U.S.NRC

United States Nuclear Regulatory Commission

Protecting People and the Environment

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Vol. 27, No. 1

NRC Regulatory Agenda

Semiannual Report
January – June 2008

Office of Administration

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Semiannual Report
January – June 2008

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Preface

The Regulatory Agenda is a semiannual compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition.

Organization of the Agenda

The agenda consists of two sections that have been updated through June 30, 2008. Section I, "Rules," includes (A) rules on which final action has been taken since December 31, 2007, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since December 31, 2007; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules, and (D) petitions pending staff review.

In Section I of the agenda, the rules are aligned numerically with the parts of Title 10, Chapter I, of the Code of Federal Regulations (CFR)(Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest numbered affected part. In Section II of the agenda, the petitions are aligned numerically with the parts of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

A Regulation Identifier Number (RIN) has been added to each rulemaking agenda entry to make it easier for the public and agency officials to track the publication history of regulatory actions. The dates listed under the heading "Timetable" for scheduled action by the Commission, the Executive Director for Operations (EDO), or the Chief Financial Officer (CFO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda. Conversely, the inclusion in this Regulatory Agenda of unpublished rules on which the NRC is considering action does not commit the NRC to publishing the rule for public comment in the Federal Register.

Rulemakings Approved by the Executive Director for Operations

The EDO initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve NRC's regulatory priorities most effectively. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking.

Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking or an advance notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal in the Federal Register. Rules and PRMs that appear in the agenda for the first time are identified by an asterisk (*).

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555-0001. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

You may also provide comments via the Federal eRulemaking Portal (http://www.regulations.gov) by following instructions for submitting comments. For information on NRC Rulemaking dockets contact Ms. Carol Gallagher, 301-415-5905 (e-mail: Carol.Gallagher@nrc.gov). You may e-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677. Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays.

Public comments received on any rule listed in the agenda are on the Federal eRulemaking Portal (http://www.regulations.gov). The agenda and any rulemaking comments are also available for public inspection and copying for a fee at the Nuclear Regulatory Commission's Public Document Room, One White Flint North, 11555 Rockville Pike, Public File Area O1-F21, Rockville, MD, between 7:45 a.m. and 4:15 p.m, Federal workdays.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Doris Mendiola, Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-6297 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail Doris.Mendiola@nrc.gov. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

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A

1. Statement of Reorganization and General Information; Minor Amendments (Parts 1, 2, 30, 31, 32, 34, 35, 40, 50, 51, 52, 55, 61, 62, 73, 75, 100, 140, and 150)

RIN: 3150-AI07

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

Timetable:	Final Rule Published	01/31/08	73 FR 5709
	Final Rule Effective	01/31/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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2. Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Changes* (Parts 1, 19, 20, 30, 40, 50, 52, 55, 60, 61, 63, 70, 71, 72, 73, and 76)

RIN: 3150-AI39

Abstract: The final rule amends the Commission's regulations to update the street address for its Region IV office, and to update a telephone number and e-mail address for the Office of Information Services (OIS).

Timetable:	Final Rule Published	05/28/08	73FR 30456
	Final Rule Effective	05/28/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Angella Love-Bair, Office of Administration,
(302) 415-5661; e-mail: Angella.Love-Blair@nrc.gov

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

RIN: 3150-AI08

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

Timetable:	Final Rule Published	03/10/08	73 FR 12627
	Final Rule Effective	04/09/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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4. Delegated Authority to Order Use of Procedures for Access to Certain Sensitive Unclassified Information* (Part 2)

RIN: 3150-AI32

Abstract: The final rule amends the Commission's regulations to its rules of practice to delegate authority to the Office of the Secretary of the Commission to issue orders requiring the use of certain procedures for access to sensitive unclassified information in adjudicatory proceedings. The NRC is also making available final procedures that would allow potential parties to NRC adjudications to gain access to Sensitive Unclassified Non-Safeguards Information (SUNSI) or Safeguards Information (SGI).

Timetable:	Final Rule Published	02/29/2008	73 FR 10978
	Final Rule Effective	03/31/2008	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Tison Campbell, Office of the General Counsel, (301) 415-8579; e-mail: Tison.Campbell@nrc.gov

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5. Administrative Changes* (Parts 2, 30, 31, 32, 40, 50, 61, 62, and 70)

RIN: 3150-AI46

Abstract: The final rule amends the Commission's regulations by removing obsolete text, restores material removed inadvertently from the NRC's regulations, and makes administrative changes to the NRC's regulations to correct errors published in recent rulemaking documents. This final rule also updates the definition of a not-for-profit organization.

Timetable:	Final Rule Published	07/23/08	73 FR 42671
	Final Rule Effective	07/23/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Betty K. Golden, Office of Administration,
(301) 415-6863; e-mail: Betty.Golden@nrc.gov

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6. Fitness-for-Duty Programs (Part 26)

RIN: 3150-AF12

Abstract: The final rule amends the Commission's regulations on the Fitness for Duty (FFD) programs to update these requirements and enhance consistency with advances in other relevant Federal rules and guidelines, including the U.S. Department of Health and Human Services (HHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs, and other Federal drug and alcohol testing programs that impose similar requirements on the private sector. The amendments require nuclear power plant licensees and other entities, including facilities possessing Category 1A material, to strengthen the effectiveness of their FFD programs. In addition, the amendments require nuclear power plant licensees and other entities to enhance consistency between with the FFD programs with NRC's access authorization requirements for nuclear power plants. The amendments also require nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. The final rule ensures that individuals who are subject to these regulations are trustworthy and reliable, as demonstrated by avoiding substance abuse; are not under the influence of drugs or alcohol while performing their duties; and are not mentally or physically impaired from any other cause that would in any way adversely affect their ability to perform their duties safely and competently. This final rule also grants, in part, a petition for rulemaking (PRM-26-1) submitted by Virginia Electric and Power Company (now Dominion Virginia Power) on December 30, 1993, by relaxing several required FFD program audit frequencies, and partially grants a petition for rulemaking (PRM-26-2) submitted by Barry Quigley on December 28, 1999.

Timetable:	Final Rule Published	03/31/08	73 FR 16965
	Final Rule Effective	04/30/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Lynn M. Hall, Office of Nuclear Reactor Regulation, (301) 415-3759, e-mail: Lynn.Hall@nrc.gov

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

RIN: 3150-AH85

Abstract: The final rule amends the Commission's regulations in 10 CFR Parts 40, 72, 74, and 150 related to current reporting requirements for certain NRC-licensed and Agreement State facilities related to the Nuclear Materials Management and Safeguards System (NMMSS) database. The amendments provide improvements to NMMSS database in maintaining the accuracy of licensee inventory records in the NMMSS database.

Timetable:	Final Rule Published	06/09/08	73 FR 32453
	Final Rule Effective	01/01/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AI23

Abstract: This direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Hi-Storm 100 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 4 to Certificate of Compliance (CoC) Number 1014. Amendment No. 4 will include changes to add site-specific options to the CoC to permit use of a modified Hi-Storm 100 cask system at the Indian Point Unit (IP1) Independent Spent Fuel Storage Installation. These options include the shortening of the Hi-Storm 100S Version B, Multi-Purpose canister (MPC)-32 and MPC 32F, and the Hi-Trac 100D canister to accommodate site-specific restrictions. Additional changes address the Technical Specification (TS) definition of transport operations and associated language in the safety analysis report; the soluble boron requirements for Array/Class 14x14 IP1 fuel; the helium gas backfill requirements for Array/Class 14x14 IP1 fuel; the

addition of a fifth damaged fuel container design under the TS definition for damaged fuel container; addition of separate burnup, cooling time, and decay heat limits for Array/Class 14x14 IP1 fuel for loading in an MPC-32 and MPC-32F; addition of antimony-beryllium secondary sources as approved contents; other changes to loading of IP1 fuel assemblies; and other editorial changes, including replacing all references to US Tool and Die with Holtec Manufacturing Division.

Timetable:	Direct Final Rule Published	10/25/07	72 FR 60543
	Direct Final Rule Effective	01/08/08	
	Proposed Rule Published	10/25/07	72 FR 60589
	Comment Period Closed	11/26/07	
	Confirmation of Effective Date	01/02/08	73 FR 17

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,
(310) 415-6219, e-mail: Jayne.McCausland@nrc.gov

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9. List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5 (Part 72)

RIN: 3150-AI24

Abstract: The final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Hi-Storm 100 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1014. Amendment No. 5 includes deletion of the requirement to perform thermal validation tests on thermal systems, an increase in the design basis maximum decay heat loads and a new decay heat regionalized scheme; an increase in the maximum fuel assembly weight for boiling water reactor fuel in the Multi-Purpose Canister (MPC)-68; an increase in the maximum fuel assembly weight of up to 1,720 pounds for assemblies not requiring spacers, otherwise 1,680 pounds; changes to the assembly characteristics of 16x16 pressurized water reactor fuel assemblies to be qualified for storage in the HI-Storm 100 cask system, a change in the fuel storage locations in the MPC-32 for fuel with axial power shaping rod assemblies and in the fuel storage locations in the MPC-24 and the MPC-32 for fuel with control rod assemblies, rod cluster control assemblies, and control element assemblies; elimination of the restriction that fuel debris can only be loaded into the MPC-24EF, MPC-32F, MPC-68F, and MPC-68FF canisters; introduction of a requirement that all MPC confinement boundary components and any MPC components exposed to spent fuel pool water or the ambient environment be made of stainless steel or, for MPC internals, neutron absorber or aluminum; the addition of a threshold heat load below which operation of the Supplemental Cooling System would not be required and modification of the design criteria to simplify the system; minor editorial changes to include clarification of the description of anchored casks, correction of typographical/editorial errors, clarification of the definition of loading operations, storage operations, transport operations, unloading operations, cask loading facility, and transfer cask in various locations throughout the

CoC and Final Safety Analysis Report; and modification of the definition of non-fuel hardware to include the individual parts of the items defined as non-fuel hardware.

Timetable:	Direct Final Rule Published	12/31/07	72 FR 74162
	Direct Final Rule Effective	03/17/08	
	Proposed Rule Published	12/31/07	72 FR 74209
	Comment Period Closed	01/30/08	
	Direct Final Rule Withdrawn	03/12/08	73 FR 13071
	Final Rule Published	06/12/08	73 FR 33291
	Final Rule Effective	07/14/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,
(310) 415-6219, e-mail: Jayne.McCausland@nrc.gov

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10. Revision of Fee Schedules; Fee Recovery for FY 2008 (Parts 170 and 171)

RIN: 3150-AI28

Abstract: The final rule amends the Commission's licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for Fiscal Year 2008, less the amounts appropriated from the Nuclear Waste Fund, and for Waste Incidental to Reprocessing and generic homeland security activities as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

Based on the Consolidated Appropriations Act, 2008 (P.L. 110-161), the NRC's required fee recovery amount for the FY 2008 budget is approximately $779.1 million. After accounting for carryover and billing adjustments, the total amount to be billed as fees is $760.7 million. The OBRA-90, as amended, requires that the fees for FY 2008 be collected by September 30, 2008.

Timetable:	Final Rule Published	06/06/08	73 FR 32385
	Final Rule Effective	08/05/08	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

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

(B) Proposed Rules

B

11. Protection of Safeguards Information (Parts 2, 30, 40, 50, 52, 63, 70, 72, 73, 76, and 150)

RIN: 3150-AH57

Abstract: The proposed rule would amend the Commission's regulations for the protection of Safeguards Information (SGI) to reflect recent Commission practices reflected in Orders and Threat Advisories, and Confirmatory Action Letters issued since September 11, 2001. The amendments also provide the flexibility afforded the Commission for the protection of such information by the Atomic Energy Act of 1954, as amended (AEA). The proposed amendments would affect certain licensees, information, and materials not currently specified in the regulations, but which are within the scope of the AEA. The proposed amendments are intended to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. The Commission directed that this rule be republished as a proposed rule to allow comments on proposed changes to rule text in response to public and Commission comment, as well as to reflect amendments to the AEA in the Energy Policy Act of 2005, and orders issued to licensees authorized to possess and transfer items containing certain quantities of radioactive material.

Timetable:	Proposed Rule Republished	10/31/06	71 FR 64003
	Comment Period Closed	01/02/07	
	Final Rule Published	09/00/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jason C. Zorn, Office of the General Counsel, (301) 415-8350, e-mail: Jason.Zorn@nrc.gov

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12. Decommissioning Planning (Parts 20, 30, 40, 50, 70, and 72)

RIN: 3150-AH45

Abstract: The proposed rule would amend the Commission's regulations to prevent future legacy sites. One set of changes would revise 10 CFR 20.1406 and 20.1501 to require that licensees conduct their operations to minimize contamination at the site, including the subsurface, and to document survey results with records important for decommissioning. A second set of changes would revise regulations in 10 CFR Parts 30, 40, 50, 70, and 72 to provide tighter control of the decommissioning financial assurances and more detailed reporting by licensees of their decommissioning cost estimates.

Timetable:	Proposed Rule Published	01/31/08	73 FR 3811
	Comment Period Closed	04/07/08	

Extension of Commend Period Published	03/20/08	73 FR 14946
Comment Period Closed	05/08/08	
Final Rule Published	03/00/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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13. Expansion of the National Source Tracking System* (Parts 20 and 32)

RIN: 3150-AI29

Abstract: The proposed rule would amend the Commission's regulations to expand the current National Source Tracking System (NSTS) to include certain additional sealed sources. The proposed amendments would require licensees to report certain transactions involving these sealed sources to the NSTS. These transactions would include the manufacture, transfer, receipt, disassembly, or disposal of the nationally tracked source. The proposed amendment would also require each licensee to provide its initial inventory of nationally tracked sources to the NSTS and annually verify and reconcile the information in the system with the licensee's actual inventory.

Timetable:	Proposed Rule Published	04/11/08	73 FR 19749
	Comment Period Closed	06/25/08	
	Final Rule Published	04/00/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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14. Transfers of Certain Source Materials by Specific Licensees (Part 40)

RIN: 3150-AG64

Abstract: The proposed rule would amend the Commission's regulations to require NRC approval for transfers from licensees of unimportant quantities of source material (less than 0.05

percent by weight) to persons exempt from licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

Timetable:	Proposed Rule Published	08/28/02	67 FR 55175
	Comment Period Closed	11/12/02	
	Final Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs, (301) 415-8106, e-mail: Gary.Comfort@nrc.gov

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15. Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition (Part 50)

RIN: 3150-AH29

Abstract: The proposed rule would amend the Commission's regulations to allow for a risk-informed alternative to the present loss-of-coolant accident (LOCA) break size. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy Institute (NEI) (PRM-50-75). A draft final rule was provided to the Advisory Committee on Reactor Safeguards (ACRS) on October 16, 2006. After reviewing the draft rule, the ACRS informed the Commission of numerous technical and policy concerns and recommended that the rule not be issued. The staff prepared a Commission paper (SECY-07-0082; May 16, 2007) to inform the Commission of the impact of the ACRS recommendations and to request guidance before proceeding with the rule. The Commission provided its guidance in a Staff Requirements Memorandum on August 10, 2007. On April 1, 2008, the staff provided a revised final rule to the Commission. The staff now plans to discuss the rule with stakeholders in a public meeting in late 2008, and to provide a final rule package to the Commission in September 2009.

Timetable:	Proposed Rule Published	11/07/05	70 FR 67597
	Comment Period Closed	02/06/06	
	Extension of Comment Period	01/25/06	71 FR 4061
	Comment Period Closed	03/08/06	
	Final Rule Published	09/00/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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16. Industry Codes and Standards; Amended Requirements (Part 50)

RIN: 3150-AH76

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the 2004 Edition of Division 1, Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* (ASME BPV Code); the 2004 Edition of Division 1, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME BPV Code; and the 2004 Edition of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code).

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

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AI01

Abstract: The proposed rule would amend the Commission's regulations that protect against brittle fracture of reactor vessels during severe cooldown events. The existing regulations establish screening limits that were developed based on what NRC believed to be a conservative probabilistic fracture mechanics analysis. Several licensees will exceed the screening limits in the current rule during their license renewal periods. The proposed rule would provide alternate fracture toughness requirements which reflect an updated technical basis.

Timetable:	Proposed Rule Published	10/03/07	72 FR 56275
	Comment Period Closed	12/17/07	
	Supplemental Proposed Rule Published	08/11/08	73 FR 46557
	Comment Period Closed	09/10/08	
	Final Rule Published	07/00/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Veronica M. Rodriguez, Office of Nuclear Reactor Regulation, (301) 415-3703, e-mail: Veronica.Rodriguez@nrc.gov

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

RIN: 3150-AG63

Abstract: The proposed rule would amend the Commission's current security regulations and add new security requirements pertaining to nuclear power reactors. Additionally, this rulemaking includes new security requirements for Category I strategic special nuclear material (SSNM) facilities for access to enhanced weapons and firearms background checks. The proposed rulemaking would: make generically applicable security requirements imposed by Commission orders issued after the terrorist attacks of September 11, 2001, based upon experience and insights gained by the Commission during implementation, add several new requirements that resulted from insights from implementation of the security orders, review of site security plans, and implementation of the enhanced baseline inspection program and force-on-force exercises; update the regulatory framework in preparation for receiving license applications for new reactors; and impose requirements to assess and manage site activities that can adversely affect safety and security. The proposed safety and security requirements would address, in part, a petition for rulemaking (PRM-50-80) that requests the establishment of regulations governing proposed changes to facilities which could adversely affect the protection against radiological sabotage. The proposed rulemaking would address a petition for rulemaking (PRM-73-11) regarding the posting of armed guards at the entrances of the owner-controlled area of nuclear power plants. The proposed rulemaking would address a petition for rulemaking (PRM-73-13) regarding access to, and escort within the protected area of the nuclear power plant.

Timetable:			
	Proposed Rule Published	10/26/06	71 FR 62663
	Comment Period Closed	01/09/07	
	Extension of Comment Period Published	01/05/07	72 FR 480
	Extension of Comment Period Closed	02/23/07	
	Supplemental Proposed Rule Published	04/10/08	73 FR 19443
	Comment Period Closed	05/12/08	
	Final Rule Published	01/00/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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19. Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51)

RIN: 3150-AA31

Abstract: The proposed rule would amend the Commission's regulations by addressing uranium fuel cycle environmental data (Table S-3) and the environmental effects of transportation of fuel and waste data (Table S-4). In § 51.51, the environmental data would be re-estimated and reflect changes in the structure and activities of the fuel cycle and the availability of better data. Estimates of releases of Radon-222 and Technetium-99 would be added to Table S-3. The addition of a specific value for Radon-222 would address the outstanding portion of petition for rulemaking PRM-51-1, submitted by the New England Coalition on Nuclear Pollution. To provide immediate relief to the petitioners' request, the Commission published a final rule on March 14, 1977 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it became subject to case-specific litigation. It was anticipated that the Commission would add a specific value for Radon-222, but the Commission deferred action until a general updating of Table S-3 is undertaken. For § 51.52, the environmental impact estimates would be re-estimated to reflect the use of more highly enriched fuel and discharge of more highly irradiated fuels from a reactor; as well as many changes needed to update fuel cycle process and technologies.

This rulemaking would result in current and more accurate estimates of the environmental impact of licensing a new plant, and would eliminate the requirement to review the contribution to environmental impacts from Radon-222 and Technetium-99 in individual plant reviews. This rule would be reissued as a proposed rule, and would update the initial rulemaking effort to address newly emerging issues and research.

Timetable:	Proposed Rule Published	03/04/81	46 FR 15154
	Comment Period Closed	05/04/81	
	Proposed Rule Published	Undetermined	

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

Effects on Small Business and Other Entities: None

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

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20. Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs (Part 52)

RIN: 3150-AI19

Abstract: The proposed rule would amend the Commission's regulations to require applicants for new standard design certifications that do not reference a standard design approval; new standard design approvals; combined licenses that do not reference a standard design certification, standard design approval, or manufactured reactor; and new manufacturing licenses that do not reference a standard design certification or standard design approval to assess the effects of the

impact of a large, commercial aircraft on the nuclear power plant. Based on the insights gained from this assessment, the applicant shall include in its application a description and evaluation of design features, functional capabilities, and strategies to avoid or mitigate, to the extent practicable, the effects of the aircraft impact with reduced reliance on operator actions.

Timetable:	Proposed Rule Published	10/03/07	72 FR 56287
	Comment Period Closed	12/17/07	
	Final Rule Published	01/00/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AI06

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

Timetable:	Proposed Rule Published:	12/20/07	72 FR 72521
	Comment Period Closed	03/04/08	
	Extension of Comment Period Published	02/26/08	73 FR 10187
	Comment Period Closed	05/05/08	
	Final Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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22. Implementation of a Dose Standard Beyond 10,000 Years (Part 63)

RIN: 3150-AH68

Abstract: The proposed rule would amend the Commission's regulations to revise existing regulations on technical criteria for disposal of high-level radioactive waste in a geologic repository at Yucca Mountain, Nevada, to be consistent with the environmental standards developed by the U.S. Environmental Protection Agency.

Timetable:	Proposed Rule Published	09/08/05	70 FR 53313
	Comment Period Closed	12/07/05	
	Final Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

(C) Advance Notices of Proposed Rulemaking

C

23. Entombment Options for Power Reactors (Parts 20 and 50)

RIN: 3150-AG89

Abstract: The advance notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02-0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory Research completed research to develop a sound technical basis for an entombment option. The Office of Nuclear Regulatory Research conducted research in 2004 and 2005, and the work was terminated in FY2005, at the direction of the Commission. A research information letter was prepared summarizing the research results and regulatory implications of using concrete barriers to prevent or control the release of radioactive materials from waste disposal facilities or contaminated sites. The staff is continuing to defer this rulemaking activity.

Timetable:	ANPRM Published	10/16/01	66 FR 52551
	Comment Period Closed	12/31/01	
	Proposed Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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24. Approach to Risk-Inform, Performance-Based Requirements for Nuclear Power Plants (Parts 50 and 53)

RIN: 3150-AH81

Abstract: The advanced notice of proposed rulemaking would provide a new set of risk-informed, performance-based requirements for nuclear power plants. This advanced notice would create a new 10 CFR Part 53 applicable to all reactor technologies, although it is primarily intended for advanced reactors. This action would create a more flexible licensing process for new reactor technologies which would be more difficult to license under the LWR-focused 10 CFR Part 50.

Timetable:	ANPRM Published	05/04/06	71 FR 26267
	Comment Period Closed	12/29/06	
	Proposed Rule Published	03/00/09	

Legal Authority: 42 USC 2201; 42 USC 58411

Effects on Small Business and Other Entities: None

Agency Contact: William D. Reckley, Office of New Reactors,
(301) 415-7490, e-mail: William.Reckley@nrc.gov

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25. Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73)

RIN: 3150-AG41

Abstract: The advance notice of proposed rulemaking (ANPRM) invited early input from affected parties and the public on the issues associated with the advance notification of Indian Tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian Tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian Tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001. The timing of this action is being coordinated with the progress on other related rulemakings.

Timetable:	ANPRM Published	12/21/99	64 FR 71331
	Comment Period Closed	07/05/00	65 FR 18010
	Proposed Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

(D) Unpublished Rules

D

26. Revision to Petition for Rulemaking Process* (Part 2)

RIN: 3150-AI30

Abstract: The proposed rule would amend the Commission's regulations for petitions for rulemaking (PRMs). This rule would clarify requirements and update the NRC's process for the consideration and disposition of PRMs.

Timetable: Proposed Rule Published 01/00/09

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Cindy Bladey, Office of Administration,
(301) 415-6978; e-mail: Cindy.Bladey@nrc.gov

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27. Adjustment to Civil Penalties* (Parts 2 and 13)

RIN: 3150-AI45

Abstract: The final rule amends the Commission's regulations to adjust the maximum civil monetary penalties (CMPs) it can assess under statues within the jurisdiction of the NRC. These changes were 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 is amending its regulations to adjust the maximum CMP for a violation of the Atomic Energy Act of 1954, as amended, (AEA) or any regulation or order issued under the AEA from $130,000 to $140,000 per violation per day. Further, the provisions concerning program fraud civil penalties are being amended by adjusting the maximum CMP under the Program Fraud Civil Remedies Act from $6,000 to $7,000 for each false claim or statement.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jody C. Martin, Office of the General Counsel,
(301) 415-1569; e-mail: Jody.Martin@nrc.gov

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28. Amendments to Adjudicatory Process Rules and Related Requirements* (Parts 2, 51, 54, 60, and 63)

RIN: 3150-AI43

Abstract: The proposed rule would amend the Commission's adjudicatory rules of practice. The proposed rule would correct errors and omissions that have been noticed since the major revisions to the NRC's rules of practice in early 2004. Further, this proposed rule would amend the NRC's adjudicatory process to provide increased efficiency to better focus the limited resources of the NRC and other involved parties.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Tison Campbell, Office of the General Counsel,
(301) 415-8579; e-mail: Tison.Campbell@nrc.gov

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29. Late Filed Contentions of ITAAC* (Parts 2 and 52)

RIN: 3150-AI34

Abstract: The proposed rule would amend the Commission's regulations to establish a limitation on the filing of late-filed contentions challenging whether acceptance criteria in ITAAC have been or will be met under Section 52.102. The proposed rule would also establish a separate hearing process for NRC consideration for such late-filed contentions.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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30. Controlling the Disposition of Solid Materials (Part 20)

RIN: 3150-AH18

Abstract: The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved. The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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31. Geological Repository Operations Area (GROA) Fitness-for-Duty Requirements* (Part 26)

RIN: 3150-AI38

Abstract: The proposed rule would amend the Commission's regulations to reinstate the alcohol and drug provisions of the fitness-for-duty requirements to a GROA. The rulemaking would also impose fatigue provisions on security personnel at a GROA.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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32. Requirements for Distribution of Byproduct Material (Parts 30, 31, 32, 40, and 70)

RIN: 3150-AH91

Abstract: The proposed rule would amend the Commission's regulations by making the requirements for distributors of byproduct material more explicit, less prescriptive, and more risk-informed, improve safety criteria for approving products through licensing actions, and redefine categories of devices to be used under exemption.

Timetable: Proposed Rule Published 12/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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33 Limiting the Quantity of Byproduct Material in a Generally Licensed Device* (Part 31)

RIN: 3150-AI33

Abstract: The proposed rule would amend the Commission's regulations to limit the quantity of byproduct material in generally licensed devices/sources to below one tenth of the International Atomic Energy Agency (IAEA) code of conduct's Category 3 threshold.

Timetable: Proposed Rule Published 10/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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34. Medical Use of Byproduct Material- Amendments/Medical Event Definition (Part 35)

RIN: 3150-AI26

Abstract: The proposed rule would amend the Commission's regulations that govern medical use of byproduct material related to reporting and notifications of medical events to clarify requirements for permanent implant branchytherapy.

Timetable: Proposed Rule Published 08/06/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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35. Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40)

RIN: 3150-AH15

Abstract: The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make Part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in Part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in 10 CFR 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of Parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and Organization of Agreement States.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,
(301) 415-8106, e-mail: Gary.Comfort@nrc.gov

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36. Uranium in Drinking Water (Part 40)

RIN: 3150-AH97

Abstract: The proposed rule would amend the Commission's regulations to include a new general license for a community water system (CWS), that during the treatment of drinking water, may accumulate and concentrate naturally-occurring uranium in media, effluents, and other residuals, above 0.05 percent by weight. This rulemaking is being delayed while NRC evaluates the possibility of removing this type of activity from NRC's jurisdiction. In the meantime, a CWS may choose to operate under the enforcement discretion policy discussed in Regulatory Issue Summary

RIS-06-020, "Guidance for Receiving Enforcement Discretion When Concentrating Uranium at Community Water Systems," dated September 14, 2006.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,
(301) 415-8106, e-mail: Gary.Comfort@nrc.gov

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37. Groundwater Protection *in Situ* Leach Uranium Recovery Facilities* (Part 40)

RIN: 3150-AI40

Abstract: The proposed rule would amend the Commission's regulations to clarify the regulations in 10 CFR Part 40, Appendix A, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content," to better ensure groundwater protection at *in situ* leach uranium recovery facilities. The proposed rule would codify practices currently done through license condition to provide the industry and public with more predictability during the licensing process.

Timetable: Proposed Rule Published 02/00/09

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,
(301) 415-8106; e-mail: Gary.Comfort@nrc.gov

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38. Implement US-IAEA Safeguards Agreement (Parts 40, 50, 60, 61, 63, 70, 72, 75, 76, and 150)

RIN: 3150-AH38

Abstract: The final rule will amend the Commission's regulations to implement the additional reporting and complementary access requirements contained in the US/IAEA Additional Protocol for the application of safeguards in the United States.

Timetable: Final Rule Published 10/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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39. Administrative Changes (Parts 40 and 73)

RIN: 3150-AH49

Abstract: The final rule amends the Commission's regulations to update the list of Non-Agreement States.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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40. Integrated Rulemaking for Decommissioning Nuclear Power Reactors (Part 50)

RIN: 3150-AG47

Abstract: A staff requirements memorandum dated June 23, 1999, directed the NRC staff to consider an integrated, risk-informed decommissioning rule rather than individual rulemakings to address emergency preparedness, insurance, safeguards, operator staffing, and backfit for nuclear power plants that are being decommissioned. SECY-99-168, dated June 30, 1999, recommended that the integrated approach be approved and outlined staff plans for pursuing such a rulemaking. Accordingly, the staff has subsumed previous rulemaking activities in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit into one integrated rulemaking effort. This rulemaking would apply to licensees who certified under § 50.82(a), that they have permanently ceased facility operation(s) and have permanently removed fuel from the reactor vessel. The Commission approved this approach in an SRM dated December 21, 1999. This rulemaking also would address a petition for rulemaking submitted by the North Carolina Public Utility Commission (PRM-50-57).

In SECY-00-0145, dated June 28, 2000, the NRC staff recommended a decommissioning rulemaking plan in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit (the integrated decommissioning rulemaking plan). The rulemaking plan relied on a draft decommissioning risk study as the basis for its recommendations. The Commission returned the

rulemaking plan to the staff for rework in September 2000, based on changes to the decommissioning risk study findings. The decommissioning risk study, NUREG-1738, was issued in January 2001. After assessing the findings in the risk study, the staff presented a policy options paper to the Commission, SECY-01-0100, dated June 4, 2001, that provided options and made recommendations on issues to be addressed in the integrated rulemaking. Following the terrorist events of September 11, 2001, the NRC staff recommended and the Commission approved the withdrawal of SECY-01-0101 because of the likely changes in the staff's position on decommissioning plant safeguards. The decommissioning policy position will be revisited when a broad-scope NRC safeguards policy is developed in response to potential terrorist acts at nuclear facilities. The schedule for the integrated rulemaking cannot be determined at this time.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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41. Modifications to Pressure-Temperature Limits (Part 50)

RIN: 3150-AG98

Abstract: The proposed rule would amend the Commission's regulations to eliminate those requirements for pressure-temperature limits that are related to the metal temperature of the reactor pressure vessel closure head flange and vessel flange areas. The proposed rule would amend footnotes 2 and 6 to Table 1 of Appendix G, and simplify restructuring of the table. Also, this rulemaking would address the petition for rulemaking submitted by Westinghouse Electric Company (PRM-50-69).

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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42. Performance-Based ECCS Acceptance Criteria (Part 50)

RIN: 3150-AH42

Abstract: The proposed rule would amend § 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. Existing provisions of § 50.46 applicable to certain zirconium-based cladding materials would be supplemented by performance-based standards for maximum peak cladding temperature and oxidation limit. The supplementary performance standard would allow licensees to use alternative cladding materials, without seeking an exemption, provided that testing demonstrated that adequate ductility would be maintained, and ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking also would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71).

On May 30, 2008, NRC staff released a Research Information Letter (RIL) summarizing the proposed technical basis for developing new performance-based ECCS acceptance criteria for § 50.46(b). On June 30, 2008, Argonne National Laboratory completed NUREG/CR-6967, "Cladding Embrittlement during Postulated Loss-off-Coolant Accidents." This document describes the results of the NRC-sponsored testing program which supports the proposed technical basis information in the RIL. Because of the importance of the NRC's fundamental ECCS regulations in § 50.46, the NRC has posted these documents on Regulations.gov to solicit domestic and international public comments. (See http://www.Regulations.gov, Docket ID NRC-2008-0332). The staff is preparing a *Federal Register* notice to formally solicit stakeholder review of this research information in preparation for a public workshop in September 2008. After evaluating stakeholder comments on sufficiency of this technical basis information, the NRC will determine if rulemaking can proceed or whether additional testing is needed to supplement this information in a specific technical area.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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43. Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident (LOCA) (Part 50)

RIN: 3150-AH43

Abstract: The proposed rule would amend the Commission's regulations to remove the requirement to postulate unavailability of offsite power for all loss of coolant accidents, as currently required by General Design Criterion 35. By taking into account risk insights, this requirement would be removed for the larger, less likely events, but would be retained for more frequent (smaller break) losses of coolant. The rulemaking would facilitate certain facility changes, such as emergency diesel generator start times, to optimize them for the more likely events rather than for rare events. In a Staff Requirements Memorandum (SRM) dated March 31, 2003, the Commission directed the staff to prepare a proposed rule. On April 27, 2004, the BWR Owners Group (BWROG) submitted the topical report, "Separation of Loss of Offsite Power from Large Break LOCA" for staff review.

The BWROG indicated that the topical report would support plant-specific exemption requests to implement specific plant changes that are currently not possible with the existing rule requirements. The staff recommended in SECY-04-0037, that it be allowed to finish its review of the topical report and pilot exemption request before initiating rulemaking. In its SRM of July 1, 2004, the Commission approved the staff to begin rulemaking after review of the BWROG pilot exemption request. On June 12, 2008, the BWROG withdrew its topical report, stating that the approach would be prohibitively expensive in the form presently desired by the NRC. The need for this rulemaking is being reevaluated.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AI10

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

Timetable: Proposed Rule Published 11/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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45. Incorporation by Reference of 2005 Addenda Through 2007 Edition of ASME Code* (Part 50)

RIN: 3150-AI35

Abstract: The proposed rule would incorporate by reference the 2005 Addenda through 2007 Edition of Section III and Section XI, Division 1, of the American Society of Mechanical Engineers.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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46. Emergency Response Date System (ERDS) Enhancement *(Part 50)

RIN: 3150-AI36

Abstract: The proposed rule would amend the Commission's regulations to Part 50, Appendix E, Section VI, to modernize ERDs to increase its reliability and ability to provide nuclear plant information to the NRC. The NRC will use this information to assess plant conditions, and licensee response to those conditions, during emergencies involving licensed nuclear facilities.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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47. Incorporation by Reference of Revisions of Regulatory Guides* (Part 50)

RIN: 3150-AI37

Abstract: The final rule would amend the Commission's regulations to incorporate by reference recent revisions of regulatory guides (RG 1.84, Revision 35, and RG 1.147, Revision 16) listing NRC-approved American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases pertaining to in-service inspection (DG-1134) and design, fabrication, and materials (DG-1133) in nuclear power reactors.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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48. Technical Specifications; Administrative Changes* (Part 50)

RIN: 3150-AI41

Abstract: The final rule amends the Commission's regulations to resolve administrative issues raised in a petition for rulemaking (PRM- 50-91) submitted by the Strategic Teaming and Resource Sharing (STARS) Integrated Regulatory Affairs Group. In this final rule, the NRC is restoring the original paragraph designations as existed in 10 CFR 50.36 (c) prior to the final rulemaking, "Licenses, Certifications, and Approvals for Nuclear Power Plants (August 28, 2007; 72 FR 49352). In addition, the NRC is re-designating the new paragraph (c) which was adopted in the 2007 final part 52 rulemaking as a new subparagraph (a)(2). The existing text of paragraph (a) is being re-designated as subparagraph (a)(1). The NRC believes that this re-designation of paragraph (a) will not involve any administrative issues, inasmuch as any reference to 10 CFR 50.36(a) will continue to be valid with the re-designation; and (ii) it is, in the NRC's view, unlikely that any technical specifications, final safety analysis reports, or plant plans and procedures actually reference paragraph (a) given the subject matter of that paragraph.

Timetable: Final Rule Published 11/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jason A. Lising, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-3220; e-mail: Jason.Lising@nrc.gov

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49. Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation* (Part 50)

RIN: 3150-AI47

Abstract: The proposed rule would amend the Commission's regulations by revising its generic determinations on the timing of the availability of a geologic repository for commercial high-level radioactive waste and spent nuclear fuel, and on the environmental impacts of storage of spent fuel at or away from reactor sites after the expiration of reactor operating licensing.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Tison A. Campbell, Office of the General Counsel
(301) 415-8579; e-mail: Tison.Campbell@nrc.gov

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50. Categorical Exclusions From Environmental Review* (Part 51)

RIN: 3150-AI27

Abstract: The proposed rule would amend the Commission's regulations by identifying actions that have no significant effect on the human environment to eliminate wasteful and unnecessary preparation of environmental assessments

Timetable: Proposed Rule Published 10/00/2008

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Cardelia Maupin, Office of Federal and State Materials and Environmental Management Programs, (301) 415-2312; e-mail: Cardilia.Maupin@nrc.gov

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51. Environmental Effect of Renewing the Operating License of a Nuclear Power Plant* (Part 51)

RIN: 3150-AI42

Abstract: The proposed rule would amend the Commission's regulations that provide the environmental protection requirements for renewing nuclear power plant operating licenses. The regulations require that licensees consider the impact that the licensing action could have on the human environment.

Timetable: Proposed Rule Published 04/00/09

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Veronica M. Rodriguez, Office of Nuclear Reactor Regulator, (301) 415-3703; e-mail: Veronica.Rodriguez@nrc.gov

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

RIN: 3150-AI11

Abstract: The proposed rule would amend the Commission's regulations at 10 CFR Part 71 to make the requirements compatible with the 2005 edition of the International Atomic Energy Agency Transportation Safety Standards, TS-R-1, and changes to the Department of Transportation Hazardous Materials Regulations. This rulemaking would make other changes to 10 CFR Part 71. The proposed rule would amend the quality assurance requirements to make the regulation of quality assurance programs more efficient. In addition, the proposed rule would (1) clarify the general license requirements and (2) make changes to the exemptions relating to the classification of fissile material and low-level materials.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AI09

Abstract: The proposed rule would amend the Commission's regulations by seeking to improve regulatory efficiency by clarifying the scope, applicability, and terminology of 10 CFR Part 72 Certificates of Compliance (CoC) and general license regulations to better align them with each other. In addition, it also seeks to provide consistency between the general license requirements and the site-specific independent spent fuel storage installation license requirements within 10 CFR Part 72. The Commission has also included in this rule the resolution of issues associated with use by utilities of multiple amendments to casks CoCs. The NRC made available preliminary rule language on August 4, 2008 (73 FR 45173).

Timetable: Proposed Rule Published 07/00/09

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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54. List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 5* (Part 72)

RIN: 3150-AI48

Abstract: This direct final rule amends the Commission's regulations by revising the NAC International, Inc., NAC-UMS Universal Storage System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 5 to Certificate of Compliance (CoC)Number 1015. Amendment No. 5 will codify the CoC to incorporate certain high burnup PWR fuel as approved contents and to reflect those changes in the associated Technical specifications (TS). In addition, the amendment to the CoC will include several other changes to the TS and the final Safety Analysis Report to enhance the loading and storage operation of the NAC-UMS Universal Storage System.

Timetable: Direct Final Rule Published 10/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,
(310) 415-6219, e-mail: Jayne.McCausland@nrc.gov

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

RIN: 3150-AI12

Abstract: The proposed rule would amend the Commission's regulations to implement requirements for fingerprinting and criminal history record checks for unescorted access to Category 1 and 2 radioactive material and other property as required by Section 652 of the Energy Policy Act (EPAct) of 2005, signed into law on August 8, 2005. The proposed rule would also amend the regulations to address physical protection of Category 1 and 2 radioactive material and to address transportation security of these materials.

Timetable: Proposed Rule Published: 09/00/09

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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56. Research and Test Reactor Fingerprinting Requirements for Unescorted Access (Part 73)

RIN: 3150-AI25

Abstract: The proposed rule would amend the Commission's regulations to require a fingerprint based criminal history record check for individuals with unescorted access to research and test reactors.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Linh N. Tran, Office of Nuclear Reactor Regulation, (301) 415-4103; e-mail: Linh.Tran@nrc.gov

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57. Criminal Penalties; Unauthorized Introduction of Weapons* (Part 73)

RIN: 3150-AI31

Abstract: The proposed rule would amend the Commission's regulations to § 73.81 to make the unauthorized introduction of weapons into or upon certain licensee facilities a Federal crime.

Timetable: Proposed Rule Published 10/00/2008

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: James E. Adler, Office of the General Counsel, (301) 415-1656; e-mail: James.Adler@nrc.gov

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

RIN: 3150-AI16

Abstract: The proposed rule would amend the Commission's regulations to update, clarify, and correct several provisions of 10 CFR Part 110 to improve NRC's regulatory framework for the import and export of nuclear equipment, material, and radioactive waste. First, it would revise requirements related to the import and export of Category 1 and Category 2 radioactive sources; second, it would clarify licensing requirements for the import and export of radioactive waste to facilitate the licensing process and improve efficiency and consistency of licensing actions, and third, the proposed rule would update, clarify and correct a number of provisions in the import and export regulations.

Timetable: Proposed Rule Published 12/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Brooke G. Smith, Office of International Programs, (301) 415-2347; e-mail: Brooke.Smith@nrc.gov

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59. Inflation Adjustment to the Price-Anderson Act Financial Protection Regulation* (Part 140)

RIN: 3150-AI44

Abstract: The final rule amends the Commission's regulations regarding the maximum total and annual standard deferred premiums under the Price-Anderson Act to account for inflation. Section 170t. of the Atomic Energy Act, 42 U.S.C. 2210(t), requires the NRC to make these inflation adjustments every 5 years.

Timetable: Final Rule Published 08/00/08

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jody C. Martin, Office of the General Counsel,
(301) 415-1569; e-mail: Jody.Martin@nrc.gov

(A) Petitions Incorporated Into Final Rules or Denied

II
PETITIONS

A

1. **Petitioner/Petition Docket Number:** James Salsman (PRM-20-26)

Federal Register Citation: June 15, 2005 (70 FR 34699)

Subject: Heavy metal toxicity

Summary: The petitioner requested that the Commission amend its regulations to modify exposure and environmental limits of heavy metal exposure.

Timetable: A notice denying this petition was published in the Federal Register on July 25, 2008 (73 FR 43381).

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

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2. **Petitioner/Petition Docket Number:** George Barnet* (PRM-20-27)

Federal Register Citation: N/A

Subject: Standards for protection against radiation.

Summary: The petitioner requested that NRC amend its regulations that govern standards for protection against radiation to broaden the scope of the requirements pertaining to approval of proposed disposal methods to include recovery of material for recycling.

Timetable: A notice of receipt was not published for this petition. A notice denying this petition was published in the Federal Register on January 17, 2008 (73 FR 3221).

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

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

Federal Register Citation: N/A

Subject: Fitness-for-duty programs

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

Timetable: A notice of receipt was not published for this petition. This petition qualified for special fast-track handling, as specified in § 2.802(e); publication of the docketing of PRM-26-1 was not required. This petition was addressed in a proposed rulemaking, "Fitness-for-Duty Program" (RIN 3150-AF12). The proposed rule was published in the Federal Register on May 9, 1996 (61 FR 21105). A new proposed rule was provided to the Commission via SECY-05-0074, dated April 28, 2005. The NRC published the proposed rule in the Federal Register on August 26, 2005; 70 FR 50442, for a 120-day comment period that ended December 27, 2005. The draft final rule was provided to the Commission for consideration on December 22, 2006. The Commission approved the draft final rule with some recommended actions in April 2007. A final rule (Fitness for Duty Programs) addressing this petition was published in the Federal Register on March 31, 2008; 73 FR 16965.

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

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

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

Subject: Fitness-for-duty

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

Timetable: A notice of receipt for this petition was published in the Federal Register on December 1, 1999 (65 FR 67202). The comment period closed on February 14, 2000. This petition is scheduled to be addressed through rulemaking, "Modifications to Fitness-for-Duty Rule Program" (RIN 3150-AF12). The proposed rule was provided to the Commission via SECY-05-0074, dated April 28, 2005. The NRC published the proposed rule in the Federal Register on August 26, 2005; 70 FR 50442, for a 120-day comment period that ended December 27, 2005. Following consideration of public comments, the staff revised several rule provisions and provided the final rule package to the Commission via SECY-06-0244, dated December 22, 2006. On April 17, 2007, the Commission approved, with limited changes the proposed amendment to 10 CFR Part 26 , Fitness-for-Duty Programs. A final rule (Fitness for Duty Programs) addressing this petition was published in the Federal Register on March 31, 2008; 73 FR 16966. The implementation period for the fatigue management requirements will be 18 months beginning the date of publication in the Federal Register.

Agency Contact: Kamishan O. Martin, Office of Nuclear Reactor Regulation, (301) 415-3469, e-mail Kamishan.Martin@nrc.gov

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5. Petitioner/Petition Docket Number: Organization of Agreement States (PRM-34-06)

Federal Register Citation: December 28, 2005 (70 FR 76724)

Subject: Radiation safety training before using sources of radiation for industrial radiography

Summary: The petitioner requested that the Commission amend its regulations to require that an individual receive at least 40 hours of radiation safety training prior to using sources of radiation for industrial radiography. The petitioner also requested amendment to regulations regarding requirements for at least two qualified individuals to be present at temporary job sites, and the regulations regarding high radiation area surveillance requirements.

Timetable: A notice of resolution and closure of the petition was published in the Federal Register on May 14, 2008 (73 FR 27771). The issues and concerns raised in the petition merit future NRC consideration and inclusion in a future rulemaking.

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

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6. Petitioner/Petition Docket Number: Peter G. Crane (PRM-35-18)

Federal Register Citation: December 21, 2005 (70 FR 75752)

Subject: Partial revocation of patient release rule in 10 CFR 35.75 for patients treated with radiopharmaceuticals.

Summary: The petitioner requested that the Commission amend the regulation that governs medical use of byproduct material concerning release of individuals who have been treated with radiopharmaceuticals. The petitioner believes the regulation is defective on legal and policy grounds. The petitioner requests that the patient release rule be partially revoked to not allow patients to be released from radioactive isolation with more than the equivalent of 30 millicuries of radioactive iodine-131 in their bodies.

Timetable: A notice denying this petition was published in the Federal Register on May 21, 2008 (73 FR 29445).

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

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

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

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

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

Timetable: A notice of resolution and closure of the petition was published in the Federal Register on May 14, 2008 (73 FR 27773). The issues and concerns raised in the petition merit future NRC consideration and inclusion in a future rulemaking.

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

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

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

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

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

Timetable: A notice denying this petition was published in the Federal Register on February 11, 2008 (73 FR 7690).

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

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9. **Petitioner/Petition Docket Number:** Union of Concerned Scientists and Mothers for Peace (PRM-50-80)

Federal Register Citation: June 16, 2003 (68 FR 35585)

Subject: Security regulations and implementation procedures for nuclear power plant reactors and their spent fuel

Summary: The petitioner requested that the Commission amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased, and to require licensees to formally evaluate specified intentional or accidental aerial hazards and make necessary changes to ensure that the plant can reach and maintain safe shutdown.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 16, 2003 (68 FR 35585). The public comment period closed on September 2, 2003. On March 28, 2005, the staff submitted SECY-05-0048 to the Commission. On June 28, 2005, the Commission issued a Staff Requirements Memorandum directing the staff to pursue rulemaking to amend the regulations. On October 27, 2005, in SRM-SECY-05-0048 Supplemental Amendment, the Commission directed the staff to issue a Federal Register notice that the NRC is considering rulemaking for the safety security interface issue and intends to address the aerial assault issue when the NRC responds to comments on its proposed Design Basis Threat (DBT) rule. A document complying with the SRM was published in the Federal Register on November 17, 2005 (70 FR 69690). The proposed rule for the DBT was published in the Federal Register on November 7, 2005 (70 FR 67380). This issue was resolved as part of the final DBT rulemaking on March 19, 2007 (72 FR 12705). The staff combined the safety/security interface portion of rulemaking for PRM-50-80 into the ongoing security rulemaking for Part 73. Proposed language addressing the issues raised in the petition was published as proposed § 73.58, "safety/security interface requirements for nuclear power reactors." This section remains in the final rule.

A letter dated August 30, 2007, was provided to the petitioner stating that PRM-50-80 is being granted in part. The commission has granted the request for rulemaking regarding requiring a licensee to consider the potential for plant changes to cause a decrease in protection against radiological sabotage (proposed rule published October 26, 2006; 71 FR 62663). The Commission has denied that portion of PRM-50-80- dealing with aerial attack for the reasons stated in the Design Basis Rulemaking (March 19, 2007; 72 FR 12705). To be addressed in final rule, Power Reactor Security Regulations (RIN AG63) This rule is scheduled to be published in January 2009.

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

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10. Petitioner/Petition Docket Number: New England Coalition on Nuclear Pollution (PRM-51-1)

Federal Register Citation: January 16, 1976 (41 FR 2448)

Subject: Amendments to Table S-3 in 10 CFR Part 51

Summary: The petitioner requested that the Commission amend its regulations to "Table S-3 - Summary of Environmental Considerations for Uranium Fuel Cycle" [Uranium Fuel Cycle Environmental Data -Table S-3].

Timetable: A notice denying this petition was published in the Federal Register on March 20, 2008 (73 FR 14946).

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

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11. Petitioner/Petition Docket Number: Joseph R. Egan, State of Nevada (PRM-51-09)

Federal Register Citation: August 12, 2005 (70 FR 47148)

Subject: Adoption of an environmental impact statement prepared by the Secretary of Energy

Summary: The petitioner requested that the Commission amend its regulations that govern the adoption of an environmental impact statement prepared by the Secretary of Energy in proceedings for issuance of a construction authorization or materials license with respect to a geological repository. The petitioner believes that the current regulations, as written, violate the National Environmental Policy Act of 1969 (NEPA), as amended, the Nuclear Waste Policy Act of 1982 (NWPA), as amended, and a recent court of appeals decision.

Timetable: A notice denying this petition was published in the Federal Register on January 31, 2008 (73 FR 5762).

Agency Contact: Jerry Bonanno, Office of the General Counsel, (301) 415-1328, e-mail: Jerry.Bonanno@nrc.gov

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12. Petitioner/Petition Docket Number: Eric Epstein* (PRM-54-05)

Federal Register Citation: N/A

Subject: Renewal of operating licenses for nuclear power plants

Summary: The petitioner requested that the NRC amend its regulations that govern renewal of operating licenses for nuclear power plants. Specifically, the petitioner requests that the NRC conduct a comprehensive review of U.S. nuclear power plant licensees' emergency planning during the license renewal proceedings.

Timetable: A notice denying this petition was published in the Federal Register on July 31, 2008 (73 FR 44671).

Agency Contact: Nina E. Bafundo, Office of the General Counsel,
(301) 415-1621, e-mail: Nina.Bafundo@nrc.gov

(B) Petitions Incorporated Into Published Proposed Rules

None

B

(C) Petitions Incorporated Into Unpublished Rules

C

13. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-75)

Federal Register Citation: April 8, 2002 (67 FR 16654)

Subject: ECCS Models: Alternate maximum break size

Summary: The petitioner requested that the Commission amend its Emergency Core Cooling System (ECCS) regulations to allow the use of an alternative maximum pipe break size for the largest pipe in the reactor coolant system in ECCS evaluation models for Light-Water Nuclear Power Reactors.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 8, 2002 (67 FR 16654). The public comment period closed on June 24, 2002. The staff is working to address the issue raised by this petition in conjunction with the rulemaking on redefinition of the large break loss-of-coolant accident (RIN 3150-AH29). Since the petitioner's issues are being addressed in an ongoing rulemaking, the NRC is preparing documentation to close this petition for rulemaking.

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

(D) Petitions Pending Staff Review

D

14. Petitioner/Petition Docket Number: State of Nevada (PRM-2-14)

Federal Register Citation: August 29, 2007 (72 FR 49668)

Subject: Specify Issues for the Yucca Mountain Mandatory Hearing

Summary: The petitioner requested that the Commission amend its regulations governing rules of practice in hearings by specifying the issues to be heard in this "mandatory" hearing. The petitioner believes an amendment is necessary because NRC's rules of practice currently only specify issues to be heard in mandatory hearings on nuclear reactor construction permits.

Timetable: A notice of receipt for this petition was published in the Federal Register on August 29, 2007 (72 FR 49668). The public comment period closed on November 13, 2007. Resolution of the petition is scheduled for August 2008.

Agency Contact: Sean D. Croston, Office of the General Counsel,
(301) 415-2588, e-mail Sean.Croston@nrc.gov

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15. Petitioner/Petition Docket Number: Organization of Agreement States (PRM-31-05)

Federal Register Citation: December 20, 2005 (70 FR 75423)

Subject: Byproduct material; domestic licensing: Industrial devices

Summary: The petitioner is requesting that the NRC amend its regulations to require specific licensing for devices that are currently regulated by a combination of general licensing and registration, and to revise the compatibility category for § 31.6 from "B" to "C."

Timetable: A notice of receipt was published in the Federal Register on December 20, 2005 (70 FR 75423). The public comment closed March 6, 2006. The petition was resolved in July 2007, and is being considered in the rulemaking , General License Restrictions (RIN: 3150-AI33).

Agency Contact: Solomon Sahle, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-3781, e-mail Solomon.Sahle@nrc.gov

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16. Petitioner/Petition Docket Number: State of Colorado and Organization of Agreement States (PRM-40-27)

Federal Register Citation: July 7, 1999 (64 FR 36615)

Subject: Exemption for source material general licensees

Summary: The petitioner requested that the Commission amend its regulations to restrict the exemption in § 40.22(b) for source material general licensees from the radiation protection and

worker notification requirements in 10 CFR Parts 19 and 20. Current NRC regulations exempt source material general licensees from the requirements that specify standards of protection against radiation and notification of individuals who participate in licensed activities. The petitioner believes that no basis exists for exempting these licensees from compliance with radiation safety standards if a licensee can exceed currently specified dose limits, create areas where individuals may be exposed to radiation, or dispose of radioactive waste in a manner that is not permitted for other licensees.

Timetable: A notice of receipt for this petition was published in the Federal Register on July 7, 1999 (64 FR 36615). The public comment period closed on September 20, 1999. Resolution of the petition is undetermined.

Agency Contact: Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,
(301) 415-8106, e-mail: Gary.Comport@nrc.gov

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17. Petitioner/Petition Docket Number: Westinghouse Electric Company (PRM-50-69)

Federal Register Citation: February 8, 2000 (65 FR 6044)

Subject: Reactor vessel head closure flange requirements

Summary: The petitioner requested that the Commission amend its regulations governing pressure and temperature limits for the reactor pressure vessel to eliminate requirements for the metal temperature of the closure head flange and vessel flange regions. The petitioner believes the elimination of the flange requirement has no impact on boiling-water reactors and could improve plant safety in pressurized-water reactors.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 8, 2000 (65 FR 6044). The public comment period closed on April 24, 2000. The staff is working to complete action documenting the resolution of the petition. Resolution of this petition will be achieved with the proposed rulemaking to modify 10 CFR Part 50, Appendix C.

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

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18. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-71)

Federal Register Citation: May 31, 2000 (65 FR 34599)

Subject: Alternate cladding material

Summary: The petitioner requested that the Commission amend its regulations to allow nuclear power plant licensees to use zirconium-based cladding materials other than Zircaloy or ZIRLO, provided the cladding materials meet the requirements for fuel cladding performance and have

received approval by the NRC staff. The petitioner believes the proposed amendment would improve the efficiency of the regulatory process by eliminating the need for individual licensees to obtain exemptions to use advanced cladding materials that have already been approved by the NRC.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 31, 2000 (65 FR 34599). The public comment period closed on August 14, 2000. The staff is working to respond to the issues in the petition in conjunction with the rulemaking on performance-based ECCS acceptance criteria (RIN 3150-AH42). Since the issues in this petition are being addressed in an ongoing rulemaking, the NRC is preparing documentation to close this petition for rulemaking.

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

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19. Petitioner/Petition Docket Number: Performance Technology (PRM-50-77)

Federal Register Citation: June 13, 2002 (67 FR 40622)

Subject: Short-term equipment response times of emergency diesel generators

Summary: The petitioner requested that the Commission amend its regulations to increase short-term equipment response times of emergency diesel generators that it believes are inappropriate and detrimental to safety. The petitioner requested that the NRC increase emergency diesel generator start times, enhance operator training, and delete the requirement that offsite electrical power is assumed disconnected from the nuclear unit switchyard during postulated accidents. The petitioner believes that its proposed amendments would increase safety at licensed nuclear facilities.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 13, 2002 (67 FR 40622). The public comment period closed on August 27, 2002. The staff is working to complete action documenting the resolution of the petition in conjunction with the rulemaking for decoupling the assumed loss of offsite power from loss-of-coolant accident analyses (RIN 3150-AH43). Since the petitioner's issues are being addressed by an ongoing rulemaking, the NRC is preparing documentation to close this petition for rulemaking.

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

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

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

Subject: Security regulations

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

Timetable: A notice of receipt for this petition was published in the Federal Register on March 29, 2007 (72 FR 14713). The public comment period closed on June 12, 2007. Resolution and closure of the petition is anticipated in September 2008.

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

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

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

Subject: New regulations needed to address the effects of crud, oxidation and hydrogen on zirconium fuel cladding

Summary: The petitioner requests that the NRC amend the regulations that govern domestic licensing of production and utilization facilities to 1) 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, 2) explicitly state: how crud and oxidation should considered in ECCS analyses, and 3) limited the hydrogen content of zirconium fuel cladding.

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

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

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22. Petitioner/Petition Docket Number: Eric Epstein, Three Mile Island Alert, Inc. (PRM-50-85)

Federal Register Citation: July 10, 2007 (72 FR 37626)

Subject: Emergency preparedness

Summary: The petitioner requested that the Commission 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.

Timetable: A notice of receipt for this petition was published in the Federal Register on July 10, 2007 (72 FR 37626). The public comment period closed on September 24, 2007. Resolution and closure of this the petition is anticipated in January 2009.

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

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23. Petitioner/Petition Docket Number: Raymond A. Crandall (PRM-50-87)

Federal Register Citation: July 12, 2007 (72 FR 38030)

Subject: Radiological doses for control room habitability at nuclear power plants

Summary: The petitioner requested that the Commission amend the 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. The petitioner believes that the current deterministic radiological dose requirements for control room habitability have resulted in several negative safety consequences, including an increased risk to public safety.

Timetable: A notice of receipt for this petition was published in the Federal Register on July 12, 2007 (72 FR 38030). The public comment period closed on September 25, 2007. Resolution and closure of this petition is anticipated in January 2009.

Agency Contact: Jason A. Lising, Office of Nuclear Reactor Regulation, (301) 415-3220, e-mail: Jason.Lising@nrc.gov

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24. Petitioner/Petition Docket Number: Natural Resources Defense Council* (PRM-50-90)

Federal Register Citation: May 27, 2008 (73 FR 30321)

Subject: Domestic licensing of production and utilization facilities

Summary: The petitioner is requesting that the NRC amend the regulations that govern domestic licensing of production and utilization facilities, and special nuclear material to establish a date when the NRC will no longer license the use or export of highly enriched uranium (HEU) except for restricted use by a few specialized facilities. The petitioner believes that the amendment is needed to protect the public from potential exposure to an improvised nuclear explosive device made with HEU and used by terrorists.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 27, 2008 (73 FR 30321). The public comment period closes on August 11, 2008. Resolution and closure of this petition is expected in May 2009.

Agency Contact: Robert Beall, Office of Nuclear Reactor Regulation, (301) 415-3874, e-mail: Robert.Beall@nrc.gov

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25. Petitioner/Petition Docket Number: Strategic Teaming and Resource Sharing (STARS) Alliance* (PRM-50-91)

Federal Register Citation: N/A

Subject: Amendment to 10 CFR 50.36, "Technical Specifications"

Summary: The petitioner requested that the Commission amend its regulations to redesignate a paragraph numbering conflict introduced by a final rule "Licenses, Certifications and Approval for Nuclear Power Plants" (August 28, 2007; 72 FR 49352). The petitioner believes this is an administrative change only, and that there is adequate justification/precedent for the NRC to implement this requested petition by issuing a proposed rule and direct final rule concurrently.

Timetable: A notice of receipt was not published for this petition. The working group is scheduled to give its recommendation to the Petition Review Board on July 17, 2008. Resolution and closure of this petition is anticipated in September 2008

Agency Contact: Jason A. Lising, Office of Nuclear Reactor Regulation, (301) 415-3220, e-mail: Jason.Lising@nrc.gov

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26. Petitioner/Petition Docket Number: James Luehman* (PRM-50-92)

Federal Register Citation: N/A

Subject: Domestic licensing of production and utilization facilities

Summary: The petitioner requested that the Commission amend its regulations regarding the domestic licensing of production and utilization facilities to clarify or change the standards for sustaining a violation of the employee protection regulations contained in § 50.7.

Timetable: A notice of receipt was not published for this petition. This petition is being addressed in the rulemaking process. Resolution of the petition is undetermined.

Agency Contact: Sean A. Croston, Office of the General Counsel, (301) 415-2585, e-mail: Sean.Croston@nrc.gov

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

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

Subject: Environmental impacts of spent fuel storage

Summary: The petitioner requested that the Commission revoke certain regulations in their entirety, and revoke other regulations to the extent that these regulations, in the petitioner's view, state, imply, or assume that the environmental impacts of storing spent nuclear fuel in high-density pools are not significant; issue a generic determination to clarify that the environmental impacts of high-density pool storage of spent fuel, will be considered significant; and require that any NRC licensing decision concerning high-density pool storage of spent nuclear fuel be accompanied by an environmental impact statement that addresses the environmental impacts of this storage and alternatives for avoiding or mitigating any environmental impacts. The petitioner is seeking the generic treatment of spent fuel pool hazards because he believes that a pool accident at any operating nuclear power plant in the New England and Mid-Atlantic states could significantly affect the health, environmental, and economic well-being of Massachusetts.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 1, 2006 (71 FR 64169). The public comment period closed on January 16, 2007. Extension of comment period published in the Federal Register on January 19, 2007 (72 FR 2464). The public comment period closed on March 19, 2007. Resolution and closure of this petition is expected in August 2008.

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

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

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

Subject: Environmental impacts of spent fuel storage

Summary: The petitioner requests that NRC rescind its regulations that declare the potential environmental effects of the approval, construction, and operation of high-density pool storage of spent nuclear fuel are not and cannot be significant for purposes of the National Environmental Policy Act (NEPA) and NEPA analysis; adopt and issue a generic determination that approval of such storage at a nuclear power plant or any other facility does constitute a major Federal action that may have a significant effect on the human environment; and order that no NRC licensing decision that approves high-density pool storage of spent nuclear fuel at a nuclear power plant or other storage facility may issue without the prior adoption and certification of an environmental impact statement (EIS) that complies with NEPA in all respects, including full identification, analysis, and disclosure of the potential environmental effects of such storage, including the potential for accidental or deliberately caused release of radioactive products to the environment, whether by accident or through acts of terrorism, as well as full and adequate discussion of potential mitigation for such effects, and full discussion of an adequate array or alternatives to the proposed storage project.

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

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

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

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

Subject:: Transportation requirements

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

Timetable: A notice of resolution and closure of the petition was published in the Federal Register on July 16, 2008 (73 FR 40767). The issues and concerns raised in the petition merit future NRC consideration and inclusion in a future rulemaking.

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

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30. Petitioner/Petition Docket Number: State of Nevada (PRM-73-10)

Federal Register Citation: September 13, 1999 (64 FR 49410)

Subject: Safeguards for shipments of spent nuclear fuel against sabotage and terrorism

Summary: The petitioner requested that the Commission conduct a comprehensive assessment of the consequences of terrorist attacks that have the capability of radiological sabotage, including attacks against transportation infrastructure used during nuclear waste shipments, attacks involving capture of nuclear waste shipments and use of high-energy explosives against a cask or casks, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 13, 1999 (64 FR 49410). The public comment period closed on January 28, 2000. In light of the September 11, 2001, terrorist attack on the United States, the Commission directed the staff to reevaluate NRC's safeguards and physical security programs for licensed facilities and activities, including transportation of spent nuclear fuel and high level waste. Any revision to NRC's regulations and guidance will be based on that review. Resolution of the petition is undetermined.

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

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31. Petitioner/Petition Docket Number: Three Mile Island Alert (Scott Portzline) (PRM-73-11)

Federal Register Citation: November 2, 2001 (66 FR 55603)

Subject: Post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations governing the physical protection of plants and materials to require NRC licensees to post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants by adding armed site protection officers to the security forces.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 2, 2001 (66 FR 55603). The public comment period closed on January 16, 2002. This petition is being resolved as part of the Power Reactor Security Requirements rulemaking (RIN 3150-AG63). A notice of consideration in the rulemaking process was published in the Federal Register on July 29, 2008 (73 FR 43874).- This petition is scheduled to be addressed in a final rule "Power Reactor Security Requirements." This rule is scheduled to be published in January 2009 .

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

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

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

Subject: Security regulations

Summary: The petitioner requests that the NRC amend its regulations to close a loophole in current regulations that would enable persons who do not meet trustworthiness and reliability standards for unescorted access to protected areas of nuclear power plants to enter protected areas with an unarmed escort. The petitioner believes that current regulations create a security vulnerability that could potentially compromise public health and safety.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 9, 2007 (72 FR 17440). The public comment period closed on June 25, 2007. A notice of consideration in the rulemaking process was published in the Federal Register on July 29, 2008 (73 FR 43874).- This petition is scheduled to be addressed in a final rule "Power Reactor Security Requirements." This rule is scheduled to be published in January 2009.

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

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11. ABSTRACT *(200 words or less)*

The NRC Regulatory Agenda is a compilation of all rules on which NRC has recently completed action, or has proposed action, or is considering action, and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued semiannually.

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