



NUREG-0936
Vol. 29, No. 2

NRC Regulatory Agenda

**Semiannual Report
July – December 2010**

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NRC Regulatory Agenda

Semiannual Report July – December 2010

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Preface

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

NUREG-0936, Volume 29, Number 2, July – December 2010, will be the final publication of the NRC Regulatory Agenda. The most current information on Rules may be found at <http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/published-rules-by-year.html> and the most current information on Petitions for Rulemaking may be found at <http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/petitions-by-year.html>.

Organization of the Agenda

The agenda consists of two sections that have been updated through December 31, 2010, Section I, "Rules," includes: (A) rules on which final action has been taken since June 30, 2010, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes: (A) final actions on petitions for rulemaking since June 30, 2010; 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* (Title 10 or 10 CFR). 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 Web site <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, or the Chief Financial Officer 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 issues raised in a PRM, 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 PRMs that appear in the agenda for the first time are identified by an asterisk (*).

Public Participation in Rulemaking

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

You may also provide comments via the Federal eRulemaking Portal (<http://www.regulations.gov>) by following instructions for submitting comments. For information on NRC rulemaking dockets contact Ms. Carol Gallagher, telephone: 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, Rules, Announcements, 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

Section I - Rules

A

Action Completed Rules

1. Miscellaneous Administrative Changes (Parts 2, 10, 20, 25, 26, 30, 34, 40, 50, 54, 70, 71, 72, 95, 110, and 150)

RIN: 3150-AH49

Docket ID: NRC-2009-0085

Abstract: The final rule amends the Commission's regulations to make miscellaneous administrative changes, including an update of the list of Agreement and Non-Agreement States, the merging of the Region II materials program with that of Region I, the correction of office titles associated with the Office of Nuclear Material Safety and Safeguards and the Office of Federal and State Materials and Environmental Management Programs, the inclusion of references to new Executive Order 13526, and other edits, corrections, and conforming changes. This document is necessary to inform the public of these changes to the NRC's regulations.

Final Action:	Final Rule Published	11/30/10	75 FR 73935
	Final Rule Effective	12/30/10	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Angella Love-Blair, Office of Administration,
(301) 492-3671; e-mail: Angella.Love-Blair@nrc.gov

2. Public Records (Part 9)

RIN: 3150-AI87

Docket ID: NRC-2010-0157

Abstract: The final rule amends the Commission's regulations by changing its fees for searching and reviewing agency records by NRC personnel. This document is necessary to inform the public of these changes.

Timetable:	Final Rule Published	07/16/10	75 FR 41368
	Final Rule Effective	08/16/10	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Becky Wood, Office of Information Services,
(301) 415-6968; e-mail: Becky.Wood@nrc.gov

3. Domestic Licensing of Production and Utilization Facilities; Updates to Incorporation by Reference of Regulatory Guides (Part 50)

RIN: 3150-AI37

Docket ID: NRC-2009-0014

Abstract: The final rule amends 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 draft guide (DG) 1134 and design, fabrication, and materials (DG-1133) in nuclear power reactors.

Final Action:	Final Rule Published	10/05/10	75 FR 61321
	Final Rule Effective	11/04/10	

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

4. Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation and Waste Confidence Decision Update (Part 51)

RIN: 3150-AI47

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

Abstract: The final rule amends 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:	Final Rule Published	12/23/10	75 FR 81032
	Final Rule Effective	01/24/11	

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
Lisa G. London, Office of the General Counsel,
(301) 415-3233; e-mail: Lisa.London@nrc.gov

5. List of Approved Spent Fuel Storage Casks: NUHOMS® HD System, Revision 1 (Part 72)

RIN: 3150-AI75

Docket ID: NRC-2009-0538

Abstract: This direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Transnuclear, Inc. (TN) NUHOMS® HD System dry cask storage system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to Certificate of Compliance (CoC) Number 1030. Amendment No. 1 will modify the CoC to add Combustion Engineering 16x16 class fuel assemblies as authorized contents, reduce the minimum ambient temperature from -20°F to -21°F, expand the authorized contents of the NUHOMS® HD System to include pressurized water reactor fuel assemblies with control components; reduce the minimum initial enrichment of fuel assemblies from 1.5 weight percent uranium-235 to 0.2 weight percent uranium-235; clarify the requirements of reconstituted fuel assemblies, add requirements to qualify metal matrix composite neutron absorbers with integral aluminum cladding, delete use of nitrogen for draining the water from the dry shielded canister (DSC), and allow only helium as a cover gas during DSC cavity water removal operations; and make corresponding changes to the technical specifications.

Final Action:	Direct Final Rule Published	05/06/10	75 FR 24786
	Direct Final Rule Effective	07/20/10	
	Proposed Rule Published	05/07/10	75 FR 25120
	Comment Period Closed	06/07/10	
	Direct Final Rule Withdrawal	07/16/10	75 FR 41369

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 System, Revision 1 (Part 72)

RIN: 3150-AI86

Docket ID: NRC-2010-0140

Abstract: The direct final rule amends the Commission's regulations to its spent fuel storage regulations by revising the NAC International Inc. MAGNASTOR System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to Certificate of Compliance Number 1031. Amendment No. 1 to the MAGNASTOR System CoC will change technical

specifications (TS) related to neutron absorber qualification and acceptance testing. Specifically, the amendment will revise TS 4.1.1.b and incorporate by reference into the MAGNASTOR CoC, Sections 10.1.6.4.5, 10.1.6.4.6, 10.1.6.4.7, and 10.1.6.4.8 of the Final Safety Analysis Report regarding acceptance testing of borated aluminum alloy and borated metal matrix composite neutron absorber material. This amendment will also include other changes in Appendices A and B of the TS to incorporate minor editorial changes.

Timetable:	Direct Final Rule Published	06/15/10	75 FR 33678
	Direct Final Rule Effective	08/30/10	
	Proposed Rule Published	06/15/10	75 FR 33736
	Comment Period Closed	07/15/10	
	Confirmation of Effective Date Published	08/16/10	75 FR 49813

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,
(301) 415-6219; e-mail: Jayne.McCausland@nrc.gov

7. List of Approved Spent Fuel Storage Casks: NAC-MPC System, Revision 6 (Part 72)

RIN: 3150-AI88

Docket ID: NRC-2010-0183

Abstract: The direct final rule amends the Commission's regulations by revising the NAC International, Inc., NAC-MPC System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 6 to Certificate of Compliance Number 1025. Amendment No. 6 includes changes to the configuration of the NAC-MPC storage system as noted in Appendix B of the Technical Specifications.

Timetable:	Direct Final Rule Published	07/21/10	75 FR 42292
	Direct Final Rule Effective	10/04/10	
	Proposed Rule Published	07/21/10	75 FR 42339
	Comment Period Closed	08/20/10	
	Confirmation of Effective Date Published	09/23/10	75 FR 57841

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,
(301) 415-6219; e-mail: Jayne.McCausland@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 decommissioning financial assurances and more detailed reporting by licensees of their decommissioning cost estimates. This rule was previously reported under RIN 3150-AH45.

Final Action:	Proposed Rule Published	01/31/08	73 FR 3811
	Comment Period Closed	04/07/08	
	Extension of Commend Period Published	03/20/08	73 FR 14946
	Comment Period Closed	05/08/08	
	Final Rule Published	05/00/11	

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

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 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.

NRC Regulatory Agenda**Proposed Rules**

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

10. 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, and redefine categories of devices to be used under exemption.

Final Action:	Proposed Rule Published	06/24/10	75 FR 36211
	Comment Period Closed	09/07/10	
	Final Rule Published	02/00/12	

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

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

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 is to ensure that effective security measures are in place to prevent 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	06/15/10	75 FR 33901
	Comment Period Closed	10/13/10	
	Extension of Comment Period Published	10/08/10	75 FR 62330
	Comment Period Closed	01/18/11	
	Final Rule Published	06/00/12	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

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

12. Licenses, Certifications, and Approvals for Material Licensees (Parts 30, 36, 39, 40, 51, 70, and 150)

RIN: 3150-AI79

Docket ID: NRC-2010-0075

Abstract: The proposed rule would amend the Commission’s regulations to resolve inconsistencies that currently exist between various parts of 10 CFR with respect to the terms “construction” and “commencement of construction.” This action would also correct a typographical error in 10 CFR Part 39.

Timetable:	Proposed Rule Published:	07/27/10	75 FR 43865
	Comment Period Closed	09/27/10	
	Comment Period Reopened	09/30/10	75 FR 60341
	Comment Period Closed	11/29/10	
	Final Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Tracey L. Stokes, Office of the General Counsel,
(301) 415-1064; e-mail: Tracey.Stokes@nrc.gov

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

RIN: 3150-AI33

Docket ID: NRC-2008-0272

Abstract: The proposed rule would amend the Commission's regulations to limit the quantity of byproduct material in generally licensed devices to below one-tenth (1/10) of the International Atomic Energy Agency Code of Conduct's Category 3 threshold. The rule also would modify the compatibility categories contained in the current regulations (10 CFR 31.5 and 31.6) from "B" to "C." The Commission disapproved the publication of the final rule, but approved the change in compatibility categories for 10 CFR 31.5 and 31.6.

Final Action:	Proposed Rule Published	08/03/09	74 FR 38372
	Comment Period Closed	10/19/09	
	Final Rule Published	Undetermined	

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

14. 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	

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Extension of Comment Period Published	10/06/08	73 FR 58063
Comment Period Closed	11/07/08	
Proposed Rule Republished	Undetermined	
Final 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

15. 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

16. Distribution of Source Material to Exempt Persons and General Licensees and Revision of General License and Exemptions (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 Petition for Rulemaking, PRM-40-27, submitted by the State of Colorado and Organization of Agreement States.

Final Action:	Proposed Rule Published	07/26/10	75 FR 43425
	Comment Period Closed	11/23/10	
	Extension of Comment Period Published	11/18/10	75 FR 70618
	Comment Period Closed	02/15/11	
	Final Rule Published	12/00/11	

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

17. Requirements for Fingerprint-Based Criminal History Records Checks for Individuals Seeking Unescorted Access to Research or Test Reactors (Part 73)

RIN: 3150-AI25

Docket ID: NRC-2008-0619

Abstract: The proposed rule would amend the Commission's regulations to require research and test reactor licensees (also called nonpower reactor licensees) to obtain a fingerprint-based criminal history records check before granting any individual unescorted access to their facilities. This action is necessary to comply with the requirements of Section 652 of the Energy Policy Act of 2005, which amended Section 149 of the Atomic Energy Act of 1954, as amended, to require fingerprinting and a Federal Bureau of Investigation identification and a criminal history records check of any person who is permitted unescorted access to a utilization facility. The comment period was reopened following an external stakeholder request.

Final Action:	Proposed Rule Published	07/20/10	75 FR 4200
	Comment Period Closed	10/04/10	
	Comment Period Reopened	12/20/10	75 FR 79312
	Comment Period Closed	01/31/11	
	Final Rule Published	12/00/11	

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

18. 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 into 10 CFR 50.55a of the Commission's regulations the 2005 through 2008 Addenda of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Final Action:	Proposed Rule Published	05/04/10	75 FR 24324
	Comment Period Closed	07/19/10	
	Final Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

19. Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements (Parts 50 and 52)

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 break size. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy Institute (NEI) (PRM-50-75). The final rule was provided to the Commission on December 10, 2010, in SECY-10-0161.

The NRC staff provided an initial draft final rule 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 transition break size. The 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 in August 2009. The staff discussed the revised proposed rule with the ACRS on May 6-7, 2009, and then published the rule on August 10, 2009 (74 FR 40006). On September 24, 2009, in response to a request from NEI, the NRC extended the public comment period by 120 days to close on January 22, 2010 (74 FR 48667). The NRC evaluated the public comments and prepared draft final rule language which was posted on Regulations.gov on May 12, 2010. A public meeting was held on June 4, 2010, to discuss resolution of public comments and the draft rule language. The staff discussed the rule with the ACRS in September and October of 2010. In its letter of October 20, 2010, the ACRS concluded that the rule was an acceptable alternative for operating reactors. The final rule was provided to the Commission on December 10, 2010 (SECY-0161).

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Final Action:	Proposed Rule Published	11/07/05	70 FR 67597
	Comment Period Closed	02/06/06	
	Extension of Comment Period Published	01/25/06	71 FR 4061
	Comment Period Closed	03/08/06	
	Supplemental Proposed Rule Published	08/10/09	74 FR 40006
	Comment Period Closed	09/24/09	
	Extension of Comment Period Published	09/24/09	74 FR 48667
	Comment Period Closed	01/22/10	
	Final Rule Published		Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

20. 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. It would codify certain voluntary protective measures that appear in NRC's Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events," dated July 18, 2005, and other generically applicable requirements similar to those previously imposed by Commission orders. In addition, the proposed rule would amend other licensee emergency plan requirements based on a comprehensive review of the NRC's Emergency Preparedness (EP) regulations and guidance. The requirements (1) enhance a licensee's ability to prepare and take certain EP actions and protective measures in the event of a radiological emergency; (2) address, in part, security-related EP issues identified after the terrorist events of September 11, 2001; (3) clarify regulations to effect consistent emergency plan implementation among licensees; and (4) modify certain EP requirements to be more effective and efficient.

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 12/00/11

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

21. 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 petitioner's 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

22. 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	74 FR 38117
	Comment Period Closed	10/14/09	
	Extension of Comment Period Published	10/07/09	74 FR 51522
	Extension of Comment Period Closed	01/12/10	
	Final Rule Published	02/00/12	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

23. U.S. Advanced Boiling Water Reactor (ABWR) Aircraft Impact Design Certification Amendment (Part 52)

RIN: 3150-AI84

Docket ID: NRC-2010-0134

Abstract: The proposed rule would amend the Commission's regulations in Appendix A, "Design Certification Rule for the U.S. Advanced Boiling Water Reactor" to 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," to comply with 10 CFR 50.150, "Aircraft Impact Assessment." Applicants or licensees intending to construct and operate a nuclear power plant using the ABWR design may comply with 10 CFR 50.150 by referencing the amended design certification rule.

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Timetable:	Proposed Rule Published	01/20/11	76 FR 3540
	Comment Period Closed	04/05/11	
	Final Rule Published	12/00/11	

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**24. 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. Due to budget constraints in the High-Level Waste program, the final rule is deferred until a later date.

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**25. 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 proposed rule would amend the Commission's regulations that govern packaging and transportation of radioactive material and physical protection of plants and materials. Specifically, the proposed amendments would require licensees to provide advance notification to Federally recognized Tribal governments regarding shipments of irradiated reactor fuel and certain nuclear wastes for any shipment that passes within or across their reservations. The Tribal government would be required to protect the shipment information as Safeguards Information.

Final Action:	Proposed Rule Published	12/06/10	75 FR 75641
	Comment Period Closed	02/22/11	
	Final Rule Published	12/0011	

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

26. 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 that govern licensing requirements for the independent storage of spent nuclear fuel. These proposed amendments include changes that would enhance the effectiveness and efficiency of the licensing process for spent nuclear fuel storage. Specifically, they would clarify the term limits for dry storage cask Certificates of Compliance (CoCs) and independent spent fuel storage installation (ISFSI) specific licenses. The proposed amendments would also provide consistency between the general and specific ISFSI license requirements, and allow general licensees subject to these regulations to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC.

Final Action:	Preliminary Draft Rule Language Published (PDRL)	08/04/08	73 FR 45173
	PDRL Comment Period Closed	03/31/08	
	Proposed Rule Published	09/15/09	74 FR 47126
	Comment Period Closed	11/30/09	
	Final Rule Published		Undetermined

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

27. Physical Protection of Irradiated Reactor Fuel In Transit (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, diversion, or radiological sabotage of spent fuel shipments. The proposed rule would establish and update generically applicable security requirements similar to those previously imposed by the Commission's orders issued after the September 11, 2001, terrorist attacks.

Timetable:	Proposed Rule Published	10/13/10	75 FR 62695
	Comment Period Closed	01/11/11	
	Extension of Comment Period Published	01/10/11	76 FR 1376
	Comment Period Closed	04/11/11	
	Final Rule Published	12/00/11	

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

(C) Advance Notices of Proposed Rulemaking (ANPRM)

C

Advance Notice - Proposed
Rulemaking

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

RIN: 3150-AG89

Docket ID: NRC-2001-0012

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

Final Action:	ANPRM Published	10/16/01	66 FR 52551
	ANPRM 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.O'Sullivan@nrc.gov

29. Performance-Based Emergency Core Cooling System Acceptance Criteria (Part 50)

RIN: 3150-AH42

Docket ID: NRC-2008-0332

Abstract: The ANPRM presents a conceptual approach that the NRC is considering in a rulemaking effort to revise the acceptance criteria for emergency core cooling systems (ECCSs) for light-water nuclear power reactors as currently required by NRC regulations that govern domestic licensing of production and utilization facilities. Revised ECCS acceptance criteria would reflect recent research findings which identified new embrittlement mechanisms for fuel rods with zirconium alloy cladding under loss-of-coolant conditions. Further, the NRC is considering an approach that would expand the applicability of the rule to all current and future cladding materials, modify the reporting requirements, and address the issues raised in a petition for rulemaking regarding crud and oxide deposits and hydrogen content in fuel cladding. With this ANPRM, the NRC seeks

comment on specific questions and issues for consideration related to this proposed conceptual approach to revising the ECCS acceptance criteria.

Final Action:	ANPRM Published	08/13/09	74 FR 40765
	ANPRM Comment Period Closed	10/27/09	
	Proposed Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Tara Inverso, Office of Nuclear Reactor Regulation,
(301) 415-1024; e-mail: Tara.Inverso@nrc.gov

30. Approach to Risk-Informed, Performance-Based Requirements for Nuclear Power Plants (Part 50)

RIN: 3150-AH81

Docket ID: NRC-2006-0008

Abstract: The ANPRM 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 Modular 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:	ANPRM Published	05/04/06	71 FR 26267
	ANPRM 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

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

RIN: 3150-AI54

Docket ID: NRC-2008-0664

Abstract: The ANPRM was published seeking comments from the public on a possible variable fee structure for Part 171 annual fees for power reactors based on licensed power limits. In SECY-09-0137 (October 13, 2009), the Commission approved the staff's recommendation to establish an NRC workgroup to analyze suggested methodologies for a variable annual fee structure for power reactors.

Final Action:	ANPRM Published	03/25/09	74 FR 12735
	Comment Period Closed	06/08/09	
	Proposed Rule Published	Undetermined	

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: Rebecca.Ericson@nrc.gov



(D) Unpublished Rules

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Unpublished Rules

32. 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 Undetermined

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

33. 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: Proposed Rule Published 02/28/11

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

34. ITAAC Maintenance (Parts 2 and 52)

RIN: 3150-AI77

Docket ID: NRC-2010-0012

Abstract: The proposed rule would amend the Commission's regulations related to verification of nuclear power plant construction activities through inspections, tests, analyses, and acceptance criteria (ITAAC) under a combined license. The new provisions would require licensees to (1) report new information materially altering the basis for determining that a prescribed inspection, test, or analysis was performed as required, or finding that a prescribed acceptance criterion is met; and (2) notify the NRC of completion of all ITAAC activities.

Final Action: Proposed Rule Published 03/00/11

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

35. 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

36. 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 regulations to revise and consolidate the current Material Control and Accounting 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: Thomas F. Young, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-5795; e-mail: Thomas.Young@nrc.gov

37. 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. Due to budget constraints in the High-Level Waste program, this proposed rule is deferred until a later date.

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

38. 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 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 Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

39. 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 10 CFR Part 26 drug testing requirements and enhance the alignment of these requirements with the guidance issued by the Department of Health and Human Services (HHS). The rule would enhance consistency with technical advances implemented in similar rules issued by the U.S. Departments of Transportation, Energy, and Defense. This rulemaking is significant because the drug testing provisions of 10 CFR Part 26 would be more aligned with other Federal agencies and it enables the correction of the technical and administrative errors that would result in improved drug testing and reduced regulatory burden. Although an Enforcement Guidance Memorandum regarding the disposition of violations has been issued and few industry concerns have been identified, the rulemaking will correct this particular technical error as well as others. There is little impact on the public and minimal impact on the industry since the inaccurate provisions are being effectively dispositioned by industry actions.

Final Action: Direct Final Rule Published 12/00/12

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

40. Preceptor Attestation Requirements (Part 35)

RIN: 3150-AI63

Docket ID: NRC-2009-0175

Abstract: The proposed rule would amend the Commission's medical use regulations in Part 35 as requested in the Division of Materials Safety and State Agreements' user need memos,

consider training and experience requirements requested in Petition for Rulemaking, PRM-35-20, and revise 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: Neelam Bhalla, Office of Federal and State Materials and
Environmental Management Programs,
(301) 415-6843; e-mail: Neelam.Bhalla@nrc.gov

41. Uranium in Drinking Water (Part 40)

RIN: 3150-AH97

Docket ID: NRC-2009-0086

Abstract: The proposed rule would amend the Commission's regulations to include a new general license for a community water system (CWS), that during the treatment of drinking water, may accumulate and concentrate naturally-occurring uranium in media, effluents, and other residuals, above 0.05 percent by weight. This rulemaking is being delayed while NRC evaluates the possibility of removing this type of activity from NRC's jurisdiction. In the meantime, a CWS may choose to operate under the enforcement discretion policy discussed in Regulatory Issue Summary RIS-06-020, "Guidance for Receiving Enforcement Discretion When Concentrating Uranium at Community Water Systems," dated September 14, 2006.

Final Action: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AI40

Docket ID: NRC-2008-0421

Abstract: The proposed rule would amend the Commission's regulations to clarify the regulations in 10 CFR Part 40, Appendix A, "Criteria Relating to the Operation of Uranium Mills and

the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content," to better ensure groundwater protection at *in situ* leach uranium recovery facilities. The proposed rule would codify practices currently done through license condition to provide the industry and public with more predictability during the licensing process. The rulemaking is being delayed while the U.S. Environmental Protection Agency considers revision of the requirements in 40 CFR Part 192 (which provide the standards for NRC's byproduct regulations).

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

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

RIN: 3150-AI50

Docket ID: NRC-2009-0079

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

Final Action: Proposed Rule Published 06/00/11

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

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

RIN: 3150-AG47

Docket ID: NRC-2009-0083

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

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

45. Modifications to Pressure-Temperature Limits and Reactor Vessel Material Surveillance Program Requirements (Part 50)

RIN: 3150-AG98

Docket ID: NRC-2008-0582

Abstract: The proposed rule would amend the Commission's regulations in Part 50, Appendix G to provide a risk-informed option for determining the fracture toughness requirements for ferritic materials of the pressure-retaining components of the reactor coolant pressure boundary.

The proposed rule would also modify 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. Also, the proposed rule would amend Footnotes 2 and 6 to Table 1 of Appendix G, and simplify restructuring of the table. 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.

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

46. Decoupling of Assumed Loss of Offsite Power (LOOP) 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 LOOP/LOCA rule. On April 27, 2004, the Boiling Water Reactor (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." Upon this withdrawal, the NRC staff reevaluated the rulemaking effort. As a result of this reevaluation, the NRC staff recommended in SECY-09-0140, dated October 1, 2009, that this rulemaking effort be discontinued. A new recommendation will be provided to the Commission in December 2012. This rulemaking activity also considers the issues raised in a 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: Richard Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116; e-mail: Richard.Dudley@nrc.gov

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

RIN: 3150-AI72

Docket ID: NRC-2009-0359

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the latest revisions of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code Cases pertaining to Regulatory Guide (RG) 1.84, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III," Revision 36; RG 1.147, "In-service Inspection Code Case Acceptability, ASME Section XI, Division 1," Revision 17, and RG 1.192, "Operation and Maintenance Code Case Acceptability, ASME OM Code," Revision 1. This rulemaking would incorporate by reference the latest revisions of regulatory guides approving new and revised Code Cases published by the ASME as alternatives to requirements in the ASME BPV regarding the construction and in-service inspection of nuclear power plant components.

Final Action: Proposed Rule Published 06/00/11

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

48. Implementation of the New Reactor Licensing Process; Incorporation of Lessons Learned (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

49. AP1000 Design Certification Amendment (Part 52)

RIN: 3150-AI81

Docket ID: NRC-2010-0131

Abstract: The proposed rule would amend the Commission's regulations for the AP1000 design certification to replace combined license information and design acceptance criteria with specific design information, address compliance with the aircraft impact assessment rule, and incorporate design improvements resulting from detailed design efforts. Applicants or licensees intending to construct and operate a nuclear power plant using the AP1000 design as amended may do so by referencing this design certification rule.

Timetable: Proposed Rule Published 02/24/11

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Serita Sanders, Office of New Reactors,
(301) 415-2956; e-mail: Serita.Sanders@nrc.gov

50. U.S. Evolutionary Power Reactor (EPR) Design Certification Amendment (Part 52)

RIN: 3150-AI82

Docket ID: NRC-2010-0132

Abstract: The proposed rule would amend the Commission's regulations to Part 52 by issuing a new appendix for the initial certification of the U.S. Evolutionary Power Reactor standard plant design. Applicants or licensees intending to construct and operate a nuclear power plant using the EPR design may do so by referencing this design certification rule.

Timetable: Proposed Rule Published 05/00/12

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

51. U.S. Advanced Pressurized Water Reactor (US-APWR) Design Certification Amendment (Part 52)

RIN: 3150-AI83

Docket ID: NRC-2010-0133

Abstract: The proposed rule would amend the Commission's regulations to Part 52 by issuing a new appendix for the initial certification of the US-APWR standard plant design. Applicants or licensees intending to construct and operate a nuclear power plant using the US-APWR design may do so by referencing this design certification rule.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Sheryl A. Burrows, Office of New Reactors,
(301) 415-6086; e-mail: Sheryl.Burrows@nrc.gov

52. Economic Simplified Boiling-Water Reactor (ESBWR) Design Certification (Part 52)

RIN: 3150-AI85

Docket ID: NRC-2010-0135

Abstract: The proposed rule would amend the Commission's regulations to Part 52 by issuing a new appendix for the initial certification of the ESBWR standard plant design. Applicants or licensees intending to construct and operate a nuclear power plant using the ESBWR design may do so by referencing this design certification rule.

Timetable: Proposed Rule Published 03/00/11

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: George M. Tartal, Office of New Reactors,
(301) 415-0016; e-mail: George.Tartal@nrc.gov

53. Disposal of Unique Waste Streams* (Part 61)

RIN: 3150-AI92

Docket ID: NRC-2011-0012

Abstract: The proposed rule would amend the Commission's regulations to require operating and future low-level radioactive waste disposal facilities to conduct a performance assessment and an intruder assessment, to demonstrate compliance with performance objectives in 10 CFR Part 61 to enhance safe disposal of low-level radioactive waste. These analyses will identify any additional measures that would enhance adequate protection of public health and safety. The NRC is also proposing additional changes to the current regulations to reduce ambiguity, facilitate implementation, and to better align the requirements with current health and safety standards. This rule would affect existing and future low-level radioactive waste disposal facilities that are regulated by the NRC and the Agreement States.

Timetable: Proposed Rule Published Undetermined**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Andrew G. Carrera, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-1078; e-mail: Andrew.Carrera@nrc.gov

54. 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 2009 edition of the International Atomic Energy Agency (IAEA) Transportation Safety Standards, TS-R-1, and changes to the Department of Transportation (DOT) 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 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

55. List of Approved Spent Fuel Storage Casks: NUHOMS® HD System, Revision 1* (Part 72)

RIN: 3150-AI89

Docket ID: NRC-2011-0002

Abstract: The direct final rule amends the Commission's regulations by revising the Transnuclear, Inc., NUHOMS® HD System to include Amendment No. 1 to the Certificate of Compliance (CoC). Amendment No. 1 will revise the definitions for Damaged Fuel Assembly and Transfer Operations; add definitions for Fuel Class and Reconstituted Fuel Assembly; add Combustion Engineering 16x16 class fuel assemblies as authorized contents; reduce the minimum off-normal ambient temperature from -20°F to -21°F; expand the authorized contents of the NUHOMS® HD System to include pressurized water reactor fuel assemblies with control components; reduce the minimum initial enrichment of fuel assemblies from 1.5 weight percent uranium-235 to 0.2 weight percent uranium-235; clarify the requirements of reconstituted fuel assemblies; add requirements to qualify metal matrix composite neutron absorbers with integral aluminum cladding; clarify the requirements for neutron absorber tests; delete use of nitrogen for draining the water from the dry shielded canister (DSC), and allow only helium as a cover gas during DSC cavity water removal operations; and make corresponding changes to the technical specifications.

Final Action: Direct Final Rule Published 01/13/11

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gregory Trussell, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-6445; e-mail: Gregory.Trussell@nrc.gov

56. List of Approved Spent Fuel Storage Casks: Holtec HI-STORM Flood/Wind Addition* (Part 72)

RIN: 3150-AI90

Docket ID: NRC-2011-0007

Abstract: The direct final rule amends the Commission's regulations by adding the HI-STORM Flood/Wind cask system to the List of Approved Spent Fuel Storage Casks to add Certificate of

Compliance No. 1032. This direct final rule allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

Timetable: Direct Final Rule Published 03/00/11

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,
(301) 415-6219; e-mail: Jayne.McCausland@nrc.gov

57. List of Approved Spent Fuel Storage Casks: MAGNASTOR, Revision 2* (Part 72)

RIN: 3150-AI91

Docket ID: NRC-2011-0008

Abstract: The direct final rule amends the Commission's regulations by revising the MAGNASTOR System to include Amendment No. 2 to the Certificate of Compliance. Amendment No. 2 will include changes to allow the addition of various boron-10 areal densities for use with Pressurized Water Reactor and Boiling Water Reactor baskets; correction of the code reference in Table 2.1-2 of the Final Safety Analysis Report, table entitled "ASME Code Alternatives for MAGNASTOR components," change of transportable storage canister surface contamination limits for loose contamination; and other changes in Appendices A and B of the technical specification to incorporate minor editorial corrections. This direct final rule allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

Timetable: Direct Final Rule Published 04/00/11

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,
(301) 415-6219; e-mail: Jayne.McCausland@nrc.gov

58. ISFSI Security Requirements for Radiological Sabotage (Parts 72 and 73)

RIN: 3150-AI78

Docket ID: NRC-2009-0558

Abstract: The proposed rule would amend the Commission's regulations to revise the existing security requirements that apply during the storage of spent nuclear fuel (SNF) at an independent spent fuel storage installation (ISFSI), and during the storage of SNF and high-level waste at a Monitored Retrievable Storage Installation (MRS). This rule would require conforming changes to the ISFSI and MRS licensing requirements. The specific objectives of this rule are to update the ISFSI security requirements to improve the consistency and clarification of the security requirements for both types of ISFSI licensees (i.e., general and specific); make generically applicable requirements similar to those imposed on ISFSI licensees by the post September 11, 2001, security orders; and use a risk-informed, performance-based structure in ISFSI and MRS security regulations.

Timetable: Proposed Rule Published Undetermined

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

RIN: 3150-AI49

Docket ID: NRC-2011-0018

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 02/03/11

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

60. 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 to add a new section to 10 CFR Part 73. This new section will add requirements for the implementation of access authorization and physical protection measures; access authorization controls; physical inspections; lockdown measures and procedures for securing the security- and safety-related structures, systems, and components; and performance of high-quality security sweeps before the plant's transition into its operational phase. These changes would affect holders of a construction permit under 10 CFR Part 50 and holders of a combined license under 10 CFR Part 52 with nuclear power plants under construction.

Final Action: Proposed Rule Published 04/00/11**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

61. 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

62. Revision of Fee Schedules: Fee Recovery for FY 2011* (Parts 170 and 171)**RIN:** 3150-AI93**Docket ID:** NRC-2011-0016

Abstract: The proposed rule would amend the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. The amendments implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2011, 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 FY 2011 NRC Budget sent to Congress, the NRC's required fee recovery amount for the FY 2011 budget is approximately \$915.3 million. After accounting for carryover and billing adjustments, the total amount to be recovered through fees is approximately \$915.7 million. The OBRA-90, as amended, requires that the fees for FY 2011 be collected by September 30, 2011.

Timetable: Proposed Rule Published 03/00/11**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: 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 resolution and closure of the petition docket was published in the Federal Register on October 18, 2010 (75 FR 63725).

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

**(B) Pending Petitions for
Rulemaking**

B

Pending Petitions for Rulemaking

2. Petitioner/Petition Docket Number: Professional Reactor Operator Society (PRM-26-3)

Docket ID: NRC-2009-0482

Federal Register Citation: November 27, 2009 (74 FR 62257)

Subject: Fitness-for-Duty - change to outage definition

Summary: The petitioner is requesting that the Commission amend the regulations that govern fitness-for-duty programs. Specifically, the petitioner requests that the definition of "unit outage" be changed to "site outage" and be amended to clarify the way licensees schedule manpower on the front and back end of outages. The petitioner believes the suggested amendment would require licensees to abandon past practice that could impact the licensees' ability to safely execute future outages and would help to ensure that nuclear utilities continue to perform outages in a safe and efficient manner.

Final Action: A notice of receipt for this petition was published in the Federal Register on November 27, 2009 (74 FR 62257). The public comment period closed on February 10, 2010. Resolution and closure of this petition is in progress.

Agency Contact: Tara Inverso, Office of Nuclear Reactor Regulation,
(301) 415-1024; e-mail: Tara.Inverso@nrc.gov

3. Petitioner/Petition Docket Number: California Association of Marriage and
Family Therapists* (PRM-26-4)

Docket ID: NRC-2010-0269

Federal Register Citation: August 24, 2010 (75 FR 51958)

Subject: Marriage and family therapists

Summary: The petitioner requests that the Commission amend its regulations to add marriage and family therapists as substance abuse experts.

Final Action: A notice of receipt for this petition was published in the Federal Register on August 24, 2010 (75 FR 51958). The public comment closed on November 8, 2010. Resolution of the petition is in progress.

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

4. Petitioner/Petition Docket Number: Anthony R. Pietrangelo on Behalf of the Nuclear Energy Institute* (PRM-26-5)

Docket ID: NRC-2010-0304

Federal Register Citation: October 22, 2010 (75 FR 65249)

Subject: Fitness-for-duty programs – work our controls

Summary: The petitioner requests that the Commission amend its regulations regarding its fitness-for-duty programs to refine existing requirements based on experience gained since the regulations were last amended in 2008.

Final Action: A notice of receipt for this petition was published in the Federal Register on October 22, 2010 (75 FR 65249). The comment period closes on January 5, 2011. Resolution of the petition is in progress.

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

5. Petitioner/Petition Docket Number: Erik Erb* (PRM-26-6)

Docket ID: NRC-2010-0310

Federal Register Citation: November 23, 2010 (75 FR 71368)

Subject: Minimum days off

Summary: The petitioner requests that the Commission amend its regulations to decrease the minimum days off requirement for security officers working 12-hour shifts from an average of 3 days per week to 2.5 or 2 days per week.

Final Action: A notice of receipt for this petition was published in the Federal Register on November 23, 2010 (75 FR 71368). Comment period closes on January 5, 2011. Resolution of the petition is in progress.

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

6. 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 Commission 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 10 CFR 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 period closed March 6, 2006. The petition was resolved in July 2007, and is being considered in the rulemaking, General License Restrictions (RIN: 3150-A133). The Commission disapproved the staff's proposal to limit the quantity of byproduct material in a generally licensed device, but approved the change in compatibility designation from "B" to "C" for 10 CFR 31.5 and 31.6.

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

7. Petitioner/Petition Docket Number: Association of State and Territorial Solid Waste Management Officials (PRM-32-06)

Docket ID: NRC-2009-0547

Federal Register Citation: January 12, 2010 (75 FR 1559)

Subject: Tritium in exit signs

Summary: The petitioner requests that the Commission amend its regulations and/or guidance to improve the labeling and accountability of tritium exit signs. Also, the petitioner recommends a national collection effort be conducted to consolidate all expired and disused tritium exit signs.

Final Action: A notice of receipt for this petition was published in the Federal Register on January 12, 2010 (75 FR 1559). The public comment period closed on March 29, 2010. Resolution of this petition is in progress.

Agency Contact: Gregory R. Trussell, Office of Federal and State Materials and Environmental Management Programs,
(301) 415-4445; e-mail: Gregory.Trussell@nrc.gov

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

Docket ID: NRC-2008-0492

Federal Register Citation: None

Subject: Domestic licensing of production and utilization facilities

Summary: The petitioner requests 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 10 CFR 50.7.

Final Action: A notice of receipt was not published for this petition. The Office of the General Counsel provided a paper to the Commission addressing resolution of the petition.

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

9. Petitioner/Petition Docket Number: Mark Leyse* (PRM-50-93) and Mark Leyse and Raymond Shadis on Behalf of the New England Coalition* (PRM-50-95)

Docket ID: NRC-2009-0554

Federal Register Citation: January 25, 2010 (75 FR 3876), and October 27, 2010 (75 FR 66007)

Subject: Domestic licensing of production and utilization facilities

Summary: The petitioner requests that the Commission amend its regulations regarding the domestic licensing of production and utilization facilities. Specifically, the petitioner requested that the NRC revise its regulations based on data from multi-rod (assembly) severe fuel damage experiments. The petitioner also requested that the NRC promulgate a regulation that will stipulate minimum allowable core reflood rates in the event of a loss-of-coolant accident.

Final Action: A notice of receipt for this petition was published in the Federal Register on January 25, 2010 (75 FR 3876). The public comment period closed on April 12, 2010. A supplemental notice of receipt and limited re-opening of the comment period was published on October 27, 2010 (75 FR 66007). The October 27, 2010, *Federal Register* document included a notice of consolidation of PRMs 50-93 and 50-95. PRM-50-95 was filed on June 7, 2010, by Mark Edward Leyse and Raymond Shadis, on behalf of the New England Coalition (the Petitioners). PRM-50-95 was docketed by the NRC on September 30, 2010. In PRM-50-95, the petitioners request that the NRC order Vermont Yankee Nuclear Power Station to lower the licensing basis peak cladding temperature in order to provide a necessary margin of safety in the event of a loss-of-coolant accident. The NRC is considering PRM-50-95 in conjunction with existing PRM-50-93 because the petitions include certain similar issues, and re-opened the public comment period to provide an opportunity for public feedback on the other concerns raised by PRM-50-95. Resolution of the petition is in progress.

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

10. Petitioner/Petition Docket Number: Sherwood Martinelli (PRM-50-94)

Docket ID: NRC-2010-0004

Federal Register Citation: February 26, 2010 (75 FR 8843)

Subject: Frequency of reporting status of decommissioning trust funds

Summary: The petitioner requests that the Commission amend its regulations regarding the domestic licensing of production and utilization facilities. Specifically, the petitioner requested that the NRC revise its regulations as they relate to decommissioning and decommissioning funding.

Final Action: A notice of receipt for this petition was published in the Federal Register on February 26, 2010 (75 FR 8843). The public comment period closed on May 12, 2010. The date for resolution of this petition is undetermined. Resolution of the petition is in progress.

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

11. Petitioner/Petition Docket Number: Daniel Kane (PRM-51-13)

Docket ID: NRC-2010-0088

Federal Register Citation: April 1, 2010 (75 FR 16360)

Subject: Environmental protection for domestic licensing and related regulatory functions

Summary: The petitioner requests that the Commission amend its regulations that govern environmental protection for domestic licensing and related regulatory functions. Specifically, the petitioner requests that the provisions that govern temporary storage of spent fuel after cessation of reactor operation be revoked, that licensing of new nuclear power plants cease, and that existing operating nuclear power plants be phased out.

Final Action: A notice of receipt for this petition was published in the Federal Register on April 1, 2010 (75 FR 16360). The public comment period closed on June 15, 2010. Resolution of the petition is in progress.

Agency Contact: Tison A. Campbell, Office of the General Counsel,
(301) 415-8579; e-mail: Tison.Campbell@nrc.gov
Lisa G. London, Office of the General Counsel,
(301) 415-3233; e-mail: Lisa.London@nrc.gov

12. Petitioner/Petition Docket Number: Earth Day Commitment/Friends of the Coast, Beyond Nuclear, Seacoast Anti-Pollution League, C-10 Research and Education Foundation, Pilgrim Watch, and New England Coalition* (PRM-54-6)

Docket ID NRC-2010-0291

Federal Register Citation: September 27, 2010 (75 FR 57158)

Subject: License renewal applications

Summary: The petitioners request that the Commission amend its regulations to permit a license renewal application no sooner than 10 years before the expiration of the current license and to apply the rule to all license renewal applications that have not yet been issued an NRC Final Safety Evaluation Report. The petitioners also request a freeze on all new relicensing activity until the rulemaking is decided.

Final Action: A notice of receipt for this petition was published in the Federal Register on September 27, 2010 (75 FR 57158). The comment period closed on December 13, 2010. Resolution of the petition is in progress.

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

13. Petitioner/Petition Docket Number: Francis Slakey on Behalf of the American Physical Society* (PRM-70-9)

Docket ID: NRC-2010-0372

Federal Register Citation: December 23, 2010 (75 FR 80730)

Subject: Proliferation assessments

Summary: The petitioner requests that the Commission amend its regulations regarding the domestic licensing of special nuclear material to include proliferation assessments as part of the licensing process

Final Action: A notice of receipt for this petition was published in the Federal Register on December 23, 2010 (75 FR 80730). The Comment period closes on March 8, 2011. Resolution of the petition is in progress.

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

14. 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 requests that the Commission amend its regulations governing on-site dry cask storage of spent fuel. The petitioner believes that the current regulations do not provide sufficient requirements for safe storage of spent nuclear fuel in dry cask storage at independent spent fuel storage installations (ISFSIs). The petitioner requests that: the NRC prohibit non-conforming pre-built full scale casks specifically built for NRC certification testing from being put into production; NRC certification of casks be based on upgraded code requirements that include design criteria and technical specifications for a 100 year minimum age related degradation timeframe; the NRC approve, as part of the original ISFSI certification process and construction license, a method for dry cask transfer capacity that will allow for immediate and safe maintenance on a faulty or failing cask; the NRC require that dry casks are qualified for transport at the time of on-site storage approval certification; the NRC require mandatory compliance with the American Society of Mechanical Engineers (ASME) Code and Standards, "without exception"; the NRC require ASME code stamping for fabrication; all materials for fabrication be supplied by ASME approved material suppliers; current ASME Codes and Standards for conservative heat treatment and leak tightness be adopted and enforced; a safe and secure hot cell transfer station coupled with an auxiliary pool be built as part of an upgraded ISFSI design certification and licensing process; the NRC require real-time heat and radiation monitoring at ISFSIs and Hardened On-Site Storage at all nuclear power plants; and the NRC establish funding to conduct ongoing studies to provide the data required to accurately define and monitor for age-related material degradation.

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 in progress.

Agency Contact: Jeffery A. Lynch, Office of Federal and State Materials and
Environmental Management Programs,
(301) 415-5041; e-mail: Jeffery.Lynch@nrc.gov

NRC FORM 335 (12-2010) NRCMD 3.7	U.S. NUCLEAR REGULATORY COMMISSION	1. REPORT NUMBER (Assigned by NRC, Add Vol., Supp., Rev., and Addendum Numbers, if any.) NUREG-0936 Vol. 29, No. 2			
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11. ABSTRACT <i>(200 words or less)</i> 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. NUREG-0936, Volume 29, Number 2, July - December 2010, will be the final publication of the NRC Regulatory Agenda.					
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