 4660). The confirmation of effective date was published on April 17, 2007 (72 FR 19109).

List of Approved Spent Fuel Storage Casks: NAC-MPC Revision 5 - Part 72 - RIN AI13

On May 10, 2007 (72 FR 26535), the NRC published a direct final rule that revises the NAC International, Inc., NAC-Multi-Purpose Canister (MPC) system listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance Number 1025. The companion proposed rule was published on May 10, 2007 (72 FR 26568). The confirmation of effective date was published on July 13, 2007 (72 FR 38468).

Emergency Preparedness Policies Developed for Nuclear Materials Facilities - Part 1 - RIN AI17

On May 21, 2007 (72 FR 28449), the NRC published a direct final rule, effective August 6, 2007, amending its regulations that govern organization and functions of NRC offices. This action is necessary to clarify emergency preparedness program responsibilities of the Office of Nuclear Security and Incident Response. The current limiting reference "nuclear reactors" is replaced with the phrase "nuclear facilities." The companion proposed rule was published on May 21, 2007 (28455). A notice confirming the effective date was not published.

NRC Size Standards - Parts 2 and 171 - RIN AI15

On August 10, 2007 (72 FR 44951), the NRC published a direct final rule, effective October 24, 2007, amending the size standards it uses to qualify an NRC licensee as a small entity under the Regulatory Flexibility Act and making the same change to its annual fee rule. NRC is increasing the receipts-based small business size standard from \$5 million to \$6.5 million to conform to the standard set by the Small Business Administration (SBA). This size standard reflects the most commonly used SBA size standard for the non-manufacturing

industries. The companion proposed rule was published on August 10, 2007 (72 FR 44988). The confirmation of effective date was published on September 28, 2007 (72 FR 55019).

Medical Use of Byproduct Material - Minor Corrections and Clarifications - Parts 32 and 35 - RIN AH14

On August 13, 2007 (72 FR 45147), the NRC published a direct final rule, effective October 29, 2007, to correct or clarify the rule language in several sections in the regulations that govern specific domestic licenses to manufacture or transfer certain items containing byproduct material and medical use of byproduct material. The regulations that govern medical use of byproduct materials were amended in their entirety on April 24, 2002 (67 FR 20249). Subsequently, these regulations were amended again to revise the training and experience requirements for the medical use of byproduct material on March 30, 2005 (70 FR 16336). Through implementation of these revised regulations, the NRC has identified additional changes that need to be made to these regulations. The companion proposed rule was published on August 13, 2007 (72 FR 45181). The confirmation of effective date was published on September 24, 2007 (72 FR 54207).

List of Approved Spent Fuel Storage Casks: TN-68 Revision 1 - Part 72 - RIN AI21

On August 16, 2007 (72 FR 45880), the NRC published a direct final rule, effective October 30, 2007, that revises the Transnuclear, Inc., TN-68 dry storage cask system listing within the list of approved spent fuel storage casks to include Amendment No. 1 to Certificate of Compliance Number 1027. The companion proposed rule was published on August 16, 2007 (72 FR 45948).

REGULATIONS AND AMENDMENTS PROPOSED

Licenses, Certifications, and Approvals for Nuclear Power Plants; Supplemental Proposed Rule - Parts 2, 50, 51, and 52 - RIN AG24

On October 17, 2006 (71 FR 61329), the NRC published a supplement to a proposed rule (Licenses, Certifications, and Approvals for Nuclear Power Plants) published on March 13, 2006 (71 FR 12782). The NRC is proposing to supplement that proposed rule by amending the regulations applicable to limited work authorizations (LWA), which allow limited construction activities on nuclear power plants to commence before a construction permit or combined license is issued. This supplemental proposed rule would modify the scope of activities that are considered construction requiring a LWA and would also make changes to the review and approval process for LWA requests. The NRC is proposing these changes to enhance the efficiency of its licensing and approval process for new nuclear reactors.

Power Reactor Security Requirements - Parts 50, 72, and 73 - RIN AG63

On October 26, 2006 (71 FR 62663), the NRC published a proposed rule that would amend the current security regulations and add new security requirements pertaining to nuclear power reactors. Additionally, this rulemaking would include new security requirements for Category I strategic special nuclear material (SSNM) facilities for access to enhanced weapons and firearms background checks. The proposed rulemaking would 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. A notice reopening the public comment period was published on January 5, 2007 (72 FR 480).

Incorporation by Reference of American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases - Part 50 - RIN AH80

On October 27, 2006 (71 FR 62942), the NRC published a proposed rule that would incorporate by reference the latest revisions of two previously incorporated regulatory guides (RGs) that approve Code cases published by the American Society of Mechanical Engineers (ASME). These RGs are 1.84, "Design and Fabrication Code Case Acceptability, ASME Section III," Revision 34, and RG 1.147, "In-service Inspection Code Case Acceptability, ASME Section XI, Division 1, Revision 15. This proposed action would allow licensees to use the Code Cases listed in the RGs as alternatives to requirements in the ASME BPV Code regarding the construction and in-service inspection of nuclear power plant components.

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

On October 31, 2006 (71 FR 64003), the NRC published a proposed rule that would amend its regulations for the protection of Safeguards Information (SGI) to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. The amendments would affect certain licensees, information, and materials not currently subject to SGI regulations, but which are within the scope of Commission authority under the Atomic Energy Act of 1954, as amended (AEA). The NRC originally published a proposed rule on SGI on February 11, 2005 (70 FR 7196). The NRC published the October 31, 2006, proposed rule on SGI protection requirements to allow the public to comment on changes to the proposed rule text in response to public comment on the original proposed rule and to reflect amendments to the AEA in the Energy Policy Act of 2005 and Commission Orders issued to licensees authorized to possess and transfer items containing certain quantities of radioactive material.

Revision of Fee Schedules; Fee Recovery for FY 2007 - Parts 170 and 171 - RIN AI00

On February 2, 2007 (72 FR 5107), the NRC published a proposed rule that would amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments would 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) 2007, less the amounts appropriated from the Nuclear Waste Fund (NWF), and for Waste Incidental to Reprocessing (WIR) and generic homeland security activities. Based on the FY 2007 Energy and Water Development Appropriations Bill (H.R. 5427), passed by the U.S. House of Representatives, the NRC's required fee recovery amount for the FY 2007 budget is approximately \$663.7 million. After accounting for carryover and billing adjustments, the total amount to be recovered through fees would be approximately \$664.9 million.

Regulatory Improvements to the Nuclear Materials Management and Safeguards System - Parts 40, 72, 74, and 150 - RIN AH85

On February 6, 2007 (72 FR 5348), the NRC published a proposed rule that would lower the threshold of the quantities of special nuclear material (SNM) and certain source materials that require the submission of material status reports to the Nuclear Materials Management and Safeguards System (NMMSS). Also, the proposed amendments would make some modifications to the types of and timing of submittals of transaction reports to the NMMSS. The amendments would also require licensees to reconcile any material inventory discrepancies that NRC identifies in the NMMSS data- base. The proposed amendments would reduce some regulatory burden by reducing the current reporting requirements related to the export of certain source material and SNM. However, the annual reporting requirements would be new requirements for licensees who possess 350 grams or less of SNM. These amendments are needed to improve the accuracy of the material inventory information maintained in the NMMSS.

Industry Codes and Standards; Amended Requirements - Part 50 - RIN AH76

On April 5, 2007 (72 FR 16731), the NRC published a proposed rule that would incorporate by reference the 2004 Edition of Section III, Division 1, and Section XI, Division 1 of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code) and the 2004 Edition 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, valves, and dynamic restrains (snubbers) in light-water nuclear power plants. NRC also proposes to require the use of ASME Code Cases N-722 and N-729-1, both with conditions, and to remove certain obsolete requirements specified in § 50.55a. This action is in accordance with the NRC's policy to periodically update the regulations to incorporate new editions and addenda of the ASME Codes by reference and is intended to maintain the safety of nuclear reactors and make NRC activities more effective and efficient.

Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information - Part 2 - RIN AI08

On June 11, 2007 (72 FR 32018), the NRC published a proposed rule that would provide for expedited (and in this case, "interlocutory") review by the Commission of orders on requests by potential parties for access to certain sensitive unclassified non-safeguards information and Safeguards Information.

AVAILABILITY OF DRAFT RULE LANGUAGE

Geologic Repository Operations Area Security and Material Control and Accounting Requirements - Parts 26, 60, 63, 73, and 74 - RIN AI06

On May 17, 2007 (72 FR 27766) the NRC published a notice announcing the availability of preliminary draft rule language to amend its regulations to revise the security requirements and material control and accounting (MC&A) requirements for a geologic repository operations area (GROA). The goal of this rulemaking is to ensure effective security measures are in place for the protection of high-level radioactive waste given the post-September 11, 2001, threat

environment. New requirements for specific training enhancements, improved access authorization, and enhancements to defensive strategies will be incorporated. The proposed rule would reinstate the alcohol and drug provisions of the fitness-for-duty provisions to a GROA. The proposed rule also would impose the fatigue portion of the fitness-for-duty requirements for the security personnel at a GROA. The proposed rule would establish general performance objectives and corresponding system capabilities for the GROA MC&A program, with a focus on strengthening, streamlining, and consolidating all MC&A regulations specific to a GROA. In addition, the proposed rule would require the emergency plan to address radiological emergencies. The availability of the preliminary draft rule language is intended to inform stakeholders of the current status of the NRC's activities.

ADVANCE NOTICES OF PROPOSED RULEMAKING

None

PETITIONS FOR RULEMAKING - NOTICE OF RECEIPT

E. Russell Ritenour, Ph.D. - PRM-35-20

On November 1, 2006 (71 FR 64168), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by E. Russell Ritenour, Ph.D. The petitioner requested that the NRC amend the regulations that govern 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.

Massachusetts Attorney General - PRM-51-10

On November 1, 2006 (71 FR 64169), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by the Massachusetts Attorney General. The petitioner requested that the NRC 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. A notice was published on January 19, 2007 (72 FR 2464) reopening the public comment period.

Sally Shaw - PRM-51-11

On November 20, 2006 (71 FR 67072), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by Sally Shaw. The petitioner requested that the NRC 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 VII Phase 2 Report.

Project on Government Oversight and Union of Concerned Scientists - PRM-50-83

On March 29, 2007 (72 FR 14713), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by David Lochbaum, on behalf of the Project on Government Oversight and the Union of Concerned Scientists. The petitioner requested 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.

Union of Concerned Scientists - PRM-73-13

On April 9, 2007 (72 FR 17440), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by David Lochbaum on behalf of the Union of Concerned Scientists. The petitioner requested that the NRC 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 the permission to enter protected areas with an unarmed escort. The petitioner believes that the current regulations create a security vulnerability that could potentially compromise public health and safety.

Christine O. Gregoire, Governor of the State of Washington - PRM-71-13

On April 27, 2007 (72 FR 20962), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by Christine O. Gregoire, Governor of the State of Washington. The petitioner requested that the NRC adopt the use of global positioning satellite tracking as a national requirement for mobile or portable uses of highly radioactive sources. The petitioner stated that another alternative is for the Commission to grant States the flexibility to impose more stringent requirements than those required under current NRC regulations.

State of California - PRM-51-12

On May 14, 2007 (72 FR 27068), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by the State of California. The petitioner requested that the 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 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.

Mark Edward Leyse - PRM-50-84

On May 23, 2007 (72 FR 28902), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by Mark Edward Leyse. The petitioner requested 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. The petitioner also requested that the requirements pertaining to Emergency Core Cooling System evaluation models be amended to require that the steady-state temperature distribution and stored energy in reactor fuel at the onset of a postulated loss-of-coolant accident be calculated by factoring in the role that the thermal resistance of crud and/or oxide layers on cladding plays in increasing the stored energy in the fuel. Lastly, the petitioner requested that the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors be amended to stipulate a maximum allowable percentage of hydrogen content in cladding of fuel rods.

Eric Epstein, Three Mile Island Alert, Inc. - PRM-50-85

On July 10, 2007 (72 FR 37470), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by Eric Epstein. The petitioner requested that the NRC amend its regulations regarding emergency preparedness to require that all host school pick-up centers be at a minimum distance of five to ten miles beyond the radiation plume exposure boundary zone to ensure that all school children are protected in the event of a radiological emergency.

Raymond A. Crandall - PRM-50-87

On July 12, 2007 (72 FR 38030), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by Raymond A. Crandall. The petitioner requested that the NRC amend its regulations that govern domestic licensing of production and utilization facilities to eliminate the specific criteria related to the radiological doses for control room habitability at nuclear power plants.

Energy Solutions - PRM-50-88

On August 21, 2007 (72 FR 46569), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by Energy Solutions. The petitioner requested that the NRC amend its regulations to provide a regulatory framework that would allow funds from licensees' decommissioning trust funds to be used for the cost of disposal of "major radioactive components" that have been removed from reactors prior to the permanent cessation of operations.

State of Nevada - PRM-2-14

On August 29, 2007 (72 FR 49668), the NRC published a notice of receipt of a petition for rulemaking, which was submitted by the State of Nevada. The petitioner requested that the NRC amend its regulations to specify issues for the Yucca Mountain mandatory hearing. The petitioner asserted that the NRC would conduct a "mandatory" formal hearing if NRC docket a Department of Energy application for a construction authorization for the proposed Yucca Mountain repository and requested that the NRC amend its regulations governing rules of practice in hearings by specifying the issues to be heard in this "mandatory" hearing.

PETITIONS FOR RULEMAKING - DENIED

Andrew J. Spano and Joseph C. Scarpelli - PRM-54-2 and PRM-54-3

On December 13, 2006 (71 FR 74848), the NRC published a denial of two petitions for rulemaking submitted by Mr. Andrew J. Spano, County Executive, Westchester County, New York (PRM-54-2), and Mayor Joseph C. Scarpelli of Brick Township, New Jersey (PRM-54-3). The petitioners requested that the NRC amend its regulations to provide that the NRC renew a license only if the plant operator demonstrates that the plant meets all criteria and requirements that would apply if it were proposing the plant de novo for initial construction. The NRC denied these petitions because the petitioners raised issues that the Commission had already considered at length in developing the license renewal rule. These issues are managed by the on-going regulatory process or under other regulations; or are issues beyond the Commission's regulatory authority. The petitioners did not present new information that would contradict positions taken by the Commission when the license renewal rule was established or demonstrate that sufficient reason exists to modify the current regulations.

Eric Epstein - PRM-50-81

On March 5, 2007 (72 FR 9708), the NRC published a denial of a petition for rulemaking, submitted by Eric Epstein, that requested the NRC codify criteria in the Federal Emergency Management Agency 1986 Guidance Memorandum (GM) EV-2, "Protective Actions for School Children," into NRC's emergency planning regulations. The NRC denied this petition because it does not provide significant new information that was not previously considered in denying an earlier petition, PRM-50-79, submitted by Mr. Lawrence T. Christian, which requested that the NRC amend its emergency planning regulations to ensure that all day care centers and nursery schools in the vicinity of nuclear power facilities are properly protected in the event of a radiological emergency.

Sherwood Martinelli - PRM-50-86

On July 18, 2007 (72 FR 39354), the NRC published a denial of a petition for rulemaking, submitted by Sherwood Martinelli, that requested the NRC revise its regulations to provide financial protection for individuals harmed by releases of nuclear material following an incident or attack at a nuclear facility, and to require licensees to pay for satellite communication systems for nuclear power plant communities to "protect human health and the environment." The petitioner also requested that nuclear facilities licensed by the NRC or the Federal Government provide adequate funding to enable every family living within 10 miles of a nuclear facility to build, stock, and maintain a personal family shelter to allow families to shelter in place during releases of nuclear material following an incident or attack at a nuclear facility. The NRC denied this petition because it requested the NRC to take actions that exceed the NRC's authority, requests that the NRC address issues that the NRC has already considered in previous rulemakings, and fails to adequately support its requests to revise NRC regulations.

CONSIDERATION OF PETITION FOR RULEMAKING

Scott Portzline, Three Mile Island Alert - PRM-73-11

On January 5, 2007 (72 FR 481), the NRC published a notice informing the public that PRM-73-11 will be considered in a proposed rulemaking, "Power Reactor Security

Requirements,” published in the Federal Register on October 26, 2006 (71 FR 62664). The petitioner requested that the NRC amend its regulations 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. The notice of receipt for PRM-73-11 was published in the Federal Register on November 2, 2001 (66 FR 55603). The rulemaking proposes extensive revisions to the NRC regulations that address security requirements for nuclear power reactor licensees and certain materials licensees.