

# Fiscal Year 2012 Rulemaking Activities Report

## Introduction

This report provides a summary of the U.S. Nuclear Regulatory Commission's (NRC) rulemaking actions published in the *Federal Register* during Fiscal Year (FY) 2012. Included in this report are summaries of documents: (1) containing regulatory text; (2) imposing requirements with general applicability and legal effect; (3) concerning a rulemaking proceeding; or (4) announcing an enhanced public participation initiative related to a rulemaking. Also included are descriptions of agency actions on petitions for rulemaking.

## Table of Contents

- I. Final Rules
- II. Direct Final Rules
- III. Proposed Rules
- IV. Advance Notices of Proposed Rulemaking
- V. Availability of Draft Rule Language
- VI. Policy Statements
- VII. Memorandum of Understanding
- VIII. Petitions for Rulemaking
  - a. Notices of Receipt
  - b. PRMs Denied
  - c. PRMs Considered in the Rulemaking Process
  - d. PRMs Closed through the Rulemaking Process
  - e. PRMs Withdrawn by the Petitioner

## I. FINAL RULES

### **Regulatory Changes to Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation; 10 CFR Part 40 (RIN 3150-AI95; NRC-2011-0072)**

On November 8, 2011, the NRC published a final rule in the *Federal Register* (76 FR 69120), effective November 8, 2011, amending its regulations to implement the 2010 "Agreement between the Government of Australia and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy." This Agreement prohibits the United States from using Australian-obligated nuclear material to produce tritium for use in a nuclear explosive device or for any other "military purpose." The amendments in this final rule help enable the U.S. Government to meet its Agreement obligations with the Government of Australia. A correction to this final rule was published on December 20, 2011 (76 FR 78805), to relocate a new section added in the final rule and to make a related conforming change.

### **Miscellaneous Administrative Changes; 10 CFR Parts 1, 9, 19, 20, 30, 35, 40, 52, 55, 60, 61, 70, 73, 110, 170, and 171 (RIN 3150-AJ01; NRC-2011-0169)**

On November 22, 2011, the NRC published a final rule in the *Federal Register* (76 FR 72082), effective December 22, 2011, amending its regulations to make miscellaneous administrative

changes, including updating the street address for its Region IV office and correcting an authority citation and typographical and spelling errors, and other edits and conforming changes.

**Enhancements to Emergency Preparedness Regulations; 10 CFR Parts 50 and 52 (RIN 3150-A110; NRC-2008-0122)**

On November 23, 2011, the NRC published a final rule in the *Federal Register* (76 FR 72560), effective December 23, 2011, amending certain emergency preparedness (EP) requirements in its regulations that govern domestic licensing of production and utilization facilities. This final rule adds a conforming provision in the regulations that govern licenses, certifications, and approvals for new nuclear power plants. This final rule also codifies certain voluntary protective measures contained in NRC Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events," and generically applicable requirements similar to those previously imposed by Commission orders. The amended licensee emergency plan requirements enhance the ability of licensees in preparing to take and taking certain EP and protective measures in the event of a radiological emergency; address, in part, security issues identified after the terrorist events of September 11, 2001; clarify regulations to effect consistent emergency plan implementation among licensees; and modify certain EP requirements to be more effective and efficient.

**U.S. Advanced Boiling Water Reactor Aircraft Impact Design Certification Amendment; 10 CFR Part 52 (RIN 3150-A184; NRC-2010-0134)**

On December 19, 2011, the NRC published a final rule in the *Federal Register* (76 FR 78096), effective January 17, 2012, amending its regulations to certify an amendment to the U.S. Advanced Boiling Water Reactor (U.S. ABWR) standard plant design to comply with the NRC's aircraft impact assessment (AIA) regulations. This action allows applicants or licensees intending to construct and operate a U.S. ABWR to comply with the NRC's AIA regulations by referencing the amended design certification rule. The applicant for certification of the amendment to the U.S. ABWR design is STP Nuclear Operating Company.

**AP1000 Design Certification Amendment; 10 CFR Part 52 (RIN 3150-A181; NRC-2010-0131)**

On December 30, 2011, the NRC published a final rule in the *Federal Register* (76 FR 82079), effective December 30, 2011, amending its regulations to certify an amendment to the AP1000 standard plant design. This action was necessary so that applicants or licensees intending to construct and operate an AP1000 design may do so by referencing this regulation (AP1000 design certification rule), and need not demonstrate in their applications the safety of the certified design as amended. The amendment replaces the combined license information items and design acceptance criteria with specific design information, addresses the effects of the impact of a large commercial aircraft, incorporates design improvements, and increases standardization of the design.

**American Society of Mechanical Engineers (ASME) Codes and New and Revised ASME Code Cases: Corrections; 10 CFR Part 50 (RIN 3150-A135; NRC-2008-0554)**

On January 23, 2012, the NRC published a notice correcting amendments to a final rule in the *Federal Register* (77 FR 3073), correcting the preamble, or statements of consideration, and the codified text in a final rule that was published in the *Federal Register* on June 21, 2011 (76 FR 36232). This document was necessary to correct typographical, formatting, and punctuation

errors. The final rule amended the NRC's regulations to incorporate by reference various editions and addenda to the ASME Boiler and Pressure Vessel (B&PV) Code, and the ASME Code for Operation and Maintenance of Nuclear Power Plants. The final rule also incorporated by reference (with conditions on their use) ASME B&PV Code Cases N-722-1 and N-770-1. The correction was effective on January 23, 2012, and applicable to July 21, 2011, the date the original rule became effective.

**Removal of Oman from the Restricted Destinations List; 10 CFR Part 110 (RIN 3150-AJ06; NRC-2011-0264)**

On February 27, 2012, the NRC published a final rule in the *Federal Register* (77 FR 11384), effective February 27, 2012, amending its export and import regulations by removing Oman from the list of restricted destinations. This amendment was necessary to conform the NRC's regulations with U.S. Government foreign policy.

**Interpretations; Removal of Part 8; 10 CFR Part 8 (RIN 3150-AJ02; NRC-2011-0180)**

On April 11, 2012, the NRC published a final rule in the *Federal Register* (77 FR 21625), effective April 11, 2012, amending its regulations to remove its published General Counsel interpretations of various regulatory provisions. The interpretations were largely obsolete, having been superseded by subsequent statutory and regulatory changes; this part of the Commission's regulations was no longer necessary.

**Export and Import of Nuclear Equipment and Material; 10 CFR Part 110 (RIN 3150-AJ04; NRC- 2012-0213)**

On May 9, 2012, the NRC published a final rule in the *Federal Register* (77 FR 27113), effective June 8, 2012, amending its regulations pertaining to the export and import of nuclear materials and equipment. This rulemaking was necessary to reflect the nuclear non-proliferation policy of the Executive Branch regarding U.S. Government obligations to the International Atomic Energy Agency. Also, this final rule made certain editorial revisions, and corrected typographical errors.

**Requirement for Fingerprint-Based Criminal History Records Checks for Individuals Seeking Unescorted Access to Non-Power Reactors (Research or Test Reactors); 10 CFR Part 73 (RIN 3150-AI25; NRC-2008-0619)**

On May 11, 2012, the NRC published a final rule in the *Federal Register* (77 FR 27561), effective November 7, 2012, amending its regulations to require non-power reactor licensees to obtain fingerprint-based criminal history records checks before granting any individual unescorted access to their facilities. This action complies 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 criminal history records checks of individuals permitted unescorted access to a utilization facility.

**Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste; 10 CFR Parts 71 and 73 (RIN 3150-AG41; NRC-1999-0005)**

On June 11, 2012, the NRC published a final rule in the *Federal Register* (77 FR 34194), effective August 10, 2012, amending its regulations that govern packaging and transportation of radioactive material and physical protection of plants and materials. The amendments require

licensees to provide advance notification to participating Federally-recognized Tribal governments regarding shipments of irradiated reactor fuel and certain nuclear wastes for any shipment that passes within their reservations. The rule extends relief to Tribal officials, designees, and Tribal law enforcement personnel from fingerprinting requirements required for access to Safeguards Information (SGI). The participating Tribal government is required to protect the shipment information as SGI. Compliance with the Tribal advance notification provisions of §§ 71.97(c)(3) and 73.37(f) of Title 10 of the *Code of Federal Regulations* is required on June 11, 2013.

**Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012; 10 CFR Parts 170 and 171 (RIN 3150-AJ03; NRC-2011-0207)**

On June 15, 2012, the NRC published a final rule in the *Federal Register* (77 FR 35809), effective August 14, 2012, amending the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments were necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended, which requires the NRC to recover through fees approximately 90 percent of its budget authority in fiscal year (FY) 2012, not including amounts appropriated for Waste Incidental to Reprocessing and amounts appropriated for generic homeland security activities. Based on the Consolidated Appropriations Act of 2012, signed by President Obama on December 23, 2011, the NRC's required fee recovery amount for the FY 2012 budget is \$1,038.1 million. After accounting for billing adjustments, the total amount to be billed as fees to licensees is \$901 million.

**Technical Corrections; 10 CFR Chapter I (RIN 3150-AJ16; NRC-2012-0092)**

On July 6, 2012, the NRC published a final rule in the *Federal Register* (77 FR 39899), effective August 6, 2012, amending its regulations to make technical corrections, including updating the street address for its Region I office; correcting authority citations and typographical and spelling errors; and making other edits and conforming changes.

**Requirements for Distribution of Byproduct Material; Final Rule and Interim Guidance; 10 CFR Parts 30, 31, 32, 40, and 70 (RIN 3150-AH91; NRC-2008-0338 (Rule) and NRC-2012-0074 (Interim Guidance)**

On July 25, 2012, the NRC published a final rule in the *Federal Register* (77 FR 43665), effective October 23, 2012, amending its regulations to make requirements for distributors of byproduct material clearer, less prescriptive, more risk-informed and up to date. The Commission also redefined categories of devices to be used under exemptions, adding explicit provisions regarding the sealed source and device registration process, and adding flexibility to the licensing of users of sealed sources and devices. This action was primarily intended to make licensing processes more efficient and effective. These changes will affect manufacturers and distributors of sources and devices containing byproduct material and future users of some products currently used under a general or specific license. In the same issue of the *Federal Register*, the NRC published interim guidance for public comment (77 FR 43544; July 25, 2012) that addresses implementation of the final rule. The comment period on the interim guidance closed on September 24, 2012.

**Amendments to Adjudicatory Process Rules and Related Requirements; 10 CFR Parts 2, 12, 51, 54, and 61 (RIN 3150-AI43; NRC-2008-0415)**

On August 3, 2012, the NRC published a final rule in the *Federal Register* (77 FR 46561), effective September 4, 2012, amending its adjudicatory rules of practice. This rule makes changes to the NRC's adjudicatory process that the NRC believes will promote fairness, efficiency, and openness in NRC adjudicatory proceedings. This rule also corrects errors and omissions that have been identified since the major revisions to the NRC's rules of practice in early 2004.

**Requirements for Maintenance of Inspections, Tests, Analyses, and Acceptance Criteria; Final Rule and Regulatory Guide, Issuance; 10 CFR Parts 2 and 52 (RIN 3150-AI77; NRC-2010-0012)**

On August 28, 2012, the NRC published a final rule in the *Federal Register* (77 FR 51880), effective September 27, 2012, amending its regulations related to verification of nuclear power plant construction activities through inspections, tests, analyses, and acceptance criteria (ITAAC) under a combined license, and issued a revision to Regulatory Guide 1.215, "Guidance for ITAAC Closure Under 10 CFR (Title 10 of the Code of Federal Regulations) Part 52." The final rule contains new provisions that apply after a licensee has completed ITAAC and submitted an ITAAC closure notification. In addition, the NRC included editorial corrections to existing language in the Atomic Energy Act of 1954, as amended. Regulatory Guide 1.215 describes a method that the NRC staff considers acceptable for use in satisfying the requirements for documenting the completion of ITAAC.

## II. DIRECT FINAL RULES

**List of Approved Spent Fuel Storage Casks: MAGNASTOR<sup>®</sup> System, Revision 2; 10 CFR Part 72 (RIN 3150-AI91; NRC-2011-0008)**

On November 14, 2011, the NRC published a direct final rule in the *Federal Register* (76 FR 70331), effective January 30, 2012, amending its spent fuel storage cask regulations by revising the NAC International, Inc. MAGNASTOR<sup>®</sup> System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 2 to Certificate of Compliance No. 1031. The companion proposed rule was published on November 14, 2011 (76 FR 70374). The confirmation of effective date for this direct final rule was published on January 27, 2012 (77 FR 4203).

**List of Approved Spent Fuel Storage Casks: HI-STORM 100, Revision 8; 10 CFR Part 72 (RIN 3150-AJ05; NRC-2011-0221)**

On February 17, 2012, the NRC published a direct final rule in the *Federal Register* (77 FR 9515), effective May 2, 2012, to amend its spent fuel storage regulations by revising the Holtec International HI-STORM 100 dry cask storage system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 8 to Certificate of Compliance No. 1014. The companion proposed rule was published on February 17, 2012 (77 FR 9591). The confirmation of effective date for this direct final rule was published on April 25, 2012 (77 FR 24585).

**Access Authorization Fees; 10 CFR Parts 11 and 25 (RIN 3150-AJ00; NRC-2011-0161)**

On May 3, 2012, the NRC published a direct final rule in the *Federal Register* (77 FR 26149), effective June 22, 2012, amending the NRC's access authorization fees charged to licensees for work performed under the Material Access Authorization Program and the Information Access Authority Program. The amended cost was due to an increase in the review time for each application for access authorization. The NRC's formula for calculating fees remained the same and is based on current Office of Personnel Management investigation billing rates for background investigations. The formula is designed to recover the full cost of processing a request for access authorization from an NRC licensee. The companion proposed rule was published in the *Federal Register* on May 3, 2012 (77 FR 26213). The confirmation of effective date for this direct final rule was published on June 22, 2012 (77 FR 37553). On August 3, 2012 (77 FR 46257), the NRC published a correcting amendment for the preamble, or statement of considerations, and codified text contained in the May 3, 2012, direct final rule. The correction was necessary to correct an e-mail address, a codification error, a misspelled abbreviation, and the authority citations. The correction was effective on August 3, 2012, and applicable to June 22, 2012, the date the original rule became effective.

**Receipts-Based, Small Business Size Standard; 10 CFR Parts 2 and 171 (RIN 3150-AJ14; NRC-2012-0062)**

On July 3, 2012, the NRC published a direct final rule in the *Federal Register* (77 FR 39385), effective August 22, 2012, amending the size standard that it uses to qualify an NRC licensee as a "small entity" under the Regulatory Flexibility Act of 1980, as amended. The NRC increased its receipts-based, small business size standard from \$6.5 million to \$7 million to conform to the most commonly used size standard set by the Small Business Administration (SBA). The SBA adjusted this standard on July 18, 2008 (73 FR 41237), to account for inflation. A companion proposed rule was published in the *Federal Register* on July 3, 2012 (77 FR 39442). The confirmation of effective date for this direct final rule was published on September 4, 2012 (77 FR 53769).

### III. PROPOSED RULES

**General Site Suitability Criteria for Nuclear Power Stations; Draft Regulatory Guide; Request for Comment; 10 CFR Parts 50, 51, and 52 (NRC-2011-0297)**

On December 30, 2011, the NRC published Draft Regulatory Guide DG-4021, "General Site Suitability Criteria for Nuclear Power Stations," in the *Federal Register* (76 FR 82201) for public comment. This guide describes a method that the NRC staff considers acceptable to implement the site suitability requirements for nuclear power stations. The comment period ended on February 25, 2012.

**Unified Agenda of Federal Regulatory and Deregulatory Actions: Semiannual Regulatory Agenda; 10 CFR Chapter I**

On Monday, February 13, 2012, the NRC published its semiannual regulatory agenda in the *Federal Register* (77 FR 8078) in accordance with Public Law 96-354, "The Regulatory Flexibility Act," and Executive Order 12866, "Regulatory Planning and Review." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is

considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on July 7, 2011 (76 FR 40204).

**Guidance for Decommissioning Planning During Operations: Draft Regulatory Guide; Re-Opening of Comment Period; 10 CFR Parts 20, 30, 40, 50, 70, and 72 (NRC-2011-0286)**

On February 15, 2012, the NRC published a notice in the *Federal Register* (77 FR 8751) re-opening the public comment period for DG-4014, "Decommissioning Planning During Operations." DG-4014 describes a method that the NRC staff considers acceptable for use in complying with the NRC's Decommissioning Planning Rule. The notice requesting comment on the draft guide was published on December 13, 2011 (76 FR 77431), with a public comment period ending on February 10, 2012. The re-opened comment period expired on March 30, 2012.

**Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012; 10 CFR Parts 170 and 171 (RIN 3150-AJ03; NRC-2011-0207)**

On March 15, 2012, the NRC published a proposed rule in the *Federal Register* (77 FR 15530) to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments were necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended (OBRA-90), which requires the NRC to recover through fees approximately 90 percent of its budget authority in FY 2012, not including amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities. President Obama signed the Consolidated Appropriations Act of 2012 on December 23, 2011, giving the NRC a total appropriation of \$1,038.1 million for FY 2012. The FY 2012 proposed fee rule, based on the FY 2012 appropriation, would require the NRC to recover fees of approximately \$909.5 million from licensees. After accounting for billing adjustments, the total amount to be billed as fees is approximately \$901 million. The comment period on the proposed rule closed on April 16, 2012.

**Workshop on Performance Assessments of Near-Surface Disposal Facilities: FEPs Analysis, Scenario and Conceptual Model Development, and Code Selection; Public Meeting; 10 CFR Part 61 (RIN-3150-AI92; NRC-2011-0012)**

On February 22, 2012 (77 FR 10401), and May 8, 2012 (77 FR 26991), the NRC published documents in the *Federal Register* that announced public meetings to discuss possible revisions to the regulatory framework for the management of commercial low-level radioactive waste (LLW). The purpose of these public meetings were to gather information and receive feedback from stakeholders and other interested members of the public concerning specific proposed revisions to the Commission's LLW regulations. On July 11, 2012, the NRC published a document in the *Federal Register* (77 FR 40817) that announced a public meeting to gain a better understanding of the issues associated with specifying a regulatory time of compliance for a LLW waste disposal facility, allowing licensees the flexibility to implement waste acceptance criteria as an alternative to the current waste classification system, and revising the NRC's licensing requirements for land disposal of radioactive waste. On August 13, 2012 (77 FR 48107), the NRC published a document in the *Federal Register* that announced a public meeting on performance assessments of near-surface LLW disposal facilities. The public

meeting was developed to facilitate communication among Federal and state agencies, industry representatives, contractors, and members of the public on three aspects of a performance assessment: (1) Features, Events, and Processes analysis; (2) the development of scenarios and conceptual models; and (3) the selection of computer codes.

**Clarification of Submission of Requests for Relief or Alternatives From the Regulatory Requirements Pertaining to Codes and Standards; Proposed Rule; 10 CFR Part 50 (NRC-2012-0204)**

On September 6, 2012, the NRC published a document in the *Federal Register* (77 FR 54839) seeking public comment on a draft regulatory issue summary (RIS) that provides information on requests for alternatives to and relief from the regulatory requirements pertaining to Codes and Standards. The draft RIS also provides clarification when relief is requested by licensees and applicants where American Society of Mechanical Engineers Code requirements are determined impractical, and when proposed alternatives to the regulations are submitted to the NRC. The comment period closed on October 22, 2012.

#### **IV. ADVANCE NOTICES OF PROPOSED RULEMAKING**

**Station Blackout; 10 CFR Part 50 (RIN 3150-AJ08; NRC-2011-0299)**

On March 20, 2012, the NRC published an Advance Notice of Proposed Rulemaking in the *Federal Register* (77 FR 16175) to begin the process of considering amendments to its regulations to address a condition known as station blackout (SBO). SBO involves the loss of all onsite and offsite alternating current power at a nuclear power plant. The NRC sought public comments on specific questions and issues with respect to possible revisions to the NRC's requirements for addressing SBO conditions to develop new SBO requirements and a supporting regulatory basis. This regulatory action is one of the near-term actions based on lessons-learned stemming from the March 2011 Fukushima Dai-ichi accident in Japan. The comment period closed on May 4, 2012.

**Onsite Emergency Response Capabilities; 10 CFR Parts 50 and 52 (RIN 3150-AJ11; NRC-2012-0031)**

On April 18, 2012, the NRC published an Advance Notice of Proposed Rulemaking in the *Federal Register* (77 FR 23161) to begin the process of considering amending its regulations to strengthen and integrate onsite emergency response capabilities. The NRC sought public comment on specific questions and issues with respect to possible revision to the NRC's requirements for addressing onsite emergency response capabilities, and development of both new requirements and the supporting regulatory basis. This regulatory action is one of the actions stemming from the NRC's lessons-learned efforts associated with the March 2011 Fukushima Dai-ichi accident in Japan. The comment period closed on June 18, 2012.



## V. AVAILABILITY OF DRAFT RULE LANGUAGE

### **Fitness-for-Duty Programs; Regulatory Basis and Preliminary Proposed Rule Language; 10 CFR Part 26 (NRC-2009-0090)**

On September 10, 2012, the NRC published a document in the *Federal Register* (77 FR 55429) announcing the availability of two rulemaking documents related to the ongoing proposed rulemaking effort to amend its regulations regarding Fitness-for-Duty Programs. The released documents include the regulatory basis and preliminary proposed rule language for requiring personnel performing certain quality control and quality verification duties to comply with the work hour provisions. The availability of these documents allows interested stakeholders to prepare for future public meetings.

## VI. POLICY STATEMENTS

### **Enforcement Policy Revision; 10 CFR Parts 50 and 52 (NRC-2011-0176)**

On June 7, 2012, the NRC published a document in the *Federal Register* (77 FR 33786) revising its Enforcement Policy to address construction-related topics, including enforcement discretion. This revision of the Enforcement Policy was effective on June 7, 2012.

## VII. MEMORANDUM OF UNDERSTANDING

### **Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the Department of Homeland Security; 10 CFR Parts 50 and 52 (NRC-2012-0015)**

On February 7, 2012, the NRC published a Memorandum of Understanding (MOU) in the *Federal Register* (77 FR 6131), effective December 19, 2011. The MOU establishes a process to implement the provisions of Section 657 of the Energy Policy Act of 2005 (EPA), Pub. L. 109-58, 119 Stat. 594, 814 (2005).

## VIII. PETITIONS FOR RULEMAKING (PRM)

### a. Notices of Receipt

#### **Cheri Swensson on Behalf of the American Academy of Health Care Providers in the Addictive Disorders; 10 CFR Part 26 (PRM-26-7; NRC-2011-0220)**

On October 5, 2011, the NRC published a notice of receipt and request for comment for a PRM in the *Federal Register* (76 FR 61625). The PRM was filed by Cheri Swensson (the petitioner) on behalf of the American Academy of Health Care Providers in the Addictive Disorders (the Academy) on May 5, 2011, and supplemented on August 3, 2011. The PRM was docketed by the NRC on September 9, 2011, and assigned Docket No. PRM-26-7. The petitioner requested that the NRC amend its regulations to include the Academy as one of the organizations

authorized to certify a substance abuse expert. The comment period closed on December 19, 2011.

**Taxpayers and Ratepayers United, et al.; 10 CFR Part 51 (PRM-51-14, et al.; NRC-2011-0189)**

On November 10, 2011, the NRC published a notice of receipt of 15 PRMs in the *Federal Register* (76 FR 70067), each dated August 10, August 11, or August 12, 2011, from multiple petitioners. The petitioners requested that the NRC rescind its regulations that allow generic conclusions about the environmental impacts of severe reactor and spent fuel pool accidents and its regulations that preclude considerations of those issues in individual licensing proceedings. The petitioners also requested the NRC to suspend multiple ongoing licensing proceedings while the NRC considers these petitions and the environmental issues raised in the Fukushima Task Force Report, "Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident" (ADAMS Accession No. ML111861807), dated July 12, 2011. The NRC did not institute a public comment period for these PRMs.

**George Hamawy; 10 CFR Part 73 (PRM-73-15; NRC-2011-0251)**

On December 7, 2011, the NRC published a notice of receipt and request for comment for a PRM, dated September 15, 2011, in the *Federal Register* (76 FR 76327), which was filed with the NRC by George Hamawy. The petitioner requested that the NRC require installation of radiation alarms in rooms housing neutron sources. The comment period closed on February 21, 2012.

**Measurement and Control of Combustible Gas Generation and Dispersal; 10 CFR Parts 50, 52, and 100 (PRM-50-103; NRC-2011-0189)**

On January 5, 2012, the NRC published a notice of receipt of a PRM in the *Federal Register* (77 FR 441), dated October 14, 2011, from the Natural Resources Defense Council, Inc (the petitioner). The petitioner requested that the NRC amend its regulations regarding the measurement and control of combustible gas generation and dispersal within a power reactor system. The NRC did not institute a public comment period for this PRM.

**Emergency Planning Zone; 10 CFR Parts 50 and 52 (PRM-50-104; NRC-2012-0046)**

On April 30, 2012, the NRC published a notice of receipt and request for comment for a PRM in the *Federal Register* (77 FR 25375), dated February 15, 2012, which was filed by Mr. Michael Mariotte on behalf of the Nuclear Information and Resource Service (the petitioner) and 37 co-petitioners. The petition was docketed by the NRC on February 17, 2012, and assigned Docket No. PRM-50-104. The petitioner requested that the NRC amend its regulations to expand the Emergency Planning Zones for nuclear power plants. The comment period closed on July 16, 2012.

**In-core Thermocouples at Different Elevations and Radial Positions in Reactor Core; 10 CFR Part 50 (PRM-50-105; NRC-2012-0056)**

On May 23, 2012, the NRC published a notice of receipt and request for public comment for a PRM in the *Federal Register* (77 FR 30435), dated February 28, 2012, which was filed by Mr.

Mark Edward Leyse (the petitioner). The petition was docketed by the NRC on March 2, 2012, and assigned Docket No. PRM-50-105. The petitioner requested that the NRC amend its regulations to “require all holders of operating licenses for nuclear power plants (“NPP”) to operate NPPs with in-core thermocouples at different elevations and radial positions throughout the reactor core.” The comment period closed on August 6, 2012.

**Environmental Qualifications of Electrical Equipment; 10 CFR Parts 50, 52, 54 and 100 (PRM-50-106; NRC- 2012-0177)**

On September 27, 2012, the NRC published a notice of receipt for a PRM in the *Federal Register* (77 FR 59345) submitted by the Natural Resources Defense Council and Mr. Paul M. Blanch (collectively, the petitioners). The PRM was docketed by NRC on June 22, 2012, and assigned Docket No. PRM-50-96. The petitioners requested that the NRC initiate a rulemaking “to revise its regulations to clearly and unequivocally require the environmental qualification of all safety-related cables, wires, splices, connections and other ancillary electrical equipment that may be subjected to submergence and/or moisture intrusion during normal operating conditions, severe weather, seasonal flooding, seismic events, and post-accident conditions, both inside and outside of containment.” The NRC did not institute a public comment period for this PRM.

**b. PRMs Denied**

**Sherwood Martinelli; 10 CFR Part 50 (PRM-50-94; NRC-2010-0004)**

On December 7, 2011, the NRC published a denial of a PRM in the *Federal Register* (76 FR 76322) submitted by Mr. Sherwood Martinelli (the petitioner). The petitioner requested that the NRC amend its regulations as they relate to decommissioning and decommissioning funding. Specifically, the petitioner requested that the NRC revise its reporting requirements, restrict funding mechanisms, require deposits within 90 days to cover shortfalls regardless of cause, amend the definition of the safe storage (SAFSTOR) decommissioning option, and eliminate the ENTOMB decommissioning option.

**Association of State and Territorial Solid Waste Management Officials; 10 CFR Part 32 (PRM-32-6; NRC-2009-0547)**

On December 8, 2011, the NRC published a denial of a PRM in the *Federal Register* (76 FR 76625) submitted by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO or the petitioner). The petitioner requested that the NRC amend its regulations to improve the labeling and accountability of tritium exit signs. Specifically, the petitioner requested that: the labeling be in several locations on the sign and printed with larger font; an expiration date should be distinctly legible to a fire or building inspector without taking down the sign; and the radiation trefoil should be displayed on the front and back of advertisements. Although not a specific request for rulemaking, the petitioner recommended that a national collection effort with distinct milestones and goals be undertaken to consolidate all expired and disused tritium exit signs. The petitioner requested that the NRC organize a meeting with ASTSWMO and all interested stakeholders to set a new path forward on this issue.

**Filing a Renewed License Application; 10 CFR Part 54 (PRM-54-6; NRC 2010-0291)**

On May 14, 2012, the NRC published a document in the *Federal Register* (77 FR 28316) denying a PRM submitted by Raymond Shadis and Mary Lampert on behalf of Earth Day Commitment/Friends of the Coast, Beyond Nuclear, Seacoast Anti-Pollution League, C-10 Research and Education Foundation, Pilgrim Watch, New England Coalition, and joined in by New Hampshire State Representative Robin Reed (the petitioners). The petitioners requested that the NRC amend its regulations to accept a license renewal application (LRA) no sooner than 10 years before the expiration of the current license and to apply the revised rule to all LRAs for which the NRC has not issued a final safety evaluation report. The petitioners also requested a suspension of all new license renewal activity until the rulemaking is decided.

**c. PRMs Considered in the Rulemaking Process**

**Petition for Rulemaking Submitted by the Natural Resources Defense Council, Inc.; 10 CFR Part 50 (PRM-50-101; NRC-2011-0189)**

On March 21, 2012, the NRC published a document in the *Federal Register* (77 FR 16483) stating the NRC will consider the issues raised in PRM-50-101, submitted by the Natural Resources Defense Council, Inc. (the petitioner), in the NRC's rulemaking process. The petitioner requested that the NRC amend its regulations to require each operating and new reactor licensee to establish station blackout mitigation strategies and resources. The NRC determined that the issues raised in the PRM are appropriate for consideration and will consider them in the planned "Station Blackout" rulemaking (Docket ID NRC-2011-0299). The docket for PRM-50-101 was closed on March 21, 2012.

**Petition for Rulemaking Submitted by the Natural Resources Defense Council, Inc.; 10 CFR Part 50 (PRM-50-102; NRC-2011-0189)**

On April 27, 2012, the NRC published a document in the *Federal Register* (77 FR 25104) stating that the issues raised in PRM-50-102, submitted by the Natural Resources Defense Council, Inc. (the petitioner), would be considered in the rulemaking process. The petitioner requested that the NRC amend its regulations to require more realistic, hands-on training and exercises on Severe Accident Management Guidelines and Extensive Damage Mitigation Guidelines. The NRC determined that the issues raised in the PRM are appropriate for consideration and will consider them in the ongoing Fukushima Near-Term Task Force (NTTF) Recommendation 8 rulemaking (Docket ID NRC-2012-0031). The docket for PRM-50-102 was closed on April 27, 2012.

**Certification of Substance Abuse Experts; 10 CFR Part 26 (PRM-26-7; NRC-2011-0220)**

On June 7, 2012, the NRC published a document in the *Federal Register* (77 FR 33619) stating that the issues raised in PRM-26-7, submitted by the American Academy of Health Care Providers in the Addictive Disorders (the Academy or the petitioner), would be considered in the rulemaking process. The petitioner requested that the NRC amend its regulations to include the Academy as one of the organizations authorized to certify a substance abuse expert. The NRC determined that the issues raised in the PRM are appropriate for consideration and will consider them in the ongoing Part 26 Drug and Alcohol Testing; Technical Issues and Editorial Changes

rulemaking (Docket ID NRC-2012-0079). The docket for PRM-26-7 was closed on June 7, 2012.

**Petition for Rulemaking Submitted by Annette User on Behalf of GE Osmonics, Inc.; 10 CFR Part 30 (PRM-30-65; NRC-2011-0134)**

On September 14, 2012, the NRC published a document in the *Federal Register* (77 FR 56793) indicating that the NRC will consider in rulemaking the issue raised in PRM-30-65, submitted by Annette User, on behalf of GE Osmonics, Inc., on April 20, 2011. The petitioner requested that the NRC amend its regulations regarding the commercial distribution of byproduct material to allow recipients of exempt quantities of polymer (polycarbonate or polyester) track etch (PCTE) membranes that have been irradiated with mixed fission products, to commercially redistribute the material without a license. In its review of the PRM, the NRC concluded that the petitioner raised a valid issue concerning regulatory control of the commercial distribution of PCTE membranes. The docket for PRM-30-65 was closed on September 14, 2012.

**d. PRMs Closed Through the Rulemaking Process**

**Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control: Withdrawal of Proposed Rule and Closure of Petition for Rulemaking; 10 CFR Part 31 (PRM-31-5; NRC-2005-0018 and NRC-2008-0272)**

On January 25, 2012, the NRC published a notice in the *Federal Register* (77 FR 3640) withdrawing a proposed rule and closing PRM-31-5, submitted by the Organization of Agreement States, Inc. The petition requested that the NRC amend its regulations to strengthen the regulation of radioactive materials by requiring a specific license for higher-activity devices that are currently available under a general license, and change the compatibility designation of applicable regulations from category B to category C. The petition also addressed a request filed by the Florida Department of Health, Bureau of Radiation Control, to change the compatibility category of a certain part of the applicable regulation from category B to category C. In response to the petition, the NRC developed a proposed rule that would have changed the compatibility of the applicable regulations, and would have limited the quantity of byproduct material contained in a generally-licensed device to below one-tenth of the International Atomic Energy Agency Category 3 thresholds. After further review, the NRC has decided to withdraw the proposed rule and to change the compatibility designation of the applicable regulations from category B to category C. The proposed rule to limit the quantity of byproduct material contained in a generally-licensed device (74 FR 38372; August 3, 2009) was withdrawn on January 25, 2012. The docket for PRM-31-5 was closed on January 25, 2012.

**e. PRMs Withdrawn by the Petitioner**

None.