



NUREG-0936  
Vol. 27, No.2

# **NRC Regulatory Agenda**

**Semiannual Report  
July – December 2008**

Office of Administration

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# **NRC Regulatory Agenda**

## **Semiannual Report July – December 2008**

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Office of Administration



# Preface

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The Nuclear Regulatory Commission (NRC) Regulatory Agenda is a semiannual compilation of the agency's recent rulemaking activities. It contains a summary and the status for each ongoing rulemaking and petition for rulemaking received by the agency.

## Organization of the Agenda

The agenda consists of two sections that have been updated through December 31, 2008. Section I, "Rules," includes: (A) rules on which final action has been taken since June 30, 2008, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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) final actions on petitions for rulemaking since June 30, 2008; and (B) 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.

## Organization of Agenda Entries

Each rulemaking agenda entry has a Regulation Identifier Number (RIN) and a Docket ID. The RIN number allows the public to track the publication history of a regulatory action in the Unified Agenda of Federal Regulatory and Deregulatory Actions, compiled by the Office of Management and Budget's Office of Information and Regulatory Affairs. The Unified Agenda, published every spring and fall, provides uniform reporting of data on regulatory and deregulatory activities under development throughout the Federal Government.

The Docket ID allows the public to access significant documents and public comments on the rulemaking activity at the website <http://www.Regulations.gov>, the public face of the Federal E-Government eRulemaking Program. This site facilitates public participation in the Federal regulatory process by improving the public's ability to find, view, and comment on Federal 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 with early notice and an 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.

The agency examines rules in process and under consideration on an annual basis to determine the allocation of staff resources necessary to achieve NRC's regulatory priorities most effectively. Any unpublished rule whose termination is directed prior to publication of a notice of proposed rulemaking or an advance notice of proposed rulemaking, including those that were intended to address raised in a petition for rulemaking, will be noted in this edition of the agenda and deleted from subsequent editions. Any rule whose termination is 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 petitions for rulemaking 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, 301-492-3668 (e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov)). You may e-mail comments to: [Rulemaking.Comments@nrc.gov](mailto: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.

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**Additional Rulemaking Information**

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Doris Mendiola, Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-492-3665 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail [Doris.Mendiola@nrc.gov](mailto: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.

# CONTENTS

---

	<b>Page</b>
<b>Preface</b> .....	iii
<b>I. Rules</b>	
<b>(A) Final Rules</b>	
1. Adjustment to Civil Penalties (Parts 2 and 13) .....	1
2. Protection of Safeguards Information (Parts 2, 30, 40, 50, 52, 63, 70, 72, 73, 76, and 150).....	1
3. Regulatory Changes to Implement the Additional Protocol to the US/IAEA Safeguards Agreement (Parts 30, 40, 50, 60, 61, 63, 70, 72, 75, 76, and 150) ....	2
4. Industry Codes and Standards; Amended Requirements (Part 50).....	2
5. Technical Specifications; Administrative Changes (Part 50) .....	3
6. Inflation Adjustment to the Price-Anderson Act Financial Protection Regulation (Part 140).....	3
<b>(B) Proposed Rules</b>	
7. Decommissioning Planning (Parts 20, 30, 40, 50, 70, and 72).....	5
8. Expansion of the National Source Tracking System (Parts 20 and 32).....	5
9. Medical Use of Byproduct Material- Amendments/Medical Event Definition (Part 35) .....	6
10. Transfers of Certain Source Materials by Specific Licensees (Part 40).....	6
11. Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition (Part 50) .....	7
12. Amend Fracture Toughness Requirements Against Pressurized Thermal Shock Event (Part 50) .....	8
13. Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation and Waste Confidence Decision Update (Part 50).....	9



# CONTENTS

---

## **(B) Proposed Rules (con't)**

14.	Power Reactor Security Requirements (Parts 50, 72, and 73) .....	9
15.	Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51).....	10
16.	Categorical Exclusions From Environmental Review (Part 51).....	11
17.	Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs (Part 52) .....	11
18.	Security Requirements for Geological Repository Operations Area (GROA) (Parts 60, 63, 73, and 74) .....	12
19.	Implementation of a Dose Standard Beyond 10,000 Years (Part 63).....	13
20.	License and Certificate of Compliance Terms (Part 72) .....	13
21.	List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 5 (Part 72) .....	14
22.	List of Approved Spent Fuel Storage Casks: MAGNASTOR Addition* (Part 72) .....	15
23.	Criminal Penalties; Unauthorized Introduction of Weapons (Part 73) .....	15

## **(C) Advance Notices of Proposed Rulemaking**

24.	Entombment Options for Power Reactors (Parts 20 and 50).....	17
25.	Approach to Risk-Inform, Performance-Base Requirements for Nuclear Power Plants (Parts 50 and 53) .....	17
26.	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73) .....	18
27.	Variable Annual Fee Structure for Power Reactors* (Part 171).....	19

## CONTENTS

---

### (D) Unpublished Rules

28.	Revision to Petition for Rulemaking Process (Part 2) .....	21
29.	Amendments to Adjudicatory Process Rules and Related Requirements (Parts 2, 51, 54, 60, and 63) .....	21
30.	Late Filed Contentions of ITAAC (Parts 2 and 52) .....	21
31.	Controlling the Disposition of Solid Materials (Part 20) .....	22
32.	Geological Repository Operations Area (GROA) Fitness-for-Duty Requirements (Part 26) .....	22
33.	Fitness-For-Duty Programs* (Part 26) .....	23
34.	Requirements for Distribution of Byproduct Material (Parts 30, 31, 32, 40, and 70) .....	23
35.	Limiting the Quantity of Byproduct Material in a Generally Licensed Device (Part 31) .....	24
36.	Clarification of Attesters and Supervisors* (Part 35) .....	24
37.	Physical Protection of Byproduct Material* (Part 37) .....	25
38.	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40) .....	25
39.	Uranium in Drinking Water (Part 40) .....	26
40.	Groundwater Protection <i>In Situ</i> Leach Uranium Recovery Facilities (Part 40) .....	27
41.	Integrated Safety Analysis for Uranium Conversion and Deconversion Facilities* (Part 40) .....	27
42.	Administrative Changes (Parts 40 and 73) .....	28
43.	Integrated Rulemaking for Decommissioning Nuclear Power Reactors (Part 50) .....	28
44.	Modifications to Pressure-Temperature Limits (Part 50) .....	29
45.	Performance-Based ECCS Acceptance Criteria (Part 50) .....	30

## CONTENTS

---

### (D) Unpublished Rules (con't)

46.	Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident (LOCA) (Part 50).....	31
47.	Enhancements to Emergency Preparedness Regulations and Guidance (Part 50).....	31
48.	Incorporation by Reference of 2005 Addenda Through 2008 Edition of ASME Code (Part 50) .....	32
49.	Emergency Response Date System (ERDS) Enhancement (Part 50) .....	32
50.	Incorporation by Reference of Revisions of Regulatory Guides (Part 50) .....	33
51.	Environmental Effect of Renewing the Operating License of a Nuclear Power Plant (Part 51).....	33
52.	Industry Codes and Standards; Amended Requirements* (Part 70) .....	34
53.	Revise Part 71 for IAEA and DOT Compatibility (Part 71) .....	34
54.	List of Approved Spent Fuel Storage Casks: HI-STORM 100U, Revision 6* (Part 72).....	35
55.	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (Part 73) .....	35
56.	Research and Test Reactor Fingerprinting Requirements for Unescorted Access (Part 73).....	36
57.	Enhanced Weapons, Firearms Background Checks, and Security Event Notification* (Part 73).....	36
58.	Export and Import of Nuclear Equipment and Materials; Updates and Clarifications (Part 110) .....	37
59.	Revision of Fee Schedules; Fee Recovery for FY 2009* (Parts 170 and 171) .....	37

# CONTENTS

---

## II. Petitions for Rulemaking

### (A) Final Actions on Petitions for Rulemaking

1.	State of Nevada (PRM-2-14) .....	39
2.	Nuclear Energy Institute (PRM-50-71).....	39
3.	Anthony R. Pietrangelo, Nuclear Energy Institute (PRM-50-75) .....	40
4.	David Lockbaum on Behalf of the Project on Government Oversight and Union of Concerned Scientists (PRM-50-83) .....	40
5.	Mark Edward Leyse (PRM-50-84) .....	40
6.	Thomas E. Magette, On Behalf of EnergySolutions* (PRM-50-88) .....	41
7.	Strategic Teaming and Resource Sharing (STARS) Alliance (PRM-50-91) .....	41
8.	Massachusetts Attorney General (51-10).....	42
9.	California Attorney General (PRM-51-12).....	42
10.	Christine O. Gregoire, Governor of the State of Washington (PRM-71-13).....	43
11.	Three Mile Island Alert (Scott Portzline) (PRM-73-11) .....	44
12.	Union of Concern Scientists (PRM-73-13) .....	44

### (B) Pending Petitions for Rulemaking

13.	Organization of Agreement States (PRM-31-05).....	47
14.	State of Colorado and Organization of Agreement States (PRM-40-27) .....	47
15.	Westinghouse Electric Company (PRM-50-69).....	48
16.	Bob Christie (PRM-50-77).....	48
17.	Eric Epstein, Three Mile Island Alert, Inc. (PRM-50-85).....	49

## CONTENTS

---

**(B) Pending Petitions for Rulemaking (con't)**

18.	Raymond A. Crandall (PRM-50-87).....	49
19.	Natural Resources Defense Council (PRM-50-90) .....	50
20.	James Luehman (PRM-50-92) .....	50
21.	State of Nevada (PRM-73-10) .....	51
22.	Brian Mann, Technical Specifications Task Force* (PRM-170-6).....	51



**(A) Final Rules**

# I-RULES

Sections 1 - Rules

## A

Action Completed Rules



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

**RIN:** 3150-AI45

**Docket ID:** NRC-2008-0412

**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.

<b>Final Action:</b>	Final Rule Published	09/23/08	73 FR 54671
	Final Rule Effective	10/23/08	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Maxwell C. Smith, Office of the General Counsel,  
(301) 415-1246; e-mail: Maxwell.Smith@nrc.gov

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

**RIN:** 3150-AH57

**Docket ID:** NRC-2005-0001

**Abstract:** The final rule amends 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 final amendments affect certain licensees, information, and materials not currently specified in the regulations, but which are within the scope of the AEA. The final amendments are intended to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials.

<b>Final Action:</b>	Final Rule Published	10/24/08	73 FR 63546
	Final Rule Effective	02/23/09	

**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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**3. Regulatory Changes to Implement the Additional Protocol to the US/IAEA Safeguards Agreement (Parts 30, 40, 50, 60, 61, 63, 70, 72, 75, 76, and 150)**

**RIN:** 3150-AH38

**Docket ID:** NRC-2008-0543

**Abstract:** The final rule amends 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.

<b>Final Action:</b>	Final Rule Published	12/23/08	73 FR 78599
	Final Rule Effective	12/23/08	

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

**RIN:** 3150-AH76

**Docket ID:** NRC-2007-0003

**Abstract:** The final rule amends 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).

<b>Final Action:</b>	Final Rule Published	09/10/08	73 FR 52729
	Final Rule Effective	09/10/08	

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

**RIN:** 3150-AI41

**Docket ID:** NRC-2008-0263

**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.

<b>Final Action:</b>	Final Rule Published	09/24/08	73 FR 54931
	Final Rule Effective	10/23/08	

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

**RIN:** 3150-AI44

**Docket ID:** NRC-2008-0512

**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.

**Final Rules****NRC Regulatory Agenda**

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Section 170t. of the Atomic Energy Act, 42 U.S.C. 2210(t), requires the NRC to make these inflation adjustments every 5 years.

<b>Final Action:</b>	Final Rule Published	09/29/08	73 FR 56451
	Final Rule Effective	10/29/08	

**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

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**(B) Proposed Rules**

**B**

Proposed Rules

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

**RIN:** 3150-AI55

**Docket ID:** NRC-2008-0030

**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. This rule was previously RIN 3150-AH45 which was completed in error in the previous cycle of the Unified Agenda.

<b>Final Action:</b>	Proposed Rule Published	01/31/08	73 FR 3811
	Comment Period Closed	04/07/08	
	Extension of Comment Period Published	03/20/08	73 FR 14946
	Comment Period Closed	05/08/08	
	Final 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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**8. Expansion of the National Source Tracking System (Parts 20 and 32)**

**RIN:** 3150-AI29

**Docket ID:** NRC-2008-0200

**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.

**Proposed Rules****NRC Regulatory Agenda**

<b>Final Action:</b>	Proposed Rule Published	04/11/08	73 FR 19749
	Comment Period Closed	06/25/08	
	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**9. Medical Use of Byproduct Material- Amendments/Medical Event Definition (Part 35)****RIN:** 3150-AI26**Docket ID:** NRC-2008-0071**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 brachytherapy.

<b>Final Action:</b>	Proposed Rule Published	08/06/08	73 FR 45635
	Comment Period Closed	10/20/08	
	Extension of Comment Period Published	10/06/08	73 FR 58063
	Comment Period Closed	11/07/08	
	Final Rule Published	09/00/09	

**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**10. Transfers of Certain Source Materials by Specific Licensees (Part 40)****RIN:** 3150-AG64**Docket ID:** NRC-2002-0013



**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.

<b>Final Action:</b>	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

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

**RIN:** 3150-AH29

**Docket ID:** NRC-2004-0006

**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 an updated rule schedule to the Commission. In a meeting on August 6, 2008, selected NRC managers approved the Staff's recommended resolution of the open issues related to the final rule. The staff prepared draft rule language incorporating the new positions into the rule and adding additional requirements for defense-in depth for pipe breaks larger than the TBS. Several meetings were held to inform NRO of the planned approach. OGC reviewed the revised rule language and recommended that portions of the rule be re-noticed to provide an opportunity for public comments on some of the new rule requirements. In a meeting on October 8, 2008, NRC managers decided to repropose the entire rule. On December 18, 2008, the EDO signed a memorandum informing the Commission that the staff will re-notice the section 50.46a rule for additional public comments. The memorandum also stated that the EDO intends to publish the re-noticed rule in July

2009. The Commission will not approve the staff's schedule until after hearing public and industry views in a Commission meeting on February 4, 2009.

**Final Action:**

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	
Proposed Rule Republished	07/00/09	

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

**RIN:** 3150-AI01

**Docket ID:** NRC-2007-0008

**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.

**Final Action:**

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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**13. Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation and Waste Confidence Decision Update (Part 50)**

**RIN:** 3150-AI47

**Docket ID:** NRC-2008-0404 - NRC-2008-0482

**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.

<b>Final Action:</b>	Proposed Rule Published	10/09/08	73 FR 59547
	Comment Period Closed	12/08/08	
	Extension of Comment Period Published	11/28/08	73 FR 72370
	Extension of Comment Period Closed	02/06/09	
	Final Rule Published	06/00/09	

**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

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

**RIN:** 3150-AG63

**Docket ID:** NRC-2006-0016 - NRC-2008-0019

**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.

<b>Final Action:</b>	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	03/00/09	

**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

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

**RIN:** 3150-AA31

**Docket ID:** NRC-2009-0082

**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.

**Final Action:** 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

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

**RIN:** 3150-AI27

**Docket ID:** NRC-2008-0269

**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

**Final Action:** Proposed Rule Published 10/09/08 73 FR 59540  
 Comment Period Closed 12/23/08

Final Rule Published Undetermined

**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: Cardelia.Maupin@nrc.gov

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

**RIN:** 3150-AI19

**Docket ID:** NRC-2007-0009

**Abstract:** The final rule amends the Commission's regulations by requiring applicants for new nuclear power reactors to perform a design-specific assessment of the effects of the impact of a large, commercial aircraft. The applicant is required to use realistic analyses to identify and incorporate design features and functional capabilities to ensure, with reduced use of operator actions, that either the reactor core remains cooled or the containment remains intact, and either spent fuel cooling or spent fuel pool integrity is maintained. These requirements apply to applicants for new construction permits; new operating licenses that reference a new construction permit; new standard design certifications, renewal of any of the four existing design certifications if the design has not previously been amended to comply with the final rule; new standard design approvals; manufacturing licenses that don't reference a standard design certification or standard design approval, or that reference a standard design certification issued before the effective date of the rule which has not been amended to comply with the rule; and combined licenses that don't reference a standard design certification, standard design approval, or manufactured reactor, or that reference a standard design certification issued before the effective date of the rule which has not been amended to comply with the rule. In addition, these amendments contain requirements for control of changes to any design features or functional capabilities credited for ensuring that the design can withstand the effects of an aircraft impact.

**Final Action:**

Proposed Rule Published	10/03/07	72 FR 56287
Comment Period Closed	12/17/07	
Final Rule Published	06/00/09	

**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

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

**RIN:** 3150-AI06

**Docket ID:** NRC-2007-0670

**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.

**Final Action:**

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

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

**RIN:** 3150-AH68

**Docket ID:** NRC-2005-0011

**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.

<b>Final Action:</b>	Proposed Rule Published	09/08/05	70 FR 53313
	Comment Period Closed	12/07/05	

Final Rule Published	Undetermined
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**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Robert D. MacDougall, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-5175, e-mail: Robert.MacDougall@nrc.gov

**20. License and Certificate of Compliance Terms (Part 72)**

**RIN:** 3150-AI09

**Docket ID:** NRC-2008-0361

**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.

<b>Final Action:</b> Preliminary Draft Rule Language Published	08/04/09	73 FR 45173
Comment Period Closed	08/31/08	
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

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

**RIN:** 3150-AI48

**Docket ID:** NRC-2008-0438

**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.

<b>Final Action:</b> Direct Final Rule Published	10/27/08	73 FR 63621
Direct Final Rule Effective	11/12/08	
Proposed Rule Published	10/27/08	73 FR 63655
Comment Period Closed	11/26/08	
Confirmation of Effective Date Published	01/12/09	

**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



**22. List of Approved Spent Fuel Storage Casks: MAGNASTOR Addition\* (Part 72)**

RIN: 3150-AI51

Docket ID: NRC-2008-0568

**Abstract:** The direct final rule amends the Commission's regulations that apply to storage of spent fuel to add the MAGNASTOR cast system to the "List of Approved Spent Fuel Storage Casks" under the conditions specified in Certificate of Compliance (CoC) Number 1031. The MANASTOR system is a vertical, canister-based, dry storage system designed for interim storage of up to 37 pressurized water reactor spent fuel assemblies or up to 87 boiling water spent fuel assemblies. This cask design consists of a transportable storage canister with welded closure, a concrete cask to contain the canister during the storage period, and a transfer cask to contain the canister during loading, transfer and unloading operations. The direct final rule allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

<b>Final Action:</b>	Direct Final Rule Published	11/21/008	73 FR 70587
	Direct Final Rule Effective	02/04/09	
	Proposed Rule Published	11/21/08	73 FR 70607
	Comment Period Closed	12/22/08	
	Confirmation of Effective Date	02/04/09	

**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

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

RIN: 3150-AI31

Docket ID: NRC-2008-0458

**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.

<b>Final Action:</b>	Proposed Rule Published	09/03/08	73 FR 51378
	Comment Period Closed	10/20/08	
	Final Rule Published	06/00/09	

**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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**(C) Advance Notices of Proposed Rulemaking**

**C**

Advance Notice - Proposed  
Rulemaking

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

**RIN:** 3150-AG89

**Docket ID:** NRC-2001-0012

**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.

<b>Final Action:</b>	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

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

**RIN:** 3150-AH81

**Docket ID:** NRC-2006-0008

**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. The development of the proposed rule will take advantage of lessons learned from the Next Generation Nuclear Plant (NGNP) and other advanced reactor reviews expected to begin in or around 2013.

**ANPRMs****NRC Regulatory Agenda**

<b>Final Action:</b>	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

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

**RIN:** 3150-AG41

**Docket ID:** NRC-1999-0005

**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.

<b>Final Action:</b>	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

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**27. Variable Annual Fee Structure for Power Reactors\* (Part 171)**

**RIN:** 3150-AI54

**Docket ID:** NRC-2008-0664

**Abstract:** The advanced notice of proposed rulemaking requests comments from the public on a possible variable fee structure for part 171 annual fees for power reactors based on licensed power limits.

**Final Action:** ANPRM Published 03/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Rebecca I. Ericson, Office of the Chief Financial Officer,  
(301) 415-7126; e-mail address: Rebecca.Ericson@nrc.gov

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**(D) Unpublished Rules**



**D**

Unpublished Rules

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

**RIN:** 3150-AI30

**Docket ID:** NRC-2009-0044

**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.

**Final Action:** Proposed Rule Published 12/00/09

**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](mailto:Cindy.Bladey@nrc.gov)

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

**RIN:** 3150-AI43

**Docket ID:** NRC-2008-0415

**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.

**Final Action:** 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](mailto:Tison.Campbell@nrc.gov)

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

**RIN:** 3150-AI34

**Docket ID:** NRC-2009-0087

**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.

**Final Action:** 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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**31. Controlling the Disposition of Solid Materials (Part 20)**

**RIN:** 3150-AH18

**Docket ID:** NRC-1999-0002

**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.

**Final Action:** Proposed Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Kimyata Morgan Butler, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-0733, e-mail: Kimyata.MorganButler@nrc.gov

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

**RIN:** 3150-AI38

**Docket ID:** NRC-2009-0089

**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.

**Final Action:** 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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### **33. Fitness-For-Duty Programs\* (Part 26)**

**RIN:** 3150-AI58

**Docket ID:** NRC-2009-0090

**Abstract:** The proposed rule would amend the Commission's regulations to ensure that personnel who actually perform independent quality control/verification (QC/QV) checks under the licensee's NRC-approved quality assurance program are subject to the same Part 26, Subpart I provisions as operating personnel identified in section 26.4(a)(1).

**Final Action:** Proposed Rule Published                      03/00/10

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

**RIN:** 3150-AH91

**Docket ID:** NRC-2008-0338

**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.

**Final Action:** Proposed Rule Published                      08/00/09

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

**RIN:** 3150-AI33

**Docket ID:** NRC-2008-0272

**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. The proposed rule would also modify the compatibility categories contained in the current regulations (10 CFR 31.5 and 31.6).

**Final Action:** Proposed Rule Published 04/00/09

**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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**36. Clarification of Attesters and Supervisors\* (Part 35)**

**RIN:** 3150-AI59

**Docket ID:** NRC-2009-0098

**Abstract:** The direct final rule will amend the Commission's regulations to clarify that individuals grandfathered under Section 35.57 may also serve as attesters and supervisors for individuals seeking authorizations on NRC licensees.

**Final Action:** Direct Final Rule Published 08/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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**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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**37. Physical Protection of Byproduct Material\* (Part 37)**

**RIN:** 3150-AI56

**Docket ID:** NRC-2008-0120

**Abstract:** The proposed rule would amend the Commission's regulations to add a new Part 37 to Title 10 of the *Code of Federal Regulations*. This new Part 37 will contain the security (physical protection) requirements that are designed to provide reasonable assurance of preventing the theft of diversion of Category 1 and Category 2 quantities of radioactive material. The new provisions will address background checks, fingerprinting, access control, physical security during use, and physical security during any transport of Category 1 and Category 2 quantities of material.

**Final Action:** Proposed Rule Published 12/00/09

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

**RIN:** 3150-AH15

**Docket ID:** NRC-2009-0084

**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.

**Final Action:** 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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### **39. Uranium in Drinking Water (Part 40)**

**RIN:** 3150-AH97

**Docket ID:** NRC-2009-0086

**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.

**Final Action:** 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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**40. Groundwater Protection *in Situ* Leach Uranium Recovery Facilities (Part 40)**

RIN: 3150-AI40

Docket ID: NRC-2008-0421

**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.

**Final Action:** Proposed Rule Published 06/00/09

**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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**41. Integrated Safety Analysis for Uranium Conversion and Deconversion Facilities\* (Part 40)**

RIN: 3150-AI50

Docket ID: NRC-2009-0079

**Abstract:** The proposed rule would amend the Commission's regulations to require an integrated safety analysis (ISA) for facilities with significant quantities of uranium hexafluoride or uranium tetrafluoride and large quantities of hazardous chemicals, such as hydrogen fluoride; set possession limits for determining licensing authority (NRC or agreement States), add definitions that are specific to an ISA; change the maximum licensing term from 10 years to 40 years; and make administrative changes to the structure of Part 40.

**Final Action:** Proposed Rule Published 08/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None





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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#### **44. Modifications to Pressure-Temperature Limits (Part 50)**

**RIN:** 3150-AG98

**Docket ID:** NRC-2008-0582

**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). Part 50, appendix H, contains reactor vessel material surveillance program requirements to monitor changes in the fracture toughness properties of the reactor vessel beltline due to neutron irradiation. Data from programs established under appendix H index fracture toughness analyses contained in appendix G.

**Final Action:** 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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**45. Performance-Based ECCS Acceptance Criteria (Part 50)**

RIN: 3150-AH42

Docket ID: NRC-2008-0332

**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 prepared a *Federal Register* notice (July 31, 2008; 73 FR 44778) soliciting public comments on the proposed technical basis. The staff also held a public workshop (September 24, 2008), to facilitate discussion of the technical basis. Overall, stakeholders were against going forward with rulemaking at this time. Industry stakeholders estimated that the cost of implementing the rule was in excess of \$200 million. A meeting was held on October 30, 2008, to discuss rulemaking readiness. The staff recommended proceeding with an Advance Notice of Proposed Rulemaking (ANPR). On December 2, 2008, the staff discussed this issue with the ACRS subcommittee on reactor fuel. During the meeting, ACRS members were generally supportive of the staff's research and conclusions. In its letter dated December 18, 2008, the ACRS also supported the staff's plan for an ANPR. In a memorandum on December 19, 2008, the EDO informed the Commission of the staff's technical conclusions and plans to issue an ANPR in August 2009. The Commission approved the schedule.

**Final Action:** Proposed Rule Published 08/00/09

**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](mailto:Richard.Dudley@nrc.gov)

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

RIN: 3150-AH43

Docket ID: NRC-2008-0606

**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. After an ongoing dialogue, on June 12, 2008, the BWROG withdrew its topical report, stating that "...continued development of this LTR [Licensing Topical Report] is no longer cost effective and, if ultimately approved in the form presently desired by NRC staff, adoption by licensees would most likely be prohibitively expensive." Therefore, the need for this rulemaking is being reevaluated. This rulemaking activity is also considering the issues raised in the petition for rulemaking submitted by Bob Christie (PRM-50-77).

**Final Action:** Proposed Rule Published                      Undetermined**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Barry W. Miller, Office of Nuclear Reactor Regulation,  
(301) 415-4117, e-mail: Barry.Miller@nrc.gov**47. Enhancements to Emergency Preparedness Regulations and Guidance (Part 50)**

RIN: 3150-AI10

Docket ID: NRC-2008-0122

**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.

**Unpublished Rules**

**NRC Regulatory Agenda**

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**Final Action:** Proposed Rule Published 04/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Lauren Quiñones-Navarro, Office of Nuclear Reactor Regulation,  
(301) 415-2007, e-mail: Lauren.Quiñones@nrc.gov

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**48. Incorporation by Reference of 2005 Addenda Through 2008 Edition of ASME Code (Part 50)**

**RIN:** 3150-AI35

**Docket ID:** NRC-2008-0554

**Abstract:** The proposed rule would incorporate by reference the 2005 Addenda through 2008 Edition of Section III and Section XI, Division 1, of the American Society of Mechanical Engineers.

**Final Action:** Proposed Rule Published 01/00/10

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

**RIN:** 3150-AI36

**Docket ID:** NRC-2009-0088

**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.

**Final Action:** 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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**50. Incorporation by Reference of Revisions of Regulatory Guides (Part 50)**

**RIN:** 3150-AI37

**Docket ID:** NRC-2009-0014

**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.

**Final Action:** Final Rule Published 04/00/09

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

**RIN:** 3150-AI42

**Docket ID:** NRC-2008-0608

**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.

**Final Action:** Proposed Rule Published 07/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

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**52. Industry Codes and Standards; Amended Requirements\* (Part 70)**

**RIN:** 3150-AI53

**Docket ID:** NRC-2008-0663

**Abstract:** The direct final rule amends the Commission's regulations to correct the upper limit of existence of axial flaws orientation from 40 percent to 60 percent.

**Final Action:** Direct Final Rule Published 06/00/09

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

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**53. Revise Part 71 for IAEA and DOT Compatibility (Part 71)**

**RIN:** 3150-AI11

**Docket ID:** NRC-2008-0198

**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.

**Final Action:** Proposed Rule Published 10/00/09

**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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**54. List of Approved Spent Fuel Storage Casks: HI-STORM 100U, Revision 6\* (Part 72)**

RIN: 3150-AI57

Docket ID: NRC-2009-0080

**Abstract:** The direct final will amend the Commission's regulations by adding the Holtec International HI-STORM 100U model to the "List of Approved Spent Fuel Storage Casks" (10 CFR 72.214). The HI-STORM 100U is an underground, vertical, ventilated, dry storage cask that will be used to store spent nuclear fuel under the revised conditions of the Certificate of Compliance.

**Final Action:** Direct Final Rule Published 07/00/09**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,  
(310) 415-6843, e-mail: Neelam.Bhalla@nrc.gov

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**55. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (Part 73)**

RIN: 3150-AI12

Docket ID: NRC-2008-0120

**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 (EPA) 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: 01/00/10**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

Docket ID: NRC-2008-0619

**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. In SECY-08-0196, dated December 19, 2008, the staff has proposed that the Commission publish an advanced notice of proposed rulemaking requesting public comment on several positions of interest pertaining to Research and Test Reactors before initiating rulemaking.

**Final Action::** Proposed Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

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**57. Enhanced Weapons, Firearms Background Checks, and Security Event Notification\* (Part 73)**

RIN: 3150-AI49

Docket ID: NRC-2008-0465

**Abstract:** The proposed rule would amend the Commission's regulations by implementing the new authority in Section 161A of the Atomic Energy Act of 1954, as amended, for access to enhanced weapons and associated firearms background checks, and modifies certain security event notifications at power reactor facilities and Category I strategic special nuclear materials facilities.

**Final Action:** Proposed Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

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

RIN: 3150-AI16

Docket ID: NRC-2008-0567

**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.

**Final Action:** Proposed Rule Published 04/00/09**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. Revision of Fee Schedules; Fee Recovery for FY 2009\* (Parts 170 and 171)**

RIN: 3150-AI52

Docket ID: NRC-2008-0620

**Abstract:** The proposed rule would amend the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. The amendments implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2009, less the amounts appropriated from the Nuclear Waste Fund, and for Waste Incidental to Reprocessing, generic homeland security activities, and scholarships and fellowships.

Based on the bill reported by the House Appropriations Committee on June 25, 2008; the NRC's required fee recovery amount for the FY 2009 budget is approximately \$ 870.6 million. After accounting for carryover and billing adjustments, the total amount to be recovered through fees is approximately \$ 864.8 million.

**Final Action:** Proposed Rule Published 04/00/09**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

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**(A) Final Actions on Petitions  
For Rulemaking**

**II  
PETITIONS**

Section II - Petitions for  
Rulemaking

**A**

Final Actions on Petitions  
for Rulemaking

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

**Docket ID:** NRC-2007-0011

**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.

**Final Action:** A notice denying this petition was published in the Federal Register on October 22, 2008 (73 FR 62931).

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

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

**Docket ID:** NRC-2000-0004

**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.

**Final Action:** A resolution and closure of petition docket was published in the Federal Register on November 6, 2008 (73 FR 66000).

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

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**3. Petitioner/Petition Docket Number:** Anthony R. Pietrangelo, Nuclear Energy Institute (PRM-50-75)

**Docket ID:** NRC-2002-0018

**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.

**Final Action:** A resolution and closure of petition docket was published in the Federal Register on November 6, 2008 (73 FR 66000).

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

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**4. Petitioner/Petition Docket Number:** David Lochbaum on Behalf of the Project on Government Oversight and Union of Concerned Scientists (PRM-50-83)

**Docket ID:** NRC-2007-0012

**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.

**Final Action:** A notice denying this petition was published in the Federal Register on September 23, 2008 (73 FR 54744).

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

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

**Docket ID:** NRC-2007-0013

**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 be considered in ECCS analyses, and 3) limit the hydrogen content of zirconium fuel cladding.

**Final Action:** A notice of resolution and closure of petition docket was published in the Federal Register on November 25, 2008 (73 FR 71564).

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

**6. Petitioner/Petition Docket Number:** Thomas E. Magette, On Behalf of EnergySolutions, LLC\* (PRM-50-88)

**Docket ID:** NRC-2007-0017

**Federal Register Citation:** August 21, 2007 (72 FR 46569)

**Subject:** Major radioactive components (MRCs)

**Summary:** The petitioner requested that the NRC's regulations governing domestic licensing of production and utilization facilities be amended to provide a regulatory framework that would allow funds from licensees' decommissioning trust funds to be used for the cost of disposal of "major radioactive components" (MRCs) that have been removed from reactors before the permanent cessation of operations.

**Final Action:** A notice denying this petition was published in the Federal Register on October 20, 2008 (73 FR 62220).

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

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

**Docket ID:** NRC-2008-0263

**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.

**Final Action:** Resolution of this petition was addressed in the final rule, "Technical Specification Criteria" (RIN AI41; Docket ID NRC-2008-0263), published in the Federal Register on September 24, 2008 (73 FR 54931).

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

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

**Docket ID:** NRC-2006-0022

**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.

**Final Action:** A notice denying this petition was published in the Federal Register on August 8, 2008 (73 FR 46204).

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

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

**Docket ID:** NRC-2007-0019

**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.

**Final Action:** A notice denying this petition was published in the Federal Register on August 8, 2008 (73 FR 46204).

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

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

**Docket ID:** NRC-2007-0022

**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.

**Final Action:** A notice of resolution and closure of petition docket was published in the Federal Register on July 16, 2008 (73 FR 40767).

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

**Docket ID:** NRC-2001-0023

**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.

**Final Action:** 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 being addressed in a final rule "Power Reactor Security Requirements." This rule is scheduled to be published in March 2009.

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

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

**Docket ID:** NRC-2007-0023

**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.

**Final Action:** 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. The petition was closed, and a notice of consideration in the rulemaking process was published in the Federal

Register on July 29, 2008 (73 FR 43874). This petition is being addressed in a final rule "Power Reactor Security Requirements." This rule is scheduled to be published in March 2009.

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

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**(B) Pending Petitions for  
Rulemaking**

**B**

Pending Petitions for Rulemaking

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

**Docket ID:** NRC-2005-0018

**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."

**Final Action:** 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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**14. Petitioner/Petition Docket Number:** State of Colorado and Organization of Agreement States (PRM-40-27)

**Docket ID:** NRC-2008-0453

**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 10 CFR 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.

**Final Action:** 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. The petition is being considered as part of the proposed rulemaking "Distribution of Source Materials to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40, RIN: 3150-AH15).

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

**Docket ID:** NRC-2000-0019

**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.

**Final Action:** 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 (RIN AG98; Docket ID NRC-2008-0582).

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

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**16. Petitioner/Petition Docket Number:** Bob Christie (PRM-50-77)

**Docket ID:** NRC-2002-0020

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

**Subject:** Elimination of assumed loss of offsite power coincident with postulated accidents

**Summary:** The petitioner requested that the Commission amend its regulations at 10 CFR Part 50, Appendix A, to eliminate the requirements for assuming a loss-of-offsite power (LOOP) coincident with postulated accidents. The petitioner believes that this requirement is detrimental to safety because it results in fast start time requirements for emergency diesel generators and because it requires operator training to focus on unrealistic events.

**Final Action:** 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 entitled "Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident" (RIN 3150-AH43).



Since the petitioner's issues are being addressed by this ongoing rulemaking activity, the NRC is preparing documentation to close this petition for rulemaking. This action is anticipated to be complete in March 2009.

**Agency Contact:** Barry W. Miller, Office of Nuclear Reactor Regulation,  
(301) 415-4117, e-mail: Barry.Miller@nrc.gov

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

**Docket ID:** NRC-2007-0014

**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.

**Final Action:** 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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**18. Petitioner/Petition Docket Number:** Raymond A. Crandall (PRM-50-87)

**Docket ID:** NRC-2007-0016

**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.

**Final Action:** 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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**19. Petitioner/Petition Docket Number:** Natural Resources Defense Council (PRM-50-90)

**Docket ID:** NRC-2008-0279

**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.

**Final Action:** 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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**20. Petitioner/Petition Docket Number:** James Luehman (PRM-50-92)

**Docket ID:** NRC-2008-0492

**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.

**Final Action:** 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:** Geary S. Mizuno, Office of the General Counsel,  
(301) 415-1639, e-mail: Geary.Mizuno@nrc.gov

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

**Docket ID:** NRC-2000-0026

**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.

**Final Action:** 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 scheduled for FY 2009.

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

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**22. Petitioner/Petition Docket Number:** Brian Mann, Technical Specifications Task Force\* (PRM-170-6)

**Docket ID:** NRC-2008-0496

**Federal Register Citation:** N/A

**Subject:** Exemption from NRC review fees

**Summary:** The petitioner requests that the NRC amend its regulations to provide explicit exemption from NRC review fees for activities associated with generic improvement to the Improved Standard Technical Specifications.

**Final Action:** A notice of receipt was not published for this petition. This petition is being addressed in the rulemaking process. Resolution and closure of this petition is expected in February 2009.

**Agency Contact:** Rebecca Ericson, Office of the Chief Financial Officer,  
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<b>NRC FORM 335</b> (9-2004) NRCMD 3.7		<b>U.S. NUCLEAR REGULATORY COMMISSION</b>		<b>1. REPORT NUMBER</b> (Assigned by NRC, Add Vol., Supp., Rev., and Addendum Numbers, if any.)  <b>NUREG-0936</b> <b>Vol. 27, No. 2</b>					
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# **I-RULES**

Sections 1 - Rules

**A**

Action Completed Rules

**B**

Proposed Rules

**C**

Advance Notice - Proposed Rulemaking

**D**

Unpublished Rules

# **II PETITIONS**

Section II - Petitions for Rulemaking

**A**

Final Actions on Petitions for Rulemaking

**B**

Pending Petitions for Rulemaking