

Fiscal Year 2014 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) 2014. 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.

Summary of NRC Rulemaking Actions

The following table summarizes the number of rulemaking actions published in the *Federal Register* in FY 2014.

Rulemaking Action	Total Number Published
Advance Notices of Proposed Rulemaking	2
Proposed Rules	5
Supplemental Proposed Rules	1
Final Rules	3
Direct Final Rules	8
Corrections and Correcting Amendments¹	7

¹ A "correction" is published *before* the effective date of a rule. A "correcting amendment" is published *after* the effective date of a rule.

Rulemaking Action	Total Number Published
Preliminary² and Draft³ Rule Language	1
Petitions for Rulemaking	
Notices of Docketing	4
Supplemental Information	2
Considerations in the Rulemaking Process	1
Partial Considerations in the Rulemaking Process	0
Denials	1
Withdrawals by Petitioner	0
Draft and Final Regulatory Basis	3
Draft and Final Guidance Documents	3
Draft and Final Policy Statements	4
Memorandum of Understanding	0
Other Rulemaking Related Publications	6
Total	51

² "Preliminary rule language" means rule language that is *not* part of an official recommendation to the NRC decision-maker with rulemaking authority that the NRC issue a proposed or final rule. Preliminary rule language is developed by working level staff, but does not constitute the NRC's official rulemaking proposal, even though it may be made available to the public.

³ "Draft rule language" means rule language that *is* part of a recommendation to the NRC rulemaking decision-maker that the NRC issue a proposed or final rule.

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I. Advance Notices of Proposed Rulemaking

Potential Changes to Interlocutory Appeals Process for Adjudicatory Decisions: Advance Notice of Proposed Rulemaking; Withdrawal; 10 CFR [Title 10 of the Code of Federal Regulations] Part 2 (RIN 3150-AJ24; NRC-2013-0050)

On November 6, 2013, the NRC published a document in the *Federal Register* ([78 FR 66660](#)) withdrawing an advance notice of proposed rulemaking (ANPR) that presented possible changes to its interlocutory appeals process for certain adjudicatory decisions. The NRC published the ANPR on April 5, 2013 ([78 FR 20498](#)), and solicited public comments. Based upon the limited public comments received, the NRC did not believe that amendments to the current regulations were warranted at this time.

Radiation Protection: Advance Notice of Proposed Rulemaking; Request for Comments; 10 CFR Part 20 (RIN 3150-AJ29; NRC-2009-0279)

On July 25, 2014, the NRC published an ANPR in the *Federal Register* ([79 FR 43284](#)) to obtain input from stakeholders on the development of a draft regulatory basis. The draft regulatory basis would support potential changes to the NRC's current radiation protection regulations. The goal of this effort is to achieve greater alignment between the NRC's radiation protection regulations and the 2007 recommendations of the International Commission on Radiological Protection. The public comment period on the ANPR will close on November 24, 2014.

II. Proposed Rules

Amendments to Material Control and Accounting Regulations: Proposed Rule; 10 CFR Parts 40, 70, 72, 74, and 150 (RIN 3150-AI61; NRC-2009-0096)

On November 8, 2013, the NRC published a proposed rule in the *Federal Register* ([78 FR 67225](#)) to amend its regulations for material control and accounting (MC&A) of special nuclear material (SNM). The goal of this rulemaking is to revise and consolidate the MC&A requirements in order to update, clarify, and strengthen them. The proposed amendments add new requirements that would apply to NRC licensees who are authorized to possess SNM in a quantity greater than 350 grams. In the same issue of the *Federal Register*, the NRC published for public comment five draft NUREGs that support the proposed rule ([78 FR 67224](#)). The NRC extended the public comment period on the proposed rule and the draft NUREGs from February 18, 2014, to March 10, 2014 ([78 FR 79328](#)).

Deliberate Misconduct Rule and Hearings on Challenges to the Immediate Effectiveness of Orders: Proposed Rule; 10 CFR Parts 2, 30, 40, 50, 52, 60, 61, 63, 70, 71, 72, 76, 110, and 150 (RIN 3150-AJ27; NRC-2013-0132)

On February 11, 2014, the NRC published a proposed rule in the *Federal Register* ([79 FR 8097](#)) to amend its regulations concerning deliberate misconduct by licensees and other persons otherwise subject to the NRC's jurisdiction (known as the "Deliberate Misconduct Rule") and its regulations concerning challenges to immediately effective orders issued by the NRC. This proposed rule would incorporate the concept of "deliberate ignorance" as an additional basis on which to take enforcement action against persons who violate any of the NRC's Deliberate Misconduct Rule provisions. In addition, the proposed amendments would clarify that the NRC

staff has the burden of persuasion in showing that adequate evidence supports the grounds for the order and that immediate effectiveness is warranted. In addition, the proposed amendments would clarify the authority of the NRC's presiding officer to order live testimony in resolving challenges to immediately effective orders. The public comment period on the proposed rule closed on May 12, 2014.

Performance-Based Emergency Core Cooling Systems Cladding Acceptance Criteria: Proposed Rule; 10 CFR Parts 50 and 52 (RIN 3150-AH42; NRC-2008-0332; NRC-2012-0041; NRC-2012-0042; NRC-2012-0043)

On March 24, 2014, the NRC published a proposed rule in the *Federal Register* ([79 FR 16106](#)) to amend its regulations to revise the acceptance criteria for the emergency core cooling system (ECCS) for light-water nuclear power reactors. The proposed ECCS acceptance criteria are performance-based and reflect recent research findings that identified new embrittlement mechanisms for fuel rods with zirconium alloy cladding under loss-of-coolant accident conditions. The proposed rule also addresses two petitions for rulemaking by establishing requirements applicable to all fuel types and cladding materials and requiring the consideration of crud, oxide deposits, and hydrogen content in zirconium-based alloy fuel cladding. Further, the proposed rule contains a provision that would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling. The NRC also sought public comment on three draft regulatory guides that would support the implementation of the proposed rule. Due to requests from members of the public, the NRC extended the comment periods for the proposed rule, the associated draft guidance, and the information collection aspects from June 9, 2014, to August 21, 2014 ([79 FR 22456](#)).

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2014: Proposed Rule; 10 CFR Parts 170 and 171 (RIN 3150-AJ32; NRC-2013-0276)

On April 14, 2014, the NRC published a proposed rule in the *Federal Register* ([79 FR 21036](#)) to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are 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 2014, not including amounts appropriated for Waste Incidental to Reprocessing and amounts appropriated for generic homeland security activities. These fees represent the cost of NRC services provided to applicants and licensees. The public comment period on the proposed rule closed on May 14, 2014.

Medical Use of Byproduct Material-Medical Event Definitions, Training and Experience, and Clarifying Amendments: Proposed Rule; 10 CFR Parts 30, 32, and 35 (RIN 3150-AI63; NRC-2008-0175)

On July 21, 2014, the NRC published a proposed rule in the *Federal Register* ([79 FR 42410](#)) to amend its regulations related to the medical use of byproduct material. In this action, the NRC addressed three ongoing rulemaking projects and several other related topics. On July 21, 2014, the NRC also issued for public comment in the *Federal Register* ([79 FR 42224](#)) a draft guidance document entitled "Draft Guidance for the Proposed Rule 'Medical Use of Byproduct Material-Medical Events Definitions, Training and Experience, and Clarifying Amendments.'" This draft guidance document addressed implementation of the NRC's proposed rule amending its medical use of byproduct material regulations. The public comment period on the proposed rule and the guidance document will close on November 18, 2014. The public comment period on the information collections aspects of the proposed rule closed on August 20, 2014.

III. Supplemental Proposed Rules

ESBWR Design Certification: Supplemental Proposed Rule; 10 CFR Part 52 (RIN 3150-AI85; NRC-2010-0135)

On May 6, 2014, the NRC published a supplemental proposed rule in the *Federal Register* ([79 FR 25715](#)) to amend its regulations to certify the Economic Simplified Boiling-Water Reactor (ESBWR) standard plant design. The proposed ESBWR design certification rule was published for public comment in the *Federal Register* on March 24, 2011 ([76 FR 16549](#)). The NRC published this supplemental proposed rule to provide an opportunity for the public to comment on two matters. The first is proposed changes related to the analysis methodology supporting the ESBWR steam dryer design that were made after the close of the public comment period for the proposed ESBWR design certification rule. The second is the NRC's proposed clarification of its intent to treat 50 referenced documents within Revision 10 of the ESBWR design control document as requirements and matters resolved in subsequent licensing and enforcement actions for plants referencing the ESBWR design certification. The applicant for certification of the ESBWR design is GE-Hitachi Nuclear Energy. The public comment period on the supplemental proposed rule closed on June 5, 2014.

IV. Final Rules

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2014: Final Rule; 10 CFR Parts 170 and 171 (RIN 3150-AJ32; NRC-2013-0276)

On June 30, 2014, the NRC published a final rule in the *Federal Register* ([79 FR 37124](#)), effective August 29, 2014, amending the licensing, inspection, and annual fees charged to its applicants and licensees. These amendments are 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 2014, not including amounts appropriated for Waste Incidental to Reprocessing, amounts appropriated for generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board. These fees represent the cost of the NRC's services provided to applicants and licensees.

Export Controls and Physical Security Standards: Final Rule; 10 CFR Part 110 (RIN 3150-AJ33; NRC-2014-0007)

On July 10, 2014, the NRC published a final rule in the *Federal Register* ([79 FR 39289](#)), effective August 11, 2014, amending its regulations pertaining to the export and import of nuclear materials and equipment. This rulemaking was necessary to conform the export controls of the United States to the international export control guidelines of the Nuclear Suppliers Group, of which the United States is a member, and to incorporate by reference the current version of the International Atomic Energy Agency's document, "Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5), January 2011." Also, this final rule made certain editorial revisions and corrected typographical errors.

Continued Storage of Spent Nuclear Fuel: Final Rule; 10 CFR Part 51 (RIN 3150-AJ20; NRC-2012-0246)

On September 19, 2014, the NRC published a final rule in the *Federal Register* ([79 FR 56238](#)), effective October 20, 2014, revising its generic determination regarding the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal. The NRC prepared a final generic environmental impact statement that provides a regulatory basis for this final rule ([79 FR 56263](#); September 19, 2014).

V. Direct Final Rules

List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized NUHOMS® Cask System: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ10; NRC-2012-0020)

On October 24, 2013, the NRC published a direct final rule in the *Federal Register* ([78 FR 63375](#)) amending its spent fuel storage regulations by revising the Transnuclear, Inc. Standardized NUHOMS® Cask System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 11 to Certificate of Compliance (CoC) No. 1004. Amendment No. 11 revised the authorized contents to include: adding a new transfer cask, the OS197L, for use with the 32PT and 61BT dry shielded canisters; and converting the CoC No. 1004 Technical Specifications to the format in NUREG-1745, "Standard Format and Content for Technical Specifications for 10 CFR Part 72 Cask Certificates of Compliance." The amendment made several other changes described in the direct final rule. The companion proposed rule was published in the *Federal Register* on October 24, 2013 ([78 FR 63408](#)). The effective date of January 7, 2014, was confirmed on December 27, 2013 ([78 FR 78693](#)).

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Cask System: Amendment No. 9: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ12; NRC-2012-0052)

On December 6, 2013, the NRC published a direct final rule in the *Federal Register* ([78 FR 73379](#)) amending its spent fuel storage regulations by revising the Holtec International HI-STORM 100 Cask System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 9 to Certificate of Compliance No. 1014. Amendment No. 9 broadened the subgrade requirements for the HI-STORM 100U part of the HI-STORM 100 Cask System and updated the thermal model and methodology for the HI-TRAC transfer cask from a two-dimensional thermal-hydraulic model to a more accurate three-dimensional model. The amendment also made editorial corrections. The companion proposed rule was published in the *Federal Register* on December 6, 2013 ([78 FR 73456](#)). On December 26, 2013, the NRC published a document in the *Federal Register* correcting and delaying the effective date of the direct final rule ([78 FR 78165](#)) from February 19, 2014, to March 11, 2014. Also on December 26, 2013, the NRC published a correction ([FR 78 78285](#)) to the companion proposed rule extending the public comment period from January 6, 2014, to January 27, 2014. The effective date of March 11, 2014, was confirmed on March 5, 2014 ([79 FR 12362](#)).

List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized NUHOMS® Cask System: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ28; NRC-2013-0236)

On March 10, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 13192](#)) amending its spent fuel storage regulations by revising the Transnuclear, Inc. Standardized NUHOMS® Cask System listing within the "List of Approved Spent Fuel Storage Casks" to

include Amendment No. 13 to Certificate of Compliance No. 1004. Amendment No. 13 revised the authorized contents to: add two new dry shielded canisters (DSCs), the -37PTH and the -69BTH; add new approved contents, including blended low enriched uranium (BLEU) fuel, and control components to already approved DSCs; and extend the use of the high-seismic horizontal storage module (HSM–HS) for storage of already approved DSCs. The amendment made several other changes described in the direct final rule. The companion proposed rule was published in the *Federal Register* on March 10, 2014 ([79 FR 13260](#)). The effective date of May 24, 2014, was confirmed on May 16, 2014 ([79 FR 28393](#)).

List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ31; NRC-2013-0271)

On April 15, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 21121](#)) amending its spent fuel storage regulations by revising the Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System (NUHOMS® Storage System) listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 3 to Certificate of Compliance No. 1029. Amendment No. 3 added a new transportable dry shielded canister to the NUHOMS® Storage System and made editorial corrections. The companion proposed rule was published in the *Federal Register* on April 15, 2014 ([79 FR 21156](#)). The NRC received at least one significant adverse comment in response to the companion proposed rule. Therefore, on June 25, 2014, the NRC published a document in the *Federal Register* ([79 FR 35911](#)) withdrawing the direct final rule.

List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. NUHOMS® HD Cask System, Certificate of Compliance No. 1030, Amendment No. 2: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ30; NRC-2013-0269)

On July 31, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 44264](#)) amending its spent fuel storage regulations by revising the Transnuclear, Inc. NUHOMS® HD Cask System listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 2 to Certificate of Compliance No. 1030. Amendment No. 2 included changes to: increase the soluble boron concentration to 2,800 ppm for criticality safety analyses and add maximum enrichments for Combustion Engineering 14x14 fuel assemblies that were previously unauthorized for storage; improve clarity of certain TSs, such as heat load zoning configuration, fuel qualification table, fuel class, and intact fuel/damaged fuel definitions; allow for increased fuel assembly weight by 25 pounds; revise the definition of control components; include blended low enriched uranium fuel material; increase shielding effectiveness of the horizontal storage module by adding optional dose reduction hardware; update licensing basis documents based on recent experience with ongoing licensing actions involving other NUHOMS® systems; and accommodate installation practices for a limiting gap size that was evaluated based on dose rates. In addition, the amendment made editorial changes to the TSs. The companion proposed rule was also published in the *Federal Register* on July 30, 2014 ([79 FR 44318](#)). The effective date of October 14, 2014, was confirmed on September 30, 2014 ([79 FR 58672](#)).

List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM Underground Maximum Capacity Canister Storage System, Certificate of Compliance No. 1040; Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ42; NRC-2014-0120)

On September 9, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 53281](#)) amending its spent fuel storage regulations by adding the Holtec International HI-

STORM Underground Maximum Capacity (UMAX) Canister Storage System, Certificate of Compliance (CoC) No. 1040, to the “List of approved spent fuel storage casks.” The companion proposed rule was published in the *Federal Register* on September 9, 2014 ([79 FR 53352](#)). Unless significant adverse comments are received, the direct final rule will become effective on November 24, 2014.

Domestic Licensing of Special Nuclear Material—Written Reports and Clarifying Amendments: Direct Final Rule; 10 CFR Part 70 (RIN 3150-AJ34; NRC-2010-0271)

On September 26, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 57721](#)) amending its regulations related to reportable safety events involving special nuclear material. This direct final rule increases the time that licensees are allowed to submit a written follow-up report from within 30 days to within 60 days after the initial report of an event, updates the reporting framework for certain situations, and removes redundant reporting requirements. These amendments affect a licensee or an applicant that is, or plans to be, authorized to possess greater than a critical mass of special nuclear material. This action resulted from a petition for rulemaking (PRM) received by the NRC (PRM-70-8). As a result of this direct final rule, the NRC’s “FCSS [Fuel Cycle Safety and Safeguards] Interim Staff Guidance-12, Revision 1, 10 CFR Part 70-Reportable Safety Events,” contains minor editorial updates that reflect the amendments. The companion proposed rule was published in the *Federal Register* on September 26, 2014 ([79 FR 57840](#)). Unless significant adverse comments are received, the direct final rule will become effective on January 26, 2015.

Safeguards Information-Modified Handling Categorization; Change for Materials Facilities: Direct Final Rule; 10 CFR Parts 30, 37, 73, and 150 (RIN 3150-AJ18; NRC-2012-0140)

On September 30, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 58664](#)) amending its regulations to remove the Safeguards Information-Modified Handling (SGI-M) designation of the security-related information for large irradiators, manufacturers and distributors, and for transport of category 1 quantities of radioactive material. The rulemaking also resulted in the removal of the SGI-M designation of the security-related information for the transportation of irradiated reactor fuel that weighs 100 grams or less in net weight of irradiated fuel. The security-related information for these facilities and the transportation of certain materials will no longer be designated as SGI-M and will be protected under the information protection requirements that apply to other materials licensees that possess category 1 and category 2 quantities of radioactive material. The companion proposed rule was published in the *Federal Register* on September 30, 2014 ([79 FR 58701](#)). Unless significant adverse comments are received, the direct final rule will become effective on January 28, 2015.

VI. Corrections and Correcting Amendments

Miscellaneous Corrections; Corrections: Correcting Amendments; 10 CFR Parts 40, 50, 52, and 70 (RIN 3150-AJ23; NRC-2013-0019)

On December 12, 2013, the NRC published a correcting amendment in the *Federal Register* ([78 FR 75449](#)) making miscellaneous corrections to a final rule published on June 7, 2013 ([78 FR 34245](#)). The final rule contained minor errors in grammar, punctuation, and referencing. This document corrected the final rule by amending the sections that contained these errors. The correcting amendment was effective on December 12, 2013.

Unified Agenda of Federal Regulatory and Deregulatory Actions: Semiannual Regulatory Agenda; Correction; 10 CFR Chapter I (NRC-2013-0263)

On January 22, 2014, the NRC published a correction in the *Federal Register* ([FR 79 3543](#)) that corrected a notice appearing in the *Federal Register* on January 7, 2014 ([79 FR 1294](#)), notifying the public of the availability of its semiannual regulatory agenda (the Agenda). The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. The correction was necessary to revise an incorrect NRC Docket ID and was effective on January 22, 2014.

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Cask System; Amendment No. 9; Corrections: Final Rule; Correcting Amendment; 10 CFR Part 72 (RIN 3150-AJ12; NRC-2012-0052)

On April 14, 2014, the NRC published a correcting amendment in the *Federal Register* ([79 FR 20753](#)) correcting a direct final rule published in the *Federal Register* on December 6, 2013 ([78 FR 3379](#)). The direct final rule amended the NRC's spent fuel storage regulations by revising the Holtec International HI-STORM 100 Cask System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 9 to Certificate of Compliance (CoC) No. 1014. On December 26, 2013 ([78 FR 78165](#)), the NRC published a document that corrected several Agencywide Documents Access and Management System accession numbers referenced in the direct final rule and delayed the effective date of the direct final rule from February 19, 2014, to March 11, 2014. This correcting amendment was necessary to provide notification that the NRC amended its regulations by revising the Holtec HI-STORM 100 Cask System listing within the "List of Approved Spent Fuel Storage Casks" to correct the effective date of Amendment No. 9 to CoC No. 1014. The correcting amendment was effective on April 14, 2014.

Inflation Adjustments to the Price-Anderson Act Financial Protection Regulations; Corrections: Correcting Amendments; 10 CFR Part 140 (RIN 3150-AJ25; NRC-2013-0072)

On July 9, 2014, the NRC published a correcting amendment in the *Federal Register* ([79 FR 38768](#)) correcting a final rule published in the *Federal Register* on July 12, 2013 ([78 FR 41835](#)). This correcting amendment made a necessary conforming change to a concomitant NRC regulation. The correcting amendment was effective on July 9, 2014.

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2014; Correction: Final Rule; Correction; 10 CFR Parts 170 and 171 (RIN 3150-AJ32; NRC-2013-0276)

On July 22, 2014, the NRC published a correction in the *Federal Register* ([79 FR 42452](#)) correcting a final rule that appeared in the *Federal Register* on June 30, 2014 ([79 FR 37124](#)), that amended the licensing, inspection, and annual fees charged to the NRC's applicants and licensees. The final rule inadvertently included the NRC's Agencywide Documents Access and Management System (ADAMS) accession number for the fiscal year (FY) 2014 proposed fee rule work papers. This document corrected the final rule to provide the ADAMS accession number for the FY 2014 final fee rule work papers. The correction was effective on August 29, 2014.

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2014; Final Rule; Correction; 10 CFR Parts 170 and 171 (RIN 3150-AJ32; NRC-2013-0276)

On August 29, 2014, the NRC published a correction in the *Federal Register* ([79 FR 51470](#)) correcting a final rule that was published in the *Federal Register* on June 30, 2014 ([79 FR 37124](#)), that amended the licensing, inspection, and annual fees charged to the NRC's applicants and licensees. This action was necessary to correct a typographical error in the fee category description in the Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses. The NRC also corrected a percentage shown for FY 2014 in Table VII, Effort Factors for Fuel Facilities. The correction was effective on August 29, 2014.

Medical Use of Byproduct Material--Medical Event Definitions, Training and Experience, and Clarifying Amendments; Correction: Proposed Rule; Correction; 10 CFR Parts 30, 32 and 35 (RIN 3150-AI63; NRC-2008-0175)

On September 22, 2014, the NRC published a correction in the *Federal Register* ([79 FR 56524](#)) that corrected a proposed rule published in the *Federal Register* on July 21, 2014 ([79 FR 42410](#)), to amend the NRC's regulations related to the medical use of byproduct material. The public comment period for the information collection aspects of the proposed rule ended on August 20, 2014. However, the proposed rule inadvertently omitted the one-time implementation costs from the information collection burden estimate. This action set out the corrected information collection burden estimate in its entirety and allowed the public 30 days to comment from the date of publication of the correction. The correction was effective on September 22, 2014. The public comment period on the information collection aspects of the proposed rule closed on October 22, 2014.

VII. Petitions for Rulemaking

a. Notices of Docketing

Programmable Logic Computers in Nuclear Power Plant Control Systems: Petition for Rulemaking; Notice of Acceptance and Docketing; 10 CFR Chapter 1 (PRM-73-17; NRC-2013-0214)

On February 7, 2014, the NRC published a notice of docketing in the *Federal Register* ([79 FR 7406](#)) of a petition for rulemaking (PRM) filed on March 14, 2013, as supplemented through December 19, 2013, by Mr. Alan Morris (the petitioner). The petitioner requests that the NRC require "new-design programmable logic computers" be installed in the control systems of nuclear power plants to block malware attacks on their industrial control systems of those facilities. In addition, the petitioner requests that nuclear power plant staff be trained "in the programming and handling of the non-rewriteable memories" for nuclear power plants. The NRC did not institute a public comment period for this PRM.

Revise and Integrate All Safety and Environmental Regulations Related to Spent Fuel Storage and Disposal: Petition for Rulemaking; Acceptance and Docketing; 10 CFR Part 51 (PRM-51-30; NRC-2014-0014)

On April 21, 2014, the NRC published a notice of docketing in the *Federal Register* ([79 FR 22055](#)) of a PRM filed on December 20, 2013, as corrected on January 7, 2014, by Diane Curran on behalf of 34 environmental organizations (the petitioner). The petitioner requests that

the NRC revise and integrate all regulations that relate to the environmental impacts of spent fuel storage and disposal. The NRC did not institute a public comment period for this PRM.

Environmental Impacts of Spent Fuel Storage During Reactor Operation: Petition for Rulemaking; Acceptance and Docketing; 10 CFR Part 51 (PRM-51-31; NRC-2014-0055)

On May 1, 2014, the NRC published a notice of docketing in the *Federal Register* ([79 FR 24595](#)) of a PRM filed on February 18, 2014, by Diane Curran on behalf of 34 environmental organizations (the petitioner). The petitioner requests that the NRC revise its regulations and consider, in all pending and future reactor licensing and relicensing decisions, new and significant information bearing on the environmental impacts of high-density spent fuel storage in reactor pools and the costs and benefits for avoiding or mitigating those impacts. The NRC did not institute a public comment period for this PRM.

Protection of Digital Computer and Communication Systems and Networks: Petition for Rulemaking, Docketing, and Request for Comment; 10 CFR Part 73 (PRM-73-18; NRC-2014-0165)

On September 22, 2014, the NRC published a notice of docketing in the *Federal Register* ([79 FR 56525](#)) of a PRM filed on June 12, 2014, by Anthony Pietrangelo on behalf of the Nuclear Energy Institute (NEI or the petitioner). The petitioner requests that the NRC revise its cyber security requirements to ensure that its regulations prevent radiological sabotage and adequately protect the public health and safety and common defense and security. The public comment period closes on December 8, 2014.

b. Supplemental Information

Submitting Complete and Accurate Information: Petition for Rulemaking; Supplement; 10 CFR Parts 30, 40, 50, 52, 60, 61, 63, 70, 71, and 72 (PRM-50-107; NRC-2013-0077)

On January 21, 2014, the NRC published a supplement to a PRM, PRM-50-107, in the *Federal Register* ([79 FR 3328](#)). The supplement expanded the scope of a previously noticed PRM ([78 FR 34604](#); June 10, 2013) that was filed with the NRC by Mr. James Lieberman (the petitioner). The petitioner requests that the NRC expand its regulatory framework for nuclear power reactors, radioactive materials, waste disposal, transportation, and spent fuel storage licensees to make it a legal obligation for those non-licensees who seek NRC regulatory approvals to be held to the same legal standards for the submittal of complete and accurate information as would a licensee or an applicant for a license. The public comment period on the supplement closed on April 7, 2014.

Environmental Impacts of Spent Fuel Storage During Reactor Operation: Supplemental Petition for Rulemaking; Notice of Receipt; 10 CFR Part 51 (NRC-2014-0055)

On July 24, 2014, the NRC published a supplement to a PRM, PRM-51-31, in the *Federal Register* ([79 FR 42989](#)). The supplement was filed with the NRC by Diane Curran and Mindy Goldstein on behalf of 34 Environmental Organizations (the petitioner). The supplement added information to the record and was noticed for information only. The NRC did not institute a public comment period for this supplement.

c. Considerations in the Rulemaking Process

Spent Fuel Cask Certificate of Compliance Format and Content: Petition for Rulemaking; Consideration in the Rulemaking Process; 10 CFR Part 72 (NRC-2012-0266; NRC-2014-0067)

On July 18, 2014, the NRC published a document in the *Federal Register* ([FR 79 41935](#)) considering in its rulemaking process six issues raised in a petition for rulemaking (PRM), PRM-72-7, submitted by Anthony Pietrangelo, on behalf of the Nuclear Energy Institute (NEI or the petitioner). The petitioner requested that the NRC amend its regulations to improve the efficiency of the licensing and oversight of spent fuel dry cask storage.

d. Partial Considerations in the Rulemaking Process

None.

e. Denials

Emergency Planning Zones: Petition for Rulemaking; Denial; 10 CFR Part 50 (PRM-50-104; NRC-2012-0046)

On April 9, 2014, the NRC published a denial of a petition for rulemaking in the *Federal Register* ([79 FR 19501](#)) submitted by Michael Mariotte on behalf of the Nuclear Information and Resource Service (the petitioner) and 37 co-petitioners. The petitioner requested that the NRC amend its regulations that govern domestic licensing of production and utilization facilities to expand existing emergency planning zones (EPZ) around nuclear power plants, create a new EPZ, and require the incorporation of concurrent natural disasters in the required periodic emergency plan drills. The NRC denied the petition because the NRC concluded that the current size of the EPZs is appropriate for existing reactors and that emergency plans will provide an adequate level of protection of the public health and safety in the event of an accident at a nuclear power plant.

f. Withdrawals by Petitioner

None.

VIII. Preliminary and Draft Rule Language

Onsite Emergency Response Capabilities: Preliminary Proposed Rule Language; 10 CFR Parts 50 and 55 (RIN 3150-AJ11; NRC-2012-0031)

On November 15, 2013, the NRC published a document in the *Federal Register* ([78 FR 68774](#)) making available preliminary proposed rule language that would strengthen and integrate onsite emergency response capabilities. The NRC periodically makes publicly available a series of documents related to the ongoing proposed rulemaking effort to amend its regulations regarding onsite emergency response capabilities. The availability of these documents provides increased awareness to interested stakeholders and provides preparatory material for future public meetings. The NRC does not plan to institute a public comment period for these materials when making them publicly available.

IX. Draft and Final Regulatory Bases

Onsite Emergency Response Capabilities; Regulatory Basis; 10 CFR Parts 50 and 55 (RIN 3150-AJ11; NRC-2012-0031)

On October 25, 2013, the NRC published a regulatory basis in the *Federal Register* ([78 FR 63901](#)) to support the potential amendment of its regulations concerning nuclear power plant licensees' onsite emergency response capabilities. The issuance of this regulatory basis document is one of the actions stemming from the NRC's lessons-learned efforts associated with the March 2011 Fukushima Dai-ichi Nuclear Power Plant accident in Japan. The NRC did not seek public comments on the regulatory basis.

Security Requirements for Facilities Storing Spent Nuclear Fuel: Draft Regulatory Basis; Availability of Responses to Public Comments; 10 CFR Parts 72 and 73 (RIN 3150-AI78; NRC-2009-0558)

On December 24, 2013, the NRC published a document in the *Federal Register* ([78 FR 77606](#)) that made available the NRC staff's responses to public comments on a draft regulatory basis for a proposed rule that would revise the security requirements for storing spent nuclear fuel (SNF) in an independent spent fuel storage installation, and for storing SNF and/or high-level radioactive waste in a monitored retrievable storage installation.

Enhanced Security at Fuel Cycle Facilities; Special Nuclear Material Transportation: Draft Regulatory Basis; Request for Comment; 10 CFR Parts 26 and 73 (RIN 3150-AJ41; NRC-2014-0118)

On June 18, 2014, the NRC published a draft regulatory basis in the *Federal Register* ([79 FR 34641](#)) to support the potential amendments to revise a number of existing security-related regulations. These regulations relate to physical protection of special nuclear material at NRC-licensed facilities and in transit, as well as the fitness-for-duty programs for security officers at certain fuel cycle facilities. Potentially affected licensees include fuel cycle facilities, non-power reactors, research and development facilities, industrial facilities, and certain medical isotope production facilities. In order to allow more time for members of the public to develop and submit comments, the NRC extended the public comment period from August 4, 2014, to October 17, 2014 ([79 FR 42474](#)).

X. Draft and Final Guidance Documents

Proposed Guidance for Fuel Cycle Facility; Material Control and Accounting Plans and Completing NRC Form 327; Draft NUREGs; Request for Comment: 10 CFR Parts 40, 70, 72, 74, and 150 (RIN 3150-AI61; NRC-2013-0195);

[See the entry for the associated proposed rule.](#)

Shielding and Radiation Protection Review Effort and Licensing Conditions for Dry Storage Applications: Draft Interim Staff Guidance; Withdrawal; 10 CFR Part 72 (NRC-2013-0051)

On March 7, 2014, the NRC published a document in the *Federal Register* ([79 FR 13002](#)) announcing the withdrawal of draft Spent Fuel Storage and Transportation Interim Staff

Guidance No. 26A, Revision 0, “Shielding and Radiation Protection Review Effort and Licensing Parameters for 10 CFR Part 72 Applications.” The withdrawal was effective on March 7, 2014.

Medical Use of Byproduct Material-Medical Event Definitions and Training and Experience: Draft Guidance, Request for Comment; 10 CFR Parts 30, 32 and 35 (RIN 3150-AI63; NRC-2014-0030)

[See the entry for the associated proposed rule.](#)

XI. Policy Statements

Conceptual Example of a Proposed Risk Management Regulatory Framework Policy Statement: Request for Comment (NRC-2013-0254)

On November 25, 2013, the NRC issued for public comment in the *Federal Register* ([79 FR 70354](#)) a document entitled, “White Paper on a Conceptual Example of a Proposed Risk Management Regulatory Framework Policy Statement,” and requested public comment. The conceptual statement set forth a possible Commission policy regarding the use of a structured decision-making model that results in risk-informed and performance-based defense-in-depth protection. The white paper was an illustration of the staff’s work in progress and was expected to be modified as both internal and external review was solicited and considered. On January 10, 2014 ([79 FR 1898](#)), the NRC extended the public comment period to February 28, 2014.

Consumer Product Policy Statement: Policy Statement: Revision (NRC-2014-0292)

On January 16, 2014, the NRC issued for public comment in the *Federal Register* ([79 FR 2907](#)) an update of its policy statement on products intended for use by the general public (consumer products). The update reflected the NRC’s current approach to radiation protection, legislation that has been enacted since the policy was published in 19645, and subsequent approaches taken in the NRC’s regulatory framework for exemptions. The revised policy statement became effective on January 16, 2014.

Nuclear Regulatory Commission International Policy Statement: Policy Statement: Issuance (NRC-2014-0112)

On July 10, 2014, the NRC issued its International Policy Statement in the *Federal Register* ([79 FR 39415](#)) that captures a brief history of almost 40 years of involvement in international activities and how this has impacted the NRC. The International Policy Statement also outlines how international activities directly support the NRC’s goals and mission and enumerates specific elements in which the NRC will proactively engage. The International Policy Statement was effective on July 10, 2014.

NRC Enforcement Policy: Policy Revision: Request for Comment (NRC-2014-0221)

On October 9, 2014, the NRC issued for public comment in the *Federal Register* ([79 FR 61107](#)) proposed revisions to its Enforcement Policy. The public comment period closes on November 24, 2014.

XII. Memorandum of Understanding

None.

XIII. Other Rulemaking Related Publications

Waste Confidence--Continued Storage of Spent Nuclear Fuel: Proposed Rule; Extension of Comment Period; 10 CFR Part 51 (RIN 3150-AJ20; NRC-2012-0246)

On November 7, 2013, the NRC published a document in the *Federal Register* ([78 FR 66858](#)) extending the public comment period for a proposed rule published in the *Federal Register* on September 13, 2013 ([78 FR 56776](#)). The proposed rule would revise the NRC's generic determination on the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal. Due to the lapse in Federal funding and the subsequent shutdown of the NRC, and requests from members of the public to extend the comment period, the NRC decided to extend the comment period from November 27, 2013, to December 20, 2013.

Facility Security Clearance and Safeguarding of National Security Information and Restricted Data: Direct Final Rule; Confirmation of Effective Date; 10 CFR Part 95 (RIN 3150-AJ07; NRC-2011-0268)

On November 19, 2013, the NRC published a document in the *Federal Register* ([78 FR 69286](#)) confirming the effective date of October 21, 2013, for the direct final rule that was published in the *Federal Register* on August 7, 2013 ([78 FR 48037](#)). This direct final rule updated the NRC's regulations to standardize the frequency of required security education training for employees of NRC licensees possessing security clearances so that such training will be conducted annually, consistent with the objectives of Executive Order 13526, "Classified National Security Information." In addition, this direct final rule allowed licensees flexibility in determining the means and methods for providing this training, established uniformity in the frequency of licensee security education and training programs, and enhanced the protection of classified information.

Unified Agenda of Federal Regulatory and Deregulatory Actions: Semiannual Regulatory Agenda; 10 CFR Chapter I (NRC-2013-0076)

On January 7, 2014, the NRC published in the *Federal Register* ([79 FR 1294](#)) its Semiannual Regulatory Agenda (the Agenda) 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 updated any action occurring on rules since publication of the last Agenda ([78 FR 1704; January 8, 2013](#)).

Retrospective Analysis Under Executive Order 13579: Final Plan for Retrospective Analysis of Existing Rules; 2 CFR Chapter XX, 5 CFR Chapter XLVIII, and 10 CFR Chapter I (NRC-2011-0246)

On February 24, 2014, the NRC published a document in the *Federal Register* ([79 FR 9981](#)) making available its final Plan for the retrospective analysis of its existing rules. The final Plan

describes the processes and activities that the NRC uses to determine whether any of its regulations should be modified, streamlined, expanded, or repealed. This action is part of the NRC's voluntary implementation of Executive Order 13579, "Regulation and Independent Regulatory Agencies," issued by the President on July 11, 2011. The final Plan was effective on February 24, 2014.

Low-Level Radioactive Waste Regulatory Program: Strategic Assessment Update: Request for Comment; 10 CFR Part 61 (NRC-2014-0080)

On May 15, 2014, the NRC published a document in the *Federal Register* ([79 FR 27772](#)) relative to conducting an update to a Strategic Assessment of its Low-Level Radioactive Waste (LLRW) regulatory program. The objective of this assessment is to identify and prioritize activities that the staff can undertake to ensure a stable, reliable, and adaptable regulatory framework for effective LLRW management, while also considering future needs and changes that may occur in the nation's LLRW management system. The NRC staff sought comments on developments that would affect the LLRW regulatory program in the next several years that would affect licensees and sited States and actions that the NRC could take to ensure safety, security, and the protection of the environment. The NRC decided to extend the public comment period from July 14, 2014, to September 15, 2014 ([79 FR 38796](#)), to allow more time for members of the public to develop and submit their comments.

Unified Agenda of Federal Regulatory and Deregulatory Actions: Semiannual Regulatory Agenda; 10 CFR Chapter I (NRC-2014-0039)

On June 13, 2014, the NRC published in the *Federal Register* ([79 FR 34204](#)) its Semiannual Regulatory Agenda (the Agenda) 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 updated any action occurring on rules since publication of the last Agenda ([79 FR 1294](#); January 7, 2014).