



NUREG-0936
Vol. 28, No. 1

NRC Regulatory Agenda

**Semiannual Report
January – June 2009**

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Preface

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 June 30, 2009. Section I, "Rules," includes: (A) rules on which final action has been taken since December 31, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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 December 31, 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). You may e-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677.

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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, Division of Administrative Services, 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: 1-800-368-5642), or e-mail Doris.Mendiola@nrc.gov. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

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(A) Final Rules

I-RULES

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A

Action Completed Rules

1. Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property (Part 37)

RIN: 3150-AI56

Docket ID: NRC-2009-0161

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 or diversion of category 1 and category 2 quantities of radioactive material. The new provisions will address background, physical security during use, and physical security during any transport of category 1 and category 2 quantities of material.

Final Action: Subsumed into RIN 3150-AI12

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

2. Power Reactor Security Requirements (Parts 50, 52, 72, and 73)

RIN: 3150-AG63

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

Abstract: The final rule amends the Commission's current security regulations and adds 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 final rule makes 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, adds 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; updates the regulatory framework in preparation for receiving license applications for new reactors; and imposes requirements to assess and manage site activities that can adversely affect safety and security. The final safety and security requirements 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 rulemaking also addresses 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 rulemaking also addresses a petition for rulemaking (PRM-73-13) regarding access to, and escort within the protected area of the nuclear power plant.

Final Action: Final Rule Published 03/27/09 74 FR 13926
Final Rule Effective 05/26/09

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

3. 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 show, 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 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 to show that the design can withstand the effects of an aircraft impact.

Final Action: Final Rule Published 06/12/09 74 FR 28112
Final Rule Effective 07/13/09

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Nanette Gilles, Office of New Reactors,
(301) 415-1180, e-mail: Nanette.Gilles@nrc.gov

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

RIN: 3150-AH68

Docket ID: NRC-2005-0011

Abstract: The final rule amends 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.

Final Action:

Final Rule Published	03/13/09	74 FR 10811
Final Rule Effective	04/13/09	

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

5. 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.

Final Action:

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	74 FR 1143

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

6. 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.

Final Action:	Direct Final Rule Published	11/21/08	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 Published	02/04/09	74 FR 5983

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

7. Revision of Fee Schedules; Fee Recovery for FY 2009 (Parts 170 and 171)

RIN: 3150-AI52

Docket ID: NRC-2008-0620

Abstract: The final rule amends the Commission's licensing, inspection, end 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:	Final Rule Published	06/10/09	74 FR 27642
	Final Rule Effective	08/10/09	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

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

(B) Proposed Rules

B

Proposed Rules

8. 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.

Final Action:	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

9. 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 at International Atomic Energy Agency (IAEA) Category 3 threshold values. 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. In a Staff Requirements Memorandum dated June 30, 2009, the Commission was unable to reach a decision

on the staff's recommendation to publish the final rule and, therefore, the recommendation was not approved.

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

10. 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.

Final Action:	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	03/00/10	

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

11. 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 attestors and supervisors for individuals seeking authorizations on NRC licensees.

Final Action: Direct Final Rule Published 07/14/09

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

12. 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 related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

Final Action: 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

13. 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 August 2009. The staff discussed the revised proposed rule with the ACRS on May 6-7, 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	08/10/09	

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

14. Alternate 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	11/00/09	

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

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

RIN: 3150-AI37

Docket ID: NRC-2009-0014

Abstract: The proposed 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:	Proposed Rule Published	06/02/09	74 FR 26303
	Comment Period Closed	08/17/09	
	Final Rule Published	03/00/10	

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

16. 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.

Final Action:	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	12/00/09	

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

17. Enhancements to Emergency Preparedness Regulations and Guidance (Parts 50 and 52)

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.

Final Action:	Proposed Rule Published	05/18/09	74 FR 23254
	Comment Period Closed	08/03/09	
	Extension of Comment Period Published	06/11/09	74 FR 27724

Extension of Comment Period Closed	10/19/09
Final Rule Published	09/00/10

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

18. 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

19. 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

20. 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

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

RIN: 3150-AI60

Docket ID: NRC-2009-0132

Abstract: This direct final rule amends the Commission's regulations by revising the Holtec International HI-STORM cask design listing to include Amendment No. 6 to the Certificate of Compliance (CoC). This amendment will modify the CoC to add instrument tube tie rods used for pressurized water reactor 15x15 and 17x17 fuel lattices, for both intact and damaged fuel assemblies, to the approved contents of the MPC-24, MPC-24E, MPC-24EF, MPC-32, and MPC-32F models; and to correct legacy editorial issues in Appendices A and B Technical Specifications.

Final Action:	Direct Final Rule Published	06/02/09	74 FR 26285
	Direct Final Rule Effective	08/17/09	
	Proposed Rule Published	06/02/09	74 FR 26310
	Comment Period Closed	07/02/09	
	Confirmation of Effective Date Published	08/11/09	

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: Standardized NUHOMS® System, Revision 10* (Part 72)

RIN: 3150-AI62

Docket ID: NRC-2009-0162

Abstract: The direct final rule amends the Commission's regulations by revising the Transnuclear, Inc., Standardized NUHOMS® System, listing to include Amendment No. 10 to the Certificate of Compliance (CoC). This amendment will modify the CoC to add a dry shielded canister (DSC) designated the NUHOMS®-61BTH DSC; add a dry shielded canister designated the NUHOMS®-32PTH1 DSC; add an alternate high-seismic option of the horizontal storage module for storing the 32PTH1 DSC; allow storage of Westinghouse 15x15 Partial Length Shield Assemblies in the NUHOMS®-24PTH DSC; and allow storage of Control Components in the NUHOMS®-32PT DSC, and add a new Technical Specification, which applies to Independent Spent Fuel Storage Installation sites located in a coastal marine environment, that any load bearing carbon steel component which is part of the HSM must contain at least 0.20 percent copper as an alloy addition.

Final Action:	Direct Final Rule Published	06/10/09	74 FR 27423
	Direct Final Rule Effective	08/24/09	
	Proposed Rule Published	06/10/09	74 FR 27469
	Comment Period Closed	07/10/09	
	Confirmation of Effective Date Published	08/11/09	

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.

Final Action:	Proposed Rule Published	09/03/08	73 FR 51378
	Comment Period Closed	10/20/08	
	Final Rule Published	11/00/09	

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

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

RIN: 3150-A116

Docket ID: NRC-2008-0567

Abstract: The proposed rule would amend the Commission's regulations to update, clarify, and correct several provisions in Part 110 to improve NRC's regulatory framework for the export and import of nuclear equipment, material, and radioactive waste. Among other revisions, the proposed rule would clarify and correct the regulations addressing the general license for the export of byproduct material, revise the definition of "radioactive waste," and modify the regulations governing the export and import of Category 1 and Category 2 quantities of radioactive materials listed in Appendix P to 10 CFR Part 110.

Final Action:	Proposed Rule Published	06/23/09	74 FR 29614
	Comment Period Closed	09/08/09	
	Final Rule Published	06/00/10	

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

(C) Advance Notices of Proposed Rulemaking

C

Advance Notice - Proposed
Rulemaking

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

RIN: 3150-AG89

Docket ID: NRC-2001-0012

Abstract: The advance notice of proposed rulemaking (ANPR) 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.

Final Action:	ANPR 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

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

RIN: 3150-AH42

Docket ID: NRC-2008-0332

Abstract: The advanced notice of proposed rulemaking (ANPR) 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-of-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 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: ANPR Published 08/13/09

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) 415-1117, e-mail: Barry.Miller@nrc.gov

27. 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 (ANPR) would provide a new set of risk-informed, performance-based requirements for nuclear power plants. The Commission approved the staff's recommendation to defer rulemaking for risk-informed and performance-based part 50 reactor requirements for advanced reactors until after the development of the licensing strategy for the Next Generation Nuclear Plant (NGNP), or receipt of an application for a Pebble Bed modulator Reactor design certification or combined license. The Commission directed the staff to provide a recommendation on initiating rulemaking 6 months after the development of the licensing

strategy for the NGNP is finalized. The staff informed the Commission that it will defer rulemaking until after NGNP licensing test review (approximately 2015-2017).

Final Action:	ANPR Published	05/04/06	71 FR 26267
	Comment Period Closed	12/29/06	
	Proposed Rule Published	Undetermined	

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

28. 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 (ANPR) 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.

Final Action:	ANPR 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

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

RIN: 3150-AI25

Docket ID: NRC-2008-0619

Abstract: The advanced notice of proposed rulemaking (ANPR) would amend the Commission's regulations to require a finger-print 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 ANPR requesting public comment on several positions of interest pertaining to Research and Test Reactors before initiating rulemaking.

Final Action:	ANPR Published	04/14/09	74 FR 17115
	Comment Period Closed	06/15/09	
	Proposed Rule Published	01/00/10	

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

30. Variable Annual Fee Structure for Power Reactors (Part 171)

RIN: 3150-AI54

Docket ID: NRC-2008-0664

Abstract: The advanced notice of proposed rulemaking (ANPR) 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:	ANPR Published	03/25/09	74 FR 12735
	Comment Period Closed	06/08/09	

Proposed Rule Published 11/00/09

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

(D) Unpublished Rules

D

Unpublished Rules

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

32. 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

33. 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

34. 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

35. Material Control and Accounting of Special Nuclear Material* (Parts 20, 40, 50, 63, 70, 74, 76, and 110)

RIN: 3150-AI61

Docket ID: NRC-2009-0096

Abstract: The proposed rule would amend the Commission's regulation by existing regulatory program to incorporate regulatory improvements to the Material Control and Accounting (MC&A) program, including regulatory requirements and licensing and inspection practices.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

36. 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

37. 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 07/00/10

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

38. Fitness-For-Duty (HHS Requirements)*(Part 26)

RIN: 3150-AI67

Docket ID: NRC-2009-0225

Abstract: The direct final rule will amend the Commission's regulations to correct technical errors associated with drug testing requirements and enhance the alignment of 10 CFR Part 26 drug testing requirements with those issued by the Department of Health and Human Services (HHS). This rule would enhance consistency with advances in similar rules and guidelines, including, but not limited to HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. This rule would strengthen the effectiveness of fitness-for-duty programs at nuclear power plants (and other subject NRC licensees/applicants) to help ensure that these facilities are secure and safely operated and maintained.

Final Action: Direct Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Paul W. Harris, Office of Nuclear Security and Incident Response,
(301) 415-1169; e-mail: Paul.Harris@nrc.gov

39. 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 11/00/09

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

40. Physical Protection of Byproduct Material (Part 30, 32, 33, 34, 35, 37, 39, 51, 71, 73, and 150)

RIN: 3150-AI12

Docket ID: NRC-2008-0120

Abstract: The proposed rule would amend the Commission's regulations to put in place security requirements for the use of category 1 and category 2 quantities of radioactive material. The objective of this proposed amendment is to ensure that effective security measures are in place for the protection of category 1 and category 2 quantities of radioactive material against the possibility of the dispersion of radioactive material for malevolent purposes. The proposed amendment would also address background investigations and access controls, enhanced security for use, and transportation security for category 1 and category 2 quantities of radioactive material. This rulemaking subsumes RIN-3150-AI56, "Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property (Part 37)."

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) 415-8126, e-mail: Merri.Horn@nrc.gov

41. 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 contained in a generally licensed device to below one-tenth (1/10) of the International Atomic Energy Agency (IAEA) Category 3 thresholds. The NRC is also proposing to further clarify the requirements that apply when a device authorized to be used under the general

license is instead held under a specific license. 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 08/03/09

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

42. Preceptor Attestation Requirements* (Part 35)

RIN: 3150-AI63

Docket ID: NRC-2009-0175

Abstract: The proposed rule would amend the Commission's regulations to make amendments requested in the Division of Materials Safety and State Agreements (DMSSA) user need memo, consider training and experience requirements requested in PRM-35-20, and clarify preceptor attestation requirements.

Timetable: Proposed Rule Published Undetermined

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

43. 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 04/00/10

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

44. 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. Publication of the proposed rule is being delayed while the NRC considers options to remove NRC regulatory jurisdiction from this area.

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

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

RIN: 3150-A140

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 06/00/10

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

46. Integrated Safety Analysis for Uranium Conversion and Deconversion Facilities (Part 40)

RIN: 3150-A150

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 02/00/10

Legal Authority: 42 USC 2201; 42 USC 5841

In SECY-00-0145, dated June 28, 2000, the NRC staff recommended a decommissioning rulemaking plan in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit (the integrated decommissioning rulemaking plan). The rulemaking plan relied on a draft decommissioning risk study as the basis for its recommendations. The Commission returned the rulemaking plan to the staff for rework in September 2000, based on changes to the decommissioning risk study findings. The decommissioning risk study, NUREG-1738, was issued in January 2001. After assessing the findings in the risk study, the staff presented a policy options paper to the Commission, SECY-01-0100, dated June 4, 2001, that provided options and made recommendations on issues to be addressed in the integrated rulemaking. Following the terrorist events of September 11, 2001, the NRC staff recommended and the Commission approved the withdrawal of SECY-01-0101 because of the likely changes in the staff's position on decommissioning plant safeguards. The decommissioning policy position will be revisited when a broad-scope NRC safeguards policy is developed in response to potential terrorist acts at nuclear facilities. The schedule for the integrated rulemaking cannot be determined at this time.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

49. 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

**50. 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

**51. 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

52. 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

53. 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 07/31/09

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

54. 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 07/05/09

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

55. Part 52 Supplemental Rule* (Part 52)

RIN: 3150-AI66

Docket ID: NRC-2009-0196

Abstract: The proposed rule would amend the Commission's regulations to Part 52 to provide clarifications and various minor revisions and incorporate lessons learned during reviews of design certification and combined license applications.

Final Action: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Nanette Gilles, Office of New Reactors,
(301) 415-1180, e-mail: Nanette.Gilles@nrc.gov

56. Administrative Changes* (Parts 55 and 76)

RIN: 3150-AI69

Docket ID: NRC-2009-0242

Abstract: The final rule amends the Commission's regulations to clarify the term "Under the Influence," and to correct an erroneous citation.

Final Action: Final Rule Published 09/03/09

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

57. 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 03/00/10

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

58. 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.

Final Action: Preliminary Draft Rule Language Published 09/15/09

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

59. List of Approved Spent Fuel Storage Casks: HI-STORM 100U, Revision 7 (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 11/00/09

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

60. List of Approved Spent Fuel Storage Casks: HI-STORM 100, Revision 7* (Part 72)

RIN: 3150-AI71

Docket ID: NRC-2009-0349

Abstract: The direct final rule will amend the Commission's regulations to add Revision 7 to the Holtec International HI-STORM 100 dry cask storage system to add the HI-STORM 100 system to the HI-STORM 100 cask systems in 10 CFR 72.214. This system allows for the underground storage of dry spent nuclear fuel (SNF) by utilizing an underground vertical ventilated module that can accept certain Holtec multipurpose canisters previously certified for storage of SNF in the aboveground HI-STORM system. This amendment also revises the relevant technical specifications (TS) for damaged fuel and fuel debris, and incorporates minor editorial corrections in the TS.

Final Action: Direct Final Rule Published Undetermined

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

61. 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

62. Safeguarding Shipments of Spent Fuel* (Part 73)

RIN: 3150-AI64

Docket ID: NRC-2009-0163

Abstract: The proposed rule would amend the Commission's regulations by revising the security (physical protection) requirements that are designed to provide reasonable assurance of preventing the theft or diversion of spent fuel shipments. The revisions will codify the security requirements that were developed subsequent to the September 11, 2001, attacks.

Timetable: Proposed 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

63. Access Authorization and Physical Protection Requirements For Nuclear Power Plant Construction* (Part 73)

RIN: 3150-AI65

Docket ID: NRC-2009-0195

Abstract: The proposed rule would amend the Commission's regulations by providing access authorization and physical protection requirements for nuclear power plant construction. The rule would be consistent with the Nuclear Energy Institute (NEI) 03-12 (generic power reactor security plan template), Appendix F, "Security Measures During New Reactor Construction," (Revision 2) proposal.

Final Action: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Fred Schofer, Office of New Reactors,
(301) 415-5682, e-mail: Fred.Schofer@nrc.gov

64. Sabotage of Nuclear Facilities, Fuel or Designated Material* (Part 73)

RIN: 3150-AI68

Docket ID: NRC-2009-0227

Abstract: Section 655 of the Energy Policy Act of 2005, requires the NRC to implement requirements for criminal sanctions for sabotage of commercial nuclear facilities, fuel, and Commission designated material or property not previously covered. The staff is developing the

proposed rule to implement these requirements. Additional classes of radioactive material or property not specifically mandated in the statute may be included in this rulemaking.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

65. Revision of Fee Schedules; Fee Recovery for FY 2010* (Parts 170 and 171)

RIN: 3150-AI70

Docket ID: NRC-2009-0333

Abstract: The proposed rule amends the Commission's licensing, inspection, and annual fees charged to U.S. Nuclear Regulatory Commission (NRC) licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for fiscal year (FY) 2010, less the amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities, as required by the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended.

Based on the NRC FY 2010 budget submitted to the Congress, the NRC's required fee recovery amount for the FY 2010 budget is approximately \$887.2 million. After accounting for billing adjustments (i.e., expected unpaid invoices, payments for prior year invoices), the total amount to be billed as fees is \$881.4 million. The OBRA-90, as amended, requires that the fees for FY 2010 be collected by September 30, 2010.

Timetable: Proposed Rule Published 03/00/10

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

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

**(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:** 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 resolution and closure of petition docket was published in the Federal Register on January 28, 2009 (74 FR 4911).

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

2. **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 resolution and closure of petition docket was published in the Federal Register on April 13, 2009 (74 FR 16802).

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

- 3. 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 denying this petition was published in the Federal Register on January 29, 2009 (74 FR 5187).

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

- 4. 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 denying this petition was published in the Federal Register on January 26, 2009 (74 FR 4346).

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

5. Petitioner/Petition Docket Number: Raymond A. West* (PRM-50-89)

Docket ID: NRC-2007-0018

Federal Register Citation: N/A

Subject: Domestic licensing of production and utilization facilities at nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations that govern domestic licensing of production and utilization facilities at nuclear power plants. Specifically, the petitioner is requesting that the regulations that govern codes and standards at nuclear power plants be amended to provide applicants and licensees a process for requesting NRC approval of changes or modifications to American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) cases that are listed in the relevant NRC-approved regulatory guides cited in the current regulations. The petitioner believes that the current requirements do not allow changes or modifications to be proposed as alternatives to NRC-approved ASME Code cases. This action provides notice that the NRC will consider the petitioner's request in the NRC's rulemaking process

Final Action: A notice of resolution and closure of petition docket was published in the Federal Register on April 22, 2009 (74 FR 18303).

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

6. 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 denying this petition was published in the Federal Register on February 17, 2009 (74 FR 7382).

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

**(B) Pending Petitions for
Rulemaking**

B

Pending Petitions for Rulemaking

7. **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

8. **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

9. 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 August 2009.

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

10. 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: Kimberly A. Sexton, Office of the General Counsel,
(301) 415-1151, e-mail: Kimberly.Sexton@nrc.gov

11. Petitioner/Petition Docket Number: Nuclear Energy Institute* (PRM-70-8)

Docket ID: NRC-2009-0184

Federal Register Citation: June 6, 2009 (74 FR 26814)

Subject: Event reporting requirements

Summary: The petitioner requested that the Commission amend its regulations to clarify the existing event reporting requirements based on experience gained since the requirements were implemented in 2000.

Final Action: A notice of receipt for this petition was published in the Federal Register on June 6, 2009 (74 FR 26814). The public comment period closed on August 18, 2009. Resolution of the petition is undetermined.

Agency Contact: Thomas F. Young, Office of Federal and State Materials and Environmental Management Programs,
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12. Petitioner/Petition Docket Number: C-10 Research and Education Foundation, Inc.*
(PRM-72-6)

Docket ID: NRC-2008-0649

Federal Register Citation: March 3, 2009; (74 FR 9178)

Subject: Requirements for the independent storage of spent nuclear fuel, etc.

Summary: The petitioner requested that the Commission amend its regulations that govern licensing requirements for the independent storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than class C waste. The petitioner believes that the current regulations do not provide sufficient requirements for safe storage of spent nuclear fuel in dry cask storage or in independent spent fuel storage installations (ISFSIs). The petitioner states that the NRC does not adequately enforce the current regulations that govern dry cask storage by allowing manufacturers, vendors, and licensees to use alternatives to the American Society of Mechanical Engineers (ASME) Code. The petitioner also states that the NRC has not specified license requirements for multiple cask designs under different expiration dates at the same ISFSI, has not adequately considered age-related degradation of dry cask systems, and has no requirements in place to address sabotage and adverse environmental effects on ISFSIs and current and future dry cask storage systems.

Final Action: A notice of receipt for this petition was published in the Federal Register on March 3, 2009 (74 FR 9178). The public comment period closed on May 18, 2009. Resolution of the petition is undetermined.

Agency Contact: Jeffery A. Lynch, Office of Federal and State Materials and Environmental Management Programs,
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13. 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,
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<p>NRC FORM 335 (9-2004) NRCMD 3.7</p> <p style="text-align: center;">BIBLIOGRAPHIC DATA SHEET <i>(See instructions on the reverse)</i></p>	<p>1. REPORT NUMBER (Assigned by NRC, Add Vol., Supp., Rev., and Addendum Numbers, if any.)</p> <p style="text-align: center;">NUREG-0936 Vol. 28, No.1</p>	
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<p>10. SUPPLEMENTARY NOTES</p>		
<p>11. ABSTRACT <i>(200 words or less)</i></p> <p>The NRC Regulatory Agenda is a compilation of all rules on which NRC has recently completed action, or has proposed action, or is considering action, and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued semiannually.</p>		
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