

# Fiscal Year 2015 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) 2015. 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.

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## I. Summary of NRC Rulemaking Actions

The following table shows rulemaking actions published in the *Federal Register* in FY 2015 by document type.

<b>Rulemaking Action</b>	<b>Total Number Published</b>
<b>Advance Notices of Proposed Rulemaking</b>	<b>1</b>
<b>Proposed Rules</b>	<b>3</b>
<b>Supplemental Proposed Rules</b>	<b>1</b>
<b>Final Rules</b>	<b>11</b>
<b>Direct Final Rules</b>	<b>7</b>
<b>Correcting Amendments</b>	<b>3</b>
<b>Preliminary and Draft Rule Language</b>	<b>0</b>
<b>Draft and Final Regulatory Basis</b>	<b>3</b>
<b>Draft and Final Guidance Documents</b>	<b>1</b>
<b>Petitions for Rulemaking</b>	<b>12</b>
<b>Other Rulemaking Related Publications</b>	<b>5</b>
<b>Policy Statements</b>	<b>1</b>
<b>Memorandum of Understanding</b>	<b>0</b>
<b>Total</b>	<b>48</b>

## II. Advance Notices of Proposed Rulemaking

### **Reactor Effluents: Advance Notice of Proposed Rulemaking; Request for Comment; Appendix I of Part 50 of Title 10 of the Code of Federal Regulations (10 CFR) (Regulation Identified Number (RIN) 3150-AJ38; NRC-2014-0044)**

On May 4, 2015, the NRC published an advance notice of proposed rulemaking (ANPR) in the *Federal Register* ([80 FR 25237](#)) to obtain input from stakeholders on the development of a regulatory basis for the NRC's regulations governing radioactive effluents from nuclear power plants. The regulatory basis would support potential changes to better align the NRC's regulations governing dose assessments for radioactive effluents from nuclear power plant operations with the most recent terminology and dose-related methodology published by the International Commission on Radiological Protection (ICRP Publication 103 (2007)). On August 25, 2015, the NRC extended the public comment period from September 1, 2015, to October 1, 2015, to allow more time for members of the public to develop and submit their comments ([80 FR 51481](#)).

## III. Proposed Rules

### **Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015: Proposed Rule; 10 CFR Parts 170 and 171 (RIN 3150-AJ44; NRC-2014-0200)**

On March 23, 2015, the NRC published a proposed rule in the *Federal Register* ([80 FR 15476](#)) proposing 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, which requires the NRC to recover through fees approximately 90 percent of its budget authority in Fiscal Year 2015, not including amounts appropriated for Waste Incidental to Reprocessing, the Nuclear Waste Fund, 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. The public comment period on the proposed rule closed on April 22, 2015.

### **Low-Level Radioactive Waste Disposal: Proposed Rule; 10 CFR Parts 20 and 61 (RIN 3150-AI92; NRC-2011-0012 and NRC-2015-0003)**

On March 26, 2015, the NRC published a proposed rule in the *Federal Register* ([80 FR 16082](#)) proposing to amend its regulations that govern low-level radioactive waste (LLRW) disposal facilities to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for LLRW acceptance based on the results of these analyses, to facilitate implementation, and to better align the requirements with current health and safety standards. The related draft guidance, NUREG-2175, "Guidance for Conducting Technical Analyses for 10 CFR Part 61," was published for comment in the same issue of the *Federal Register* ([80 FR 15930](#)). On August 27, 2015, the NRC reopened the public comment period from July 24, 2015, to September 21, 2015, to allow more time for members of the public to develop and submit their comments ([80 FR 51964](#)).

**Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases: Proposed Rule; 10 CFR Part 50 (RIN 3150-AI97; NRC-2011-0088)**

On September 18, 2015, the NRC published a proposed rule in the *Federal Register* ([80 FR 56819](#)) proposing to amend its regulations to incorporate by reference seven recent editions and addenda to the American Society of Mechanical Engineers (ASME) codes for nuclear power plants and a standard for quality assurance. The NRC also proposed to incorporate by reference four ASME code cases. This action is in accordance with the NRC's policy to periodically update the regulations to incorporate by reference new editions and addenda of the ASME codes and is intended to maintain the safety of nuclear power plants and to make NRC activities more effective and efficient. The public comment period on the proposed rule closed on December 2, 2015.

**IV. Supplemental Proposed Rules**

**Enhanced Weapons, Firearms Background Checks, and Security Event Notifications: Supplemental Proposed Rule; 10 CFR Part 73 (RIN 3150-AI49; NRC-2011-0015 and NRC-2011-0018)**

On September 22, 2015, the NRC published a supplemental proposed rule in the *Federal Register* ([80 FR 57106](#)) proposing to amend its regulations that would implement its authority under Section 161A of the Atomic Energy Act of 1954, as amended, to permit NRC licensees and certificate holders to apply for preemption authority and enhanced weapons authority, and conduct associated firearms background checks. The public comment period on the supplemental proposed rule closed on December 7, 2015.

**V. Final Rules**

**Economic Simplified Boiling-Water Reactor Design Certification: Final Rule; 10 CFR Part 52 (RIN 3150-AI85; NRC-2010-0135)**

On October 15, 2014, the NRC published a final rule in the *Federal Register* ([79 FR 61944](#)) certifying the Economic Simplified Boiling-Water Reactor (ESBWR) standard plant design. This action was necessary, so that applicants or licensees intending to construct and operate an ESBWR design may do so by referencing this design certification rule. The applicant for certification of the ESBWR design is GE-Hitachi Nuclear Energy. This final rule was effective on November 14, 2014.

**Approval of American Society of Mechanical Engineers' Code Cases: Final Rule; 10 CFR Part 50 (RIN 3150-AI72; NRC-2009-0359 and NRC-2013-0133)**

On November 5, 2014, the NRC published a final rule in the *Federal Register* ([79 FR 65776](#)) amending its regulations to incorporate by reference the latest revisions of three NRC Regulatory Guides (RGs) approving new and revised Code Cases published by the American Society of Mechanical Engineers. This action allows nuclear power plant licensees, and applicants for construction permits, operating licenses, combined licenses, standard design certifications, standard design approvals, and manufacturing licenses, to use the Code Cases

listed in these RGs, as alternatives to engineering standards for the construction, inservice inspection, and inservice testing of nuclear power plant components. This final rule addressed a petition for rulemaking (PRM), PRM–50–89, submitted by Mr. Raymond West. The final rule restructured the NRC’s requirements governing Codes and Standards to align with the Office of the *Federal Register’s* guidelines for incorporating documents by reference. This final rule also announced the availability of the final versions of the three RGs that were incorporated by reference, and a related RG, not incorporated by reference into the NRC’s regulations, that lists Code Cases that the NRC has not *approved for use*. This final rule was effective on December 5, 2014.

**Miscellaneous Corrections: Final Rule; 10 CFR Parts 2, 15, 19, 20, 26, 30, 40, 50, 51, 52, 55, 60, 61, 63, 70, 71, 72, 73, and 76 (RIN 3150-AJ35; NRC-2014-0032)**

On November 10, 2014, the NRC published a final rule in the *Federal Register* ([79 FR 66598](#)) amending its regulations to make miscellaneous corrections. The changes included updating the address for the NRC’s Public Document Room, updating a footnote, correcting mathematical errors, correcting references, correcting typographical and grammatical errors, and revising language for clarity and consistency. The final rule also made changes to the time period by which a Federal agency must refer a debt for collection through offset, and made conforming changes to the regulations to reflect the transfer of Mississippi to NRC Region IV. This final rule was effective on December 10, 2014.

**Organizational Changes and Conforming Amendments: Final Rule; 10 CFR Parts 1, 2, 30, 31, 32, 34, 35, 37, 40, 51, 61, 62, 70, 71, 72, 73, 74, 75, 140, and 150 (RIN 3150-AJ46; NRC-2014-0220)**

On December 19, 2014, the NRC published a final rule in the *Federal Register* ([79 FR 75735](#)) amending its regulations to reflect internal organizational changes and conforming amendments. These changes included adding the address for a new NRC building at headquarters, removing references to several committees that no longer exist, adding the Computer Security Office, removing all references to the Office of Federal and State Materials and Environmental Management Programs because that office has merged with the Office of Nuclear Material Safety and Safeguards, and making conforming amendments throughout the regulations to reflect this office merger. This final rule was effective on December 19, 2014.

**List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Certificate of Compliance No. 1029, Amendment No. 3; Final Rule; 10 CFR Part 72 (RIN 3150-AJ31; NRC-2013-0271)**

On January 22, 2015, the NRC published a final rule in the *Federal Register* ([80 FR 3147](#)) amending its spent fuel storage regulations by revising the Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 3 to Certificate of Compliance No. 1029. On April 15, 2014, the NRC published a direct final rule ([79 FR 21121](#)) and a companion proposed rule ([79 FR 21156](#)) on this amendment. The NRC withdrew the direct final rule on June 25, 2014 ([79 FR 35911](#)), because it received significant adverse comments. The comments received on the companion proposed rule were addressed in this final rule. This final rule was effective on February 21, 2015.

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

On March 6, 2015, the NRC published a final rule in the *Federal Register* ([80 FR 12073](#)) amending its spent fuel storage regulations by adding the Holtec International HI-STORM Underground Maximum Capacity Canister Storage System, Certificate of Compliance No. 1040, to the “List of approved spent fuel storage casks.” On September 9, 2014, the NRC published a direct final rule ([79 FR 53281](#)) and a companion proposed rule ([79 FR 53352](#)) on this amendment. The NRC withdrew the direct final rule on November 19, 2014 ([79 FR 68763](#)), because it received significant adverse comments. The Comments received on the companion proposed rule were addressed in this final rule. On March 25, 2015, the NRC corrected the Certificate Expiration Date from March 6, 2035, to April 6, 2035 ([80 FR 15679](#)). This final rule became effective on April 6, 2015.

**Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements: Final Rule; 10 CFR Part 71 (RIN 3150-AI11; NRC-2008-0198)**

On June 12, 2015, the NRC published a final rule, in consultation with the U.S. Department of Transportation (DOT) in the *Federal Register* ([80 FR 33988](#)) amending its regulations for the packaging and transportation of radioactive material. These amendments made conforming changes to the NRC's regulations based on the International Atomic Energy Agency's 2009 standards for the international transportation of radioactive material and maintain consistency with the DOT's regulations. In addition, these amendments re-established restrictions on materials that qualify for the fissile material exemption, clarified requirements, updated administrative procedures, and made editorial changes. This final rule was effective on July 13, 2015.

**Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015: Final Rule; 10 CFR Parts 170 and 171 (RIN 3150-AJ44; NRC-2014-0200)**

On June 30, 2015, the NRC published a final rule in the *Federal Register* ([80 FR 37432](#)), 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 2015, not including amounts appropriated for Waste Incidental to Reprocessing, the Nuclear Waste Fund, 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. This final rule was effective on August 31, 2015.

**Miscellaneous Corrections: Final Rule; 10 CFR Parts 1, 37, 40, 50, 55, 74, and 75 (RIN 3150-AJ60; NRC-2015-0105)**

On August 3, 2015, the NRC published a final rule in the *Federal Register* ([80 FR 45841](#)) amending its regulations to make miscellaneous corrections. These changes included updating the name and the phone number of the U.S. Government Publishing Office, updating the address for the National Technical Information Service, correcting typographical errors, correcting misspellings, and correcting references. This final rule was effective on September 2, 2015.

**List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision 1; Final Rule; 10 CFR Part 72 (RIN 3150-AJ47; NRC-2014-0233)**

On August 18, 2015, the NRC published a final rule in the *Federal Register* ([80 FR 49887](#)) 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 add Revision 1 to Amendment No. 8 (effective May 2, 2012, as corrected on November 16, 2012) to the Certificate of Compliance No. 1014. On February 5, 2015, the NRC published a direct final rule ([80 FR 6430](#)) and a companion proposed rule ([80 FR 6466](#)) on this amendment. The NRC withdrew the direct final rule on April 20, 2015 ([80 FR 21639](#)), because it received significant adverse comments. The Comments received on the companion proposed rule were addressed in this final rule. This final rule will become effective on February 16, 2016.

**Formatting and Non-Substantive Corrections to Authority Citations: Final Rule; Part 2000 of Title 2 of the CFR, 5 CFR Part 5801, and Chapter 1 of 10 CFR (RIN 3150-AJ61; NRC-2015-0122)**

On September 9, 2015, the NRC published a final rule in the *Federal Register* ([80 FR 54223](#)) amending its regulations to better adhere to the Office of *Federal Register’s* guidance for formatting authority citations. The NRC also corrected typographical errors and made other non-substantive corrections to its authority citations. This final rule was effective on September 9, 2015.

## VI. Direct Final Rules

**List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM FLOOD/WIND System; Certificate of Compliance No. 1032, Amendment No. 1: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ40; NRC-2014-0102)**

On October 3, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 59623](#)) amending its spent fuel storage regulations by revising the Holtec International HI-STORM FLOOD/WIND System listing within the “List of approved spent fuel storage casks” to include Amendment No. 1 to Certificate of Compliance (CoC) No. 1032. The companion proposed rule was also published in the *Federal Register* on October 3, 2014 ([79 FR 59693](#)). This direct final rule was effective on December 17, 2014, because no significant adverse comments were received by November 3, 2014 ([79 FR 74594](#); December 16, 2014).

**Definition of a Utilization Facility: Direct Final Rule; 10 CFR Part 50 (RIN 3150-AJ18; NRC-2013-0053)**

On October 17, 2014, the NRC published a direct final rule in the *Federal Register* ([79 FR 62329](#)) amending its regulations to add SHINE Medical Technologies, Inc.’s (SHINE) proposed accelerator-driven subcritical operating assemblies to the NRC’s definition of a “utilization facility.” In 2013, SHINE submitted a two-part construction permit application for a medical radioisotope production facility that SHINE proposes to build in Janesville, Wisconsin. This rule allows NRC staff to conduct an efficient and effective licensing review of the SHINE

construction permit application and any subsequent operating license application. The companion proposed rule was also published in the *Federal Register* ([79 FR 62360](#)) on October 17, 2014. The final rule was effective on December 31, 2014. On November 5, 2014, the NRC published corrections to the direct final rule ([79 FR 65541](#)) and the companion proposed rule ([79 FR 65603](#)) to correct the docket identification number and Regulation Identifier Number.

**List of Approved Spent Fuel Storage Casks: NAC International MAGNASTOR® System; Certificate of Compliance No. 1031, Amendment No. 4: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ39; NRC-2014-0058)**

On January 29, 2015, the NRC published a direct final rule in the *Federal Register* ([80 FR 4757](#)) amending its spent fuel storage regulations to add Amendment No. 4 to the Certificate of Compliance No. 1031 for the NAC International MAGNASTOR® System. The companion proposed rule was also published in the *Federal Register* on January 29, 2015 ([80 FR 4808](#)). The direct final rule was effective April 14, 2015, because no significant adverse comments were received by March 2, 2015 ([80 FR 16251](#); March 27, 2015).

**List of Approved Spent Fuel Storage Casks: Holtec HI-STORM FLOOD/WIND System; Certificate of Compliance No. 1032, Amendment No. 1, Revision 1: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ52; NRC-2014-0275)**

On March 19, 2015, the NRC published a direct final rule in the *Federal Register* ([80 FR 14291](#)) amending its spent fuel storage regulations by revising the Holtec International, Inc., HI-STORM FLOOD/WIND System listing within the “List of approved spent fuel storage casks” to add Amendment No. 1, Revision 1, to Certificate of Compliance (CoC) No. 1032. The companion proposed rule was also published in the *Federal Register* ([80 FR 14332](#)) on March 19, 2015. This direct final rule was effective on June 2, 2015, because no significant adverse comments were received by April 20, 2015 ([80 FR 30924](#); June 1, 2015).

**List of Approved Spent Fuel Storage Casks: NAC International, Inc., MAGNASTOR® System; Certificate of Compliance No. 1031, Amendment No. 5: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ50; NRC-2014-0261)**

On April 15, 2015, the NRC published a direct final rule in the *Federal Register* ([80 FR 20149](#)) amending its spent fuel storage regulations by revising the NAC International, Inc., MAGNASTOR® System listing within the “List of approved spent fuel storage casks” to add Amendment No. 5 to Certificate of Compliance No. 1031. The companion proposed rule was also published in the *Federal Register* ([80 FR 20171](#)) on April 15, 2015. This direct final rule was effective on June 29, 2015, because no significant adverse comments were received by May 15, 2015 ([80 FR 36467](#); June 25, 2015).

**List of Approved Spent Fuel Storage Casks: Holtec International Storage Module (HI-STORM) Underground Maximum Capacity (UMAX) Canister Storage System, Certificate of Compliance No. 1040, Amendment No. 1: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ58; NRC-2015-0067)**

On June 23, 2015, the NRC published a direct final rule in the *Federal Register* ([80 FR 35829](#)), amending its spent fuel storage regulations by revising the Holtec International, Inc., HI-STORM UMAX Canister Storage System listing within the “List of approved spent fuel storage casks” to add Amendment No. 1 to Certificate of Compliance No. 1040. The companion proposed rule was also published in the *Federal Register* ([80 FR 35872](#)) on June 23, 2015. This direct final



rule was effective on September 8, 2015, because no significant adverse comments were received by July 23, 2015 ([80 FR 56931](#); September 8, 2015).

**List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM Flood/Wind Multipurpose Storage System; Certificate of Compliance No. 1032, Amendment No. 0, Revision 1: Direct Final Rule; 10 CFR Part 72 (RIN 3150-AJ62; NRC-2015-0134)**

On September 28, 2015, the NRC published a direct final rule in the *Federal Register* ([80 FR 58195](#)) amending its spent fuel storage regulations by revising the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System listing within the “List of approved spent fuel storage casks” to add Amendment No. 0, Revision 1, to Certificate of Compliance (CoC) No. 1032. The companion proposed rule was published in the *Federal Register* on September 28, 2015 ([80 FR 58222](#)).

## VII. Correcting Amendments

**Approval of American Society of Mechanical Engineers’ Code Cases; Technical Corrections: Final Rule; 10 CFR Part 50 (RIN 3150-AI72; NRC-2009-0359)**

On December 11, 2014, the NRC published a document in the *Federal Register* ([79 FR 73461](#)) amending its regulations to make technical corrections, including adding three inadvertently omitted addenda to Section XI, “Rules for Inservice Inspection of Nuclear Reactor Coolant Systems,” of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code to the list of documents approved for incorporation by reference; and correcting a footnote number. This technical correction was effective on December 11, 2014.

**Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements; Corrections: Final Rule; Correcting Amendments; 10 CFR Part 71 (RIN 3150-AI11; NRC-2008-0198)**

On August 14, 2015, the NRC published a document in the *Federal Register* ([80 FR 48683](#)) that corrected a final rule published in the *Federal Register* on June 12, 2015 ([80 FR 33988](#)). The final rule, in consultation with DOT, amended the NRC’s regulations for the packaging and transportation of radioactive material. The final rule contained minor editorial errors in a calculation, outdated contact information, and outdated information for examining the materials that are incorporated by reference. This document corrected the final rule by revising the definition that contains these errors, and updated the contact and examination information. This correcting amendment was effective on August 14, 2015.

**Formatting and Non-Substantive Corrections to Authority Citations; Corrections: Correcting Amendments; 10 CFR Parts 20, 32, 54, 73, 95, and 110 (RIN 3150-AJ61; NRC-2015-0122)**

On September 30, 2015, the NRC published a document in the *Federal Register* ([80 FR 58573](#)) which corrects a final rule published in the *Federal Register* on September 9, 2015 ([80 FR 54223](#)). The final rule amended the NRC’s regulations to better adhere to the Office of the *Federal Register’s* guidance for formatting authority citations. In addition, the final rule corrected typographical errors and made other non-substantive corrections to the NRC’s authority citations. The final rule contained incorrect punctuation and spacing, one incorrect

reference, and omitted two references. This document made additional corrections to the NRC's authority citations. This correcting amendment was effective on September 30, 2015.

## VIII. Preliminary and Draft Rule Language

The NRC did not publish any Preliminary or Draft Rule Language in FY 2015.

## IX. Draft and Final Regulatory Basis

### **Enhanced Security of Special Nuclear Material: Regulatory Basis; 10 CFR Part 73 (RIN 3150-AJ41; NRC-2014-0118)**

On April 23, 2015, NRC published a regulatory basis document in the *Federal Register* ([80 FR 22434](#)) that supports a proposed rulemaking that would potentially amend the NRC's regulations concerning the security of special nuclear material. The NRC did not seek public comment on the regulatory basis.

### **Financial Qualifications for Reactor Licensing: Draft Regulatory Basis; Public Meeting and Request for Comment; 10 CFR Part 50 (RIN 3150-AJ43; NRC-2014-0161)**

On June 17, 2015, the NRC published a draft regulatory basis in the *Federal Register* ([80 FR 34559](#)) that supports a proposed rulemaking that would amend the current financial qualification requirements of "reasonable assurance" to the review standard of "appears to be financially qualified." The NRC held a public meeting on July 8, 2015, at the NRC Headquarters in Rockville, MD, to promote full understanding of this regulatory basis and to facilitate public comment. The public comment for this draft regulatory basis closed on August 3, 2015.

### **Cyber Security at Fuel Cycle Facilities: Draft Regulatory Basis; Request for Comment; 10 CFR Part 73 (RIN 3150-AJ64; NRC-2015-0179)**

On September 4, 2015, the NRC published a draft regulatory basis in the *Federal Register* ([80 FR 53478](#)) that supports a proposed rulemaking that would amend its regulations by adopting new cyber security requirements for certain nuclear fuel cycle facility (FCF) licensees in order to address safety and security consequences of concern. Potentially affected licensees include certain FCFs authorized to possess Category I, II, or III quantities of special nuclear material and uranium hexafluoride conversion and deconversion facilities. The public comment period on the draft regulatory basis closed on October 5, 2015.

## X. Draft and Final Guidance Documents

### **Alternate Risk-Informed Approach for Addressing the Effects of Debris on Post-Accident Long-Term Core Cooling: Draft Regulatory Guide; Request for Comment; 10 CFR Parts 50 and 52 (RIN 3150-AH42; NRC-2015-0095)**

On April 20, 2015, the NRC issued for public comment in the *Federal Register* ([80 FR 21658](#)) draft regulatory guide (DG), DG-1322, "Alternate Risk-Informed Approach for Addressing the Effects of Debris on Post-Accident Long-Term Core Cooling." This DG proposed new guidance that describes methods and procedures that the NRC staff considers acceptable for complying with a voluntary, risk-informed alternative in a proposed revision of the NRC's regulations governing the design of emergency core cooling systems. The comment period on the DG closed on July 6, 2015.

## XI. Petitions for Rulemaking

### a. Notices of Docketing

#### **Fuel-Cladding Issues in Postulated Spent Fuel Pool Accidents: Petition for Rulemaking; Notice of Docketing; 10 CFR Part 50 (PRM-50-108; NRC-2014-0171)**

On October 7, 2014, the NRC published a notice of docketing in the *Federal Register* ([79 FR 60383](#)) for a petition for rulemaking (PRM) from Mr. Mark Edward Leyse (the petitioner), dated June 19, 2014. The petition was docketed by the NRC on July 14, 2014, and assigned Docket No. PRM-50-108. The petitioner requested that the NRC make new regulations concerning the use of spent fuel pool accident evaluation models. The NRC did not request public comment on PRM-50-108.

#### **Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material: Petition for Rulemaking; Notice of Docketing and Request for Comment (PRM-37-1; NRC-2014-0172)**

On October 28, 2014, the NRC published a notice of docketing and request for comment in the *Federal Register* ([79 FR 64149](#)) for a PRM from Anthony R. Pietrangelo on behalf of the Nuclear Energy Institute (the petitioner), dated June 12, 2014. The petition was docketed by the NRC on July 17, 2014, and assigned Docket No. PRM-37-1. The petitioner requested that the NRC amend its regulations to "remove unnecessary and burdensome requirements on licensees with established physical security programs." The public comment period on this petition closed on January 12, 2015.

#### **Improved Identification Techniques against Alkali-Silica Reaction Concrete Degradation at Nuclear Power Plants: Petition for Rulemaking; Notice of Docketing and Request for Comment; 10 CFR Part 50 (PRM-50-109; NRC-2014-0257)**

On January 12, 2015, the NRC published a notice of docketing and request for comment in the *Federal Register* ([80 FR 1476](#)) for a PRM from Sandra Gavutis on behalf of C-10

Research and Education Foundation (the petitioner), dated September 25, 2014. The petition was docketed by the NRC on October 8, 2014, and assigned Docket No. PRM-50-109. The petitioner requested that the NRC amend its regulations to provide improved identification techniques against Alkali-Silica Reaction concrete degradation at nuclear power plants. The public comment period on this petition closed on March 30, 2015.

**Applicability of Risk-Informed Categorization Regulation to Combined Licenses: Petition for Rulemaking; Notice of Docketing; 10 CFR Part 50 (PRM-50-110; NRC-2015-0028)**

On March 27, 2015, the NRC published a notice of docketing in the *Federal Register* ([80 FR 16308](#)) for a PRM from Michael D. Tschiltz, on behalf of the Nuclear Energy Institute (the petitioner), dated January 15, 2015. The petition was docketed by the NRC on February 6, 2015, and assigned Docket No. PRM-50-110. The petitioner requested that the NRC clarify the applicability of an NRC regulation to combined licenses. The NRC did not request public comment on PRM-50-110.

**Linear No-Threshold Model and Standards for Protection against Radiation: Petition for Rulemaking; Notice of Docketing and Request for Comment; 10 CFR Part 20 (PRM-20-28, PRM-20-29, and PRM-20-30; NRC-2015-0057)**

On June 23, 2015, the NRC published a notice of docketing and request for comment in the *Federal Register* ([80 FR 35870](#)) for three PRMs from Carol S. Marcus, Mark L. Miller, and Mohan Doss (the petitioners), dated February 9, 2015, February 13, 2015, and February 24, 2015, respectively. The petitions were docketed on February 20, 2015, February 27, 2015, and March 16, 2015, and assigned Docket Nos. PRM-20-28, PRM-20-29, and PRM-20-30, respectively. The petitioners requested that the NRC amend its “Standards for Protection Against Radiation” regulations and change the basis of those regulations from the Linear No-Threshold model of radiation protection to the radiation hormesis model. On August 21, 2015, the NRC extended the public comment period from September 8, 2015, to November 19, 2015, to allow more time for members of the public to develop and submit their comments ([80 FR 50804](#)).

**Power Reactor In-Core Monitoring: Petition for Rulemaking; Notice of Docketing; 10 CFR Part 50 (PRM-50-111; NRC-2015-0124)**

On July 16, 2015, the NRC published a notice of docketing in the *Federal Register* ([80 FR 42067](#)) for a PRM from Mark Edward Leye (the petitioner), dated March 13, 2015. The petition was docketed on April 24, 2015, and assigned Docket No. PRM-50-111. The petitioner requested that the NRC amend its “Domestic Licensing of Production and Utilization Facilities” regulations to require all nuclear power plant licensees to use in-core monitoring devices at different elevations and radial positions throughout the reactor core. The NRC did not request public comment on PRM-50-111.

**b. Considerations in the Rulemaking Process**

**Requirement to Submit Complete and Accurate Information: Petition for Rulemaking; Consideration in the Rulemaking Process; 10 CFR Parts 30, 40, 50, 52, 60, 61, 63, 70, 71, and 72 (PRM-50-107; NRC-2013-0077)**

On March 17, 2015, the NRC published a document in the *Federal Register* ([80 FR 13794](#)) for a petition for rulemaking (PRM) from James Lieberman (the petitioner), dated April 15, 2013. The petitioner requested that the NRC amend its regulations to require that all persons seeking NRC approvals provide the NRC with complete and accurate information. The NRC determined that the issues raised in the PRM have merit and are appropriate for consideration in the rulemaking process. The docket for the PRM, PRM-50-107, was closed on March 17, 2015.

**Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials: Petition for Rulemaking; Consideration in the Rulemaking Process; 10 CFR Part 37 (PRM-37-1; NRC-2014-0172; NRC-2015-0094)**

On June 12, 2015, the NRC published a document in the *Federal Register* ([80 FR 33450](#)) for a PRM from Anthony Pietrangelo, on behalf of the Nuclear Energy Institute (the petitioner), dated June 12, 2014. The petitioner requested that the NRC amend its regulations to clarify and expand current exemptions for when the physical protection measures for category 1 and category 2 quantities of radioactive material do not apply to a licensee. The NRC determined that the issues raised in the PRM have merit and are appropriate for consideration in the rulemaking process. The docket for the PRM, PRM-37-1, was closed on June 12, 2015.

**c. Partial Considerations in the Rulemaking Process**

The NRC did not publish any Partial Considerations in the Rulemaking Process in FY 2015.

**d. Denials**

**Commercial Distribution of Tritium Markers: Petition for Rulemaking; Denial; 10 CFR Part 32 (PRM-32-8; NRC-2013-0078)**

On July 30, 2015, the NRC published a document in the *Federal Register* ([80 FR 45413](#)) denying PRM-32-8 from Motti Slodowitz, on behalf of CampCo (the petitioner), dated December 2, 2011, and supplemented on September 18, 2012. The petitioner requested that the NRC amend its regulations that govern the licensing of products containing byproduct material to allow the commercial distribution of tritium markers for use under an exemption from licensing requirements. The docket for the petition, PRM-32-8, was closed on July 30, 2015.

**Environmental Impacts of Severe Reactor and Spent Fuel Pool Accidents: Petition for Rulemaking; Denial; 10 CFR Part 51 (PRM-51-14, et al.; NRC-2011-0189)**

On August 12, 2015, the NRC published a document in the *Federal Register* ([80 FR 48235](#)) denying 15 PRMs from various petitioners. The petitioners requested that the NRC rescind its regulations that “reach generic conclusions about the environmental impacts of severe reactor and/or spent fuel pool accidents and therefore prohibit considerations of those impacts in reactor licensing proceedings.” The dockets for the petitions were closed on August 12, 2015.

**Rescinding Spent Fuel Pool Exclusion Regulations: Petition for Rulemaking; Denial; 10 CFR Part 51 (PRM-51-29, NRC-2012-0215)**

On September 3, 2015, the NRC published a document in the *Federal Register* ([80 FR 53266](#)) denying PRM-51-29 from the Commonwealth of Massachusetts (the petitioner). The petitioner requested that, in light of information gained from the Fukushima Dai-ichi accident, the NRC rescind its regulations that make a generic determination that spent fuel pool storage does not have a significant environmental impact for nuclear power plant license renewal actions. The docket for the PRM, PRM-51-29, was closed on September 3, 2015.

**e. *Withdrawals by Petitioner***

**Personnel Access Authorization Requirements for Nuclear Power Plants: Petition for Rulemaking; Withdrawal by Petitioner: 10 CFR Part 73 (Docket Nos. PRM-73-16; NRC-2013-0024)**

On March 20, 2015, the NRC published a document in the *Federal Register* ([80 FR 14876](#)) announcing the withdrawal of a petition for rulemaking, PRM-73-16, filed with the Commission by the Nuclear Energy Institute (the petitioner) on January 25, 2013. The petitioner had requested that the Commission amend its regulations to limit the scope of third-party review of licensee decisions denying or revoking an employee’s unescorted access at licensee facilities. The petitioner withdrew the petition for rulemaking by a letter dated January 22, 2015.

**XII. Other Rulemaking Related Publications**

**Radiation Protection: Advance Notice of Proposed Rulemaking; Extension of Comment Period; 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](#)). The ANPR was published to obtain input from stakeholders on the development of a draft regulatory basis. The draft regulatory basis would identify potential changes to the NRC’s current radiation protection regulations. On November 20, 2014 ([79 FR 69065](#)), the NRC extended the public comment period from November 24, 2014, to March 24, 2015; and on March 18, 2015 ([80 FR 14033](#)), the NRC extended the public comment period from March 24, 2015, to June 22, 2015, to allow more time for members of the public to develop and submit their comments.

**Economic Simplified Boiling-Water Reactor Design Certification: NUREG; Issuance; 10 CFR Part 52 (RIN 3150-AI85; Docket No. 52-0010; NRC-2010-0135)**

On December 2, 2014, the NRC published a document in the *Federal Register* ([79 FR 71295](#)) issuing NUREG-1966, Supplement 1, “Final Safety Evaluation Report Related to the Certification of the Economic Simplified Boiling-Water Reactor Standard Design, Supplement 1.”

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

On January 5, 2015, the NRC published a document in the *Federal Register* ([80 FR 143](#)) confirming the effective date of January 26, 2015, for the direct final rule that was published in the *Federal Register* ([79 FR 57721](#)) on September 26, 2014. This direct final rule amended regulations related to reportable safety events involving special nuclear material. This rule increased the time 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, updated the reporting framework for certain situations, and removed redundant reporting requirements.

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

On January 26, 2015, the NRC published a document in the *Federal Register* ([80 FR 3865](#)) confirming the effective date of January 28, 2015, for the direct final rule that was published in the *Federal Register* on September 30, 2014 ([79 FR 58664](#)). The direct final rule amended the NRC’s regulations by removing the Safeguards Information-Modified Handling (SGI-M) designation for certain security-related information. The NRC also announced the availability of implementation guidance for the direct final rule (NUREG-2155, “Implementation Guidance of 10 CFR part 37, ‘Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material;” and corrected the “Compatibility Table for Direct Final Rule” appearing in Section V, “Compatibility of Agreement State Regulations,” of the direct final rule.

**Unified Agenda of Federal Regulatory and Deregulatory Actions; Semiannual Regulatory Agenda; 10 CFR Chapter I (NRC-2015-0071)**

On June 18, 2015, the NRC published in the *Federal Register* ([80 FR 35170](#)) 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 of the NRC’s Agenda contained 35 active and 23 long-term rulemaking activities: 2 are Economically Significant; 10 represent Other Significant agency priorities; 53 are Substantive, Nonsignificant rulemaking activities; and one is an Administrative rulemaking activity. In addition, three rulemaking activities impact small entities. The public comment period on the Agenda closed on July 20, 2015.

### **XIII. Policy Statements**

#### **Abnormal Occurrence Reports: Proposed Revision to Policy Statement; Request for Comments; 10 CFR Part 1 (NRC-2015-0176)**

On August 17, 2015, the NRC published a document in the *Federal Register* ([80 FR 49177](#)) proposing revisions to its policy statement on reporting abnormal occurrences (AO) to Congress. The proposed revisions would clarify and restructure the criteria used by the NRC and Agreement States for determining whether to consider an incident or event as an AO. The proposed revisions to the policy statement would ensure consistency with current NRC guidance and regulations. The public comment period on the proposed revision to the policy statement closed on November 16, 2015.

### **XIV. Memorandum of Understanding**

The NRC did not publish any Memorandums of Understanding in FY 2015.