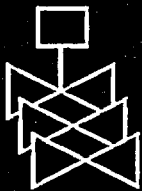
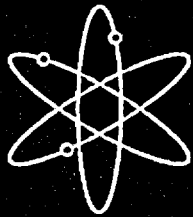
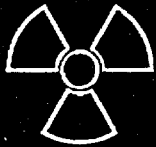


# NRC Regulatory Agenda



**Semiannual Report  
July - December 2002**

**U.S. Nuclear Regulatory Commission  
Office of Administration  
Washington, DC 20555-0001**



## AVAILABILITY OF REFERENCE MATERIALS IN NRC PUBLICATIONS

### NRC Reference Material

As of November 1999, you may electronically access NUREG-series publications and other NRC records at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>.

Publicly released records include, to name a few, NUREG-series publications; *Federal Register* notices; applicant, licensee, and vendor documents and correspondence; NRC correspondence and internal memoranda; bulletins and information notices; inspection and investigative reports; licensee event reports; and Commission papers and their attachments.

NRC publications in the NUREG series, NRC regulations, and *Title 10, Energy*, in the Code of *Federal Regulations* may also be purchased from one of these two sources.

1. The Superintendent of Documents  
U.S. Government Printing Office  
Mail Stop SSOP  
Washington, DC 20402-0001  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov)  
Telephone: 202-512-1800  
Fax: 202-512-2250
2. The National Technical Information Service  
Springfield, VA 22161-0002  
[www.ntis.gov](http://www.ntis.gov)  
1-800-553-6847 or, locally, 703-605-6000

A single copy of each NRC draft report for comment is available free, to the extent of supply, upon written request as follows:

Address: Office of the Chief Information Officer,  
Reproduction and Distribution  
Services Section  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

E-mail: [DISTRIBUTION@nrc.gov](mailto:DISTRIBUTION@nrc.gov)  
Facsimile: 301-415-2289

Some publications in the NUREG series that are posted at NRC's Web site address <http://www.nrc.gov/reading-rm/doc-collections/nuregs> are updated periodically and may differ from the last printed version. Although references to material found on a Web site bear the date the material was accessed, the material available on the date cited may subsequently be removed from the site.

### Non-NRC Reference Material

Documents available from public and special technical libraries include all open literature items, such as books, journal articles, and transactions, *Federal Register* notices, Federal and State legislation, and congressional reports. Such documents as theses, dissertations, foreign reports and translations, and non-NRC conference proceedings may be purchased from their sponsoring organization.

Copies of industry codes and standards used in a substantive manner in the NRC regulatory process are maintained at—

The NRC Technical Library  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852-2738

These standards are available in the library for reference use by the public. Codes and standards are usually copyrighted and may be purchased from the originating organization or, if they are American National Standards, from—

American National Standards Institute  
11 West 42<sup>nd</sup> Street  
New York, NY 10036-8002  
[www.ansi.org](http://www.ansi.org)  
212-642-4900

Legally binding regulatory requirements are stated only in laws; NRC regulations; licenses, including technical specifications; or orders, not in NUREG-series publications. The views expressed in contractor-prepared publications in this series are not necessarily those of the NRC.

The NUREG series comprises (1) technical and administrative reports and books prepared by the staff (NUREG-XXXX) or agency contractors (NUREG/CR-XXXX), (2) proceedings of conferences (NUREG/CP-XXXX), (3) reports resulting from international agreements (NUREG/IA-XXXX), (4) brochures (NUREG/BR-XXXX), and (5) compilations of legal decisions and orders of the Commission and Atomic and Safety Licensing Boards and of Directors' decisions under Section 2.206 of NRC's regulations (NUREG-0750).

**NUREG-0936**  
**Vol. 21, No. 2**

---

---

# **NRC Regulatory Agenda**

## **Semiannual Report July - December 2002**

---

---

**Manuscript Completed: January 2003**  
**Date Published: January 2003**

**Division of Administrative Services**  
**Office of Administration**  
**U.S. Nuclear Regulatory Commission**  
**Washington, DC 20555-0001**



# Preface

---

The Regulatory Agenda is a semiannual compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition.

## Organization of the Agenda

The agenda consists of two sections that have been updated through December 31, 2002. Section I, "Rules," includes (A) rules on which final action has been taken since June 29, 2002, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since June 29, 2002; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules; and (D) petitions pending staff review.

In Section I of the agenda, the rules are aligned numerically with the parts of Title 10, Chapter I, of the Code of Federal Regulations (CFR)(Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest numbered affected part. In Section II of the agenda, the petitions are aligned numerically with the parts of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

A Regulation Identifier Number (RIN) has been added to each rulemaking agenda entry to make it easier for the public and agency officials to track the publication history of regulatory actions. The dates listed under the heading "Timetable" for scheduled action by the Commission, the Executive Director for Operations (EDO), or the Chief Financial Officer (CFO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda. Conversely, the inclusion in this Regulatory Agenda of unpublished rules on which the NRC is considering action does not commit the NRC to publishing the rule for public comment in the Federal Register.

**Rulemakings Approved by the Executive Director for Operations**

The EDO initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve NRC's regulatory priorities most effectively. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking.

Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking or an advance notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal in the Federal Register. Rules and PRMs that appear in the agenda for the first time are identified by an asterisk (\*).

**Public Participation in Rulemaking**

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555-0001.

Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

You may also provide comments via the NRC's interactive rulemaking Website (<http://ruleforum.llnl.gov>). This site provides the capability to upload comments as files (any format), if your Web browser supports that function. For information about the interactive rulemaking Website, contact Ms. Carol Gallagher, 301-415-5905 (e-mail: [cag@nrc.gov](mailto:cag@nrc.gov)).

The agenda and any comments received on any rule listed in the agenda are available for public inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, One White Flint North, 11555 Rockville Pike, Public File Area 01-F21, Rockville, MD, between 7:45 a.m. and 4:15 p.m., Federal workdays.

**Additional Rulemaking Information**

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Doris Mendiola, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001,

telephone 301-415-6297 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail [dam2@nrc.gov](mailto:dam2@nrc.gov). For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

# CONTENTS

	Page
Preface .....	iii
<b>I. Rules</b>	
<b>(A) Final Rules</b>	
1. NRC Public Document Room Address Change and Corrections to Information Collection Provisions (Parts 1, 2, 7, 9, 19, 20, 26, 30, 31, 33, 39, 50, 51, 52, 54, 55, 71, 75, 100 and 110) .....	1
2. Minor Errors in Regulatory Text; Correction* (Parts 1, 19, 20, 21, 32, 34, 39, 51, 55, 73, and 81) .....	1
3. Federal Advisory Committee Act Regulations (Part 7) .....	2
4. Revision to Salary Offset Procedures (Part 16) .....	2
5. Notification Requirement (Part 35) .....	3
6. Codes and Standards (Part 50) .....	3
7. Decommissioning Trust Provisions (Parts 50 and 72) .....	4
8. Material Control and Accounting (Parts 51, 61, 70, 72, 73, 74, 75, 76, and 150) .....	4
9. Specification of a Probability for Unlikely Features, Events, and Processes (Part 63) .....	5
10. List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1 Addition (Part 72) .....	5
11. List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision (Amendment No. 1) (Part 72) .....	6
12. List of Approved Spent Fuel Storage Casks: VSC-24 Revision (Amendment No. 4)* (Part 72) .....	6
13. Cost Recovery for Contested Hearing Involving U.S. National Security Initiatives (Part 170) .....	7

## **CONTENTS**

---

### **(B) Proposed Rules**

14.	Changes to Adjudicatory Process (Parts 1, 2, 50, 51, 52, 54, 60, 70, 73, 75, 76, and 110) .....	9
15.	Availability of Official Records (Part 2) .....	9
16.	Submission of Documents Electronically; Minor Corrections (Parts 2, 4, 9, 15, 19 - 21, 25, 26, 30 - 32, 34, 40, 50, 51, 55, 60 - 62, 70 - 76, 81, 95, 110, 140, and 150) .....	10
17.	Releasing Part of a Power Reactor Site or Facility for Unrestricted Use (Parts 2, 20, and 50) .....	10
18.	Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance (Part 4) .....	11
19.	Fitness-for-Duty Programs (Part 26) .....	12
20.	Financial Assurance Amendments for Materials Licenses (Parts 30, 40, and 70) .....	12
21.	Transfers of Certain Source Materials by Specific Licensees (Part 40) .....	13
22.	Performance-Based, Risk-Informed Fire Protection (Part 50) .....	13
23.	Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors (Part 50) .....	14
24.	Financial Information Requirements for Applications to Renew or Extend the Term of an Operating License for a Power Reactor (Part 50) .....	14
25.	Incorporation by Reference of ASME BPV and OM Code Cases (Part 50) ...	15
26.	Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51) .....	15



## **CONTENTS**

---

### **(B) Proposed Rules (con't)**

- 27. Compatibility With IAEA Transportation Safety Standards (Part 71) ..... 16
- 28. Geological and Seismological Characteristics of Spent Fuel Storage Systems (Part 72) ..... 16
- 29. Event Notification Requirements (Parts 72 and 73) ..... 17

### **(C) Advance Notices of Proposed Rulemaking**

- 30. Disposal by Release Into Sanitary Sewerage (Part 20) ..... 19
- 31. Entombment Options for Power Reactors (Parts 20 and 50) ..... 19
- 32. Risk-Informing Special Treatment Requirements (Parts 21, 50, 54, and 100) ..... 20
- 33. Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73) ..... 20

### **(D) Unpublished Rules**

- 34. Changes to Requirements for Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants (Parts 2, 20, 50, 51, 52, 72, 73, 140, and 171) ..... 23
- 35. Public Records\* (Part 9) ..... 24
- 36. Radiation Exposure Reports: Minor Filing Amendment\* (Part 20) ..... 24
- 37. Nuclear Power Plant Worker Fatigue (Part 26) ..... 25
- 38. Security Requirements for Portable Gauges Containing Byproduct Material\* (Part 30) ..... 25
- 39. Medical Use of Byproduct Material; Clarifying and Minor Amendments\* (Part 35) ..... 26
- 40. Source Material Reporting Under International Agreements\* (Parts 40 and 150) ..... 26

## **CONTENTS**

---

### **(D) Unpublished Rules (con't)**

41.	Integrated Rulemaking for Decommissioning Nuclear Power Reactors (Part 50) .....	27
42.	Modifications to Pressure-Temperature Limits (Part 50) .....	28
43.	Changes to Emergency Action Levels - Appendix E (Part 50) .....	28
44.	Filing and Notification Requirements For the Shipment of Certain Radioactive Materials* (Parts 70, 71, and 73) .....	29
45.	List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System Revision (Amendment No. 3)* (Part 72) .....	29
46.	Re-evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage (Part 73) .....	30
47.	Revision of Fee Schedules; Fee Recovery, FY 2003* (Parts 170 and 171) ...	30

## **II. Petitions for Rulemaking**

### **(A) Petitions Incorporated Into Final Rules or Petitions Denied**

1.	National Registry of Radiation Protection Technologists (NRRPT) (PRM-35-13) .....	33
2.	Union of Concerned Scientists (PRM-50-72) .....	33
3.	National Mining Association (PRM-170-5) .....	33

### **(B) Petitions Incorporated Into Published Proposed Rules**

4.	Northeast Ohio Regional Sewer District (PRM-20-22) .....	35
5.	Virginia Electric and Power Company (PRM-26-1) .....	35
6.	Bob Christie (PRM-50-68) .....	36
7.	International Energy Consultants (PRM-71-12) .....	36

## **CONTENTS**

---

### **(C) Petitions Incorporated Into Unpublished Rules**

8.	Barry Quigley (PRM-26-2) .....	37
9.	State of Colorado and Organization of Agreement States (PRM-40-27) .....	37
10.	Donald A. Barbour, Philotechnics (PRM-40-28) .....	38
11.	North Carolina Public Staff Utility Commission (PRM-50-57) .....	38
12.	New England Coalition on Nuclear Pollution (PRM-51-1) .....	39

### **(D) Petitions Pending Staff Review**

13.	Ohio Citizens for Responsible Energy, Inc. (PRM-9-2) .....	41
14.	Union of Concerned Scientists (PRM-30-62) .....	41
15.	Amersham Corporation (PRM-34-5) .....	42
17.	Westinghouse Electric Company (PRM-50-69) .....	42
18.	Nuclear Energy Institute (PRM-50-71) .....	43
19.	Robert H. Leyse (PRM-50-73) .....	43
20.	Robert H. Leyse (PRM-50-73A) .....	44
21.	Nuclear Energy Institute (PRM-50-74) .....	44
22.	Nuclear Energy Institute (PRM-50-75) .....	45
23.	Robert H. Leyse* (PRM-50-76) .....	45
24.	Performance Technology (PRM-50-77) .....	46
25.	Robert H. Leyse* (PRM-50-78) .....	46
26.	Nuclear Energy Institute (PRM-52-1) .....	47
27.	Nuclear Energy Institute (PRM-52-2) .....	47
28.	State of Nevada (PRM-73-10) .....	48
29.	Three Mile Island Alert (PRM-73-11) .....	48

**(A) Final Rules**

**I-RULES**

**A**

**1. NRC Public Document Room Address Change and Corrections to Information Collection Provisions (Parts 1, 2, 7, 9, 19, 20, 26, 30, 31, 33, 39, 50, 51, 52, 54, 55, 71, 75, 100 and 110)**

**RIN: 3150-AH01**

**Abstract:** The final rule amends the Commission's regulations to reflect the new address for the NRC's Public Document Room and to correct information collection sections in the Code of Federal Regulations. These amendments are necessary to inform the public of these administrative changes to the NRC regulations.

**Timetable:**

Final Rule Published	11/04/02	67 FR 67096
Final Rule Effective	11/04/02	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Alzonía Shepard, Office of Administration,  
(310) 415-6864, e-mail [aws@nrc.gov](mailto:aws@nrc.gov)

---

**2. Minor Errors In Regulatory Text; Correction\* (Parts 1, 19, 20, 21, 32, 34, 39, 51, 55, 73, and 81)**

**RIN: 3150-AH11**

**Abstract:** The final rule makes a number of minor corrections to the Commission's regulations. This rule is necessary to correct omissions, typographical errors, and erroneous citations and references that appear in the NRC's regulations.

**Timetable:**

Final Rule Published	12/19/02	67 FR 77651
Final Rule Effective	12/19/02	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Michael T. Lesar, Office of Administration,  
(310) 415-67163, e-mail [mtl@nrc.gov](mailto:mtl@nrc.gov)

---

**3. Federal Advisory Committee Act Regulations (Part 7)**

**RIN:** 3150-AH02

**Abstract:** The final rule amends the Commission's regulations on the Federal Advisory Committee Act to conform with newly issued General Services Administration regulations.

**Timetable:**

Final Rule Published	12/31/02	67 FR 79837
Final Rule Effective	01/30/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** John Szabo, Office of the General Counsel,  
(301) 415-1610, e-mail jls@nrc.gov

---

**4. Revision to Salary Offset Procedures (Part 16)**

**RIN:** 3150-AG96

**Abstract:** The final rule amends the salary offset procedures to conform to the Debt Collection Improvement Act of 1996 (DCIA) and the Federal Claims Collection Standards (FCCS). These regulations provide procedures for the collection by administrative offset of a Federal employee's salary without his or her consent to satisfy certain debts owed the government. The NRC is required by the FCCS (31 CFR Chapter IX, parts 900-904) to issue debt collection procedures that will conform with the DCIA and the FCCS.

**Timetable:**

Final Rule Published	09/11/02	67 FR 57506
Final Rule Effective	10/11/02	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Leah Tremper, Office of Chief Financial Officer,  
(301) 415-7347, e-mail lpt@nrc.gov

---

**5. Notification Requirement (Part 35)**

**RIN: 3150-AG81**

**Abstract:** The proposed rule would have amended the Commission's regulations by requiring a licensee to notify the NRC and an identified exposed individual after the licensee becomes aware that the individual received or is estimated to have received a dose exceeding 50 mSv (5 rem) from a released patient who had been administered radioactive material. In a Staff Requirements Memorandum (SECY-02-0111) of August 27, 2002, the Commission disapproved the publication of the proposed rule.

**Timetable:** Proposed Rule Terminated 08/27/02

**Legal Authority:** 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

**Effects on Small Business and Other Entities:** Yes

**Agency Contact:** Charlotte Abrams, Office of Nuclear Material Safety and Safeguards,  
(301) 415-7293, e-mail cea2@nrc.gov

---

**6. Codes and Standards (Part 50)**

**RIN: 3150-AG61**

**Abstract:** The final rule amends the Commission's regulations to incorporate by reference the following: (1) The 1997 Addenda, 1998 Edition, 1999 Addenda, and 2000 Addenda of Division 1 rules of Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME B&PV Code); (2) the 1997 Addenda, 1998 Edition, 1999 Addenda, and 2000 Addenda of Division 1 Rules of Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME B&PV Code; and (3) the 1997 Addenda, 1998 Edition, 1999 Addenda, and 2000 Addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants.

**Timetable:** Final Rule Published 09/26/02 67 FR 60520  
Final Rule Effective 10/02/02

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Stephen G. Tingen, Office of Nuclear Reactor Regulation,  
(301) 415-1280, e-mail sgt@nrc.gov.

---



**7. Decommissioning Trust Provisions (Parts 50 and 72)****RIN: 3150-AG52**

**Abstract:** The final rule amends the Commission's regulations to ensure that decommissioning trust agreements are in a form acceptable to the NRC to increase assurance that decommissioning funds are available for their intended purpose, especially in light of economic deregulation and restructuring of the electric utility industry. Based on past experience with the NRC approval of the transfers of the operating licenses of the Three Mile Island Unit 1 and Pilgrim Nuclear Power Stations, the staff believes that this final rule expedites similar transfers in the future. The NRC staff also intends to develop guidance, by revising Regulatory Guide 1.159, "Assuring the Availability of Funds for Decommissioning Nuclear Reactors," that specifies more fully the provisions of the decommissioning trust agreements.

**Timetable:**

Final Rule Published	12/24/02	67 FR 78332
Final Rule Effective	12/24/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Brian J. Richter, Office of Nuclear Reactor Regulation,  
(301) 415-1978, e-mail bjr@nrc.gov

---

**8. Material Control and Accounting (Parts 51, 61, 70, 72, 73, 74, 75, 76, and 150)****RIN: 3150-AG69**

**Abstract:** The final rule amends the reporting requirements for submitting Material Balance Reports and Inventory Composition Reports to provide more flexibility and to reduce the reporting frequency for most licensees. The final rule revises the categorical exclusion for approving safeguards plans, relocates the remaining material control and accounting requirements in Parts 70 to 74, makes the material control and accounting requirements for Category II facilities more risk informed, and makes other miscellaneous changes.

**Timetable:**

Final Rule Published	12/23/02	67 FR 78130
Final Rule Effective	03/24/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Merri Horn, Office of Nuclear Material Safety and Safeguards,  
(301) 415-8126, e-mail mlh1@nrc.gov.

---

**9. Specification of a Probability for Unlikely Features, Events, and Processes (Part 63)****RIN: 3150-AG91**

**Abstract:** The final rule amends the Commission's regulations governing the disposal of high-level radioactive wastes in a potential geologic repository at Yucca Mountain, Nevada, to define the term "unlikely" in quantitative terms. NRC is taking this action to clarify how it plans to implement two of the environmental standards for Yucca Mountain issued by the U.S. Environmental Protection Agency.

**Timetable:**

Final Rule Published	10/08/02	67 FR 62628
Final Rule Effective	11/07/02	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Timothy McCartin, Office of Nuclear Material Safety and Safeguards,  
(301) 415-7285, e-mail [tjm3@nrc.gov](mailto:tjm3@nrc.gov)  
Clark Prichard, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6203, e-mail [cwp@nrc.gov](mailto:cwp@nrc.gov)

---

**10. List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1 Addition (Part 72)****RIN: 3150-AG74**

**Abstract:** The final rule amends the Commission's regulations by adding the Standardized Advanced NUHOMS Storage System cask design to the list of approved spent fuel storage casks. The rulemaking adds a cask system that has improved shielding and the ability to withstand higher seismic conditions than the Standardized NUHOMS Storage System, which is already on the list of approved casks.

**Timetable:**

Final Rule Published	01/06/03	68 FR 463
Final Rule Effective	02/05/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov)

### 11. List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision (Amendment No. 1) (Part 72)

RIN: 3150-AG97

**Abstract:** This final rule amends the Commission's regulations by revising the Certificate of Compliance (CoC) for the Holtec HI-STORM 100 dry storage system. Amendment No. 1 modifies the present cask system design, under a general license, to: (1) add four new multipurpose canisters - three for pressurized water reactor fuel and one for boiling water reactor fuel; (2) add new damaged fuel containers; (3) add the HI-STORM 100S overpack and the 100A and 100SA high-seismic anchored overpacks; (4) allow the storage of high-burnup fuel; (5) utilize revised thermal analysis tools that include natural convection heat transfer, revise the helium backfill requirements to allow a helium density measurement to be used, allow a helium drying system rather than the existing vacuum drying system, and require soluble boron during canister loading for certain higher enriched fuels; (6) delete the Technical Specification training requirements and relocate these requirements to the main body of CoC 1014; and (7) allow the storage of selected nonfuel hardware. In addition, Conditions 1.a., 1.b., 2, 3, 5, 9, and 10 of the CoC, Sections 3.0 and 5.0 of Appendix A, and Sections 1.0, 2.0, and 3.0 of Appendix B to the CoC are revised to reflect the changes. This rule was published as a direct final rule on March 27, 2002. One significant adverse comment was received on the companion proposed rule. The direct final rule was withdrawn on June 7, 2002. A subsequent final rule addressing the comment received was published in the Federal Register on July 15, 2002.

<b>Timetable:</b>	Direct Final Rule Published	03/27/02	67 FR 14662
	Direct Final Rule Effective	06/10/02	
	Direct Final Rule Withdrawn	06/07/02	67 FR 39260
	Final Rule Published	07/15/02	67 FR 46369
	Final Rule Effective	07/15/02	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Nuclear Material Safety and Safeguards, (301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov)

### 12. List of Approved Spent Fuel Storage Casks: VSC-24 Revision (Amendment No. 4)\* (Part 72)

RIN: 3150-AH05

**Abstract:** The direct final rule amends the Commission's regulations by revising the Pacific Sierra Nuclear Associates VSC-24 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of Compliance No. 1007. Amendment No. 4 modifies the present cask system design to permit the storage of different specific fuel control elements as integral components to fuel assemblies under a general license. Technical Specification (TS) 1.1.1 has also been amended to change the flood condition velocity from 25 fps to 17.1 fps; TS 1.2.1, 1.2.4, and 1.2.6 have been amended to address the additional fuel control elements approved for storage, and TS 1.2.10 has been deleted to eliminate redundant requirements for controlling moderator density.

**Timetable:** Direct Final Rule Published 11/20/02 67 FR 69987  
Direct Final Rule Effective 02/03/03

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Nuclear Material Safety and Safeguards,  
(310) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov)

---

**13. Cost Recovery for Contested Hearing Involving U.S. National Security Initiatives (Part 170)**

**RIN:** 3150-AH03

**Abstract:** The final rule amends the Commission's regulations to allow recovery of costs associated with contested hearings involving U.S. Government national security-related proceedings through licensing or other regulatory service fees assessed to the affected applicant or licensee. The amendment is a special exemption to the Commission's longstanding policy of not charging this type of fee for contested hearings and instead recovering the costs through the annual fees assessed to licensees within the affected class.

**Timetable:** Final Rule Published 10/17/02 67 FR 49623  
Final Rule Effective 11/18/02

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Glenda Jackson, Office of the Chief Financial Officer,  
(301) 415-6057, e-mail [gcj@nrc.gov](mailto:gcj@nrc.gov)  
Robert Carlson, Office of the Chief Financial Officer,  
(301) 415-8165, e-mail [rdc@nrc.gov](mailto:rdc@nrc.gov)

**B**

**Proposed Rules**

**14. Changes to Adjudicatory Process (Parts 1, 2, 50, 51, 52, 54, 60, 70, 73, 75, 76, and 110)**

**RIN: 3150-AG49**

**Abstract:** The proposed rule would amend the Commission's regulations concerning its rules of practice to make the NRC's hearing process more efficient and effective. The proposed amendments would fashion hearing procedures that are tailored to the different types of licensing and regulatory activities the NRC conducts and would better focus and use the limited resources available to involved parties. The final rule was submitted to the Commission on April 26, 2002.

<b>Timetable:</b>	Proposed Rule Published	04/16/01	66 FR 19610
	Comment Period Closed	09/14/01	66 FR 27045
	Final Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Geary Mizuno, Office of the General Counsel,  
(301) 415-1639, e-mail gsm@nrc.gov

**15. Availability of Official Records (Part 2)**

**RIN: 3150-AC07**

**Abstract:** The proposed rule would conform the Commission's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would address the circumstances under which proprietary, personal privacy or other confidential information submitted to the NRC by applicants, licensees, or others may be returned upon request. The rule would reaffirm that 10 CFR 2.790(c) provides submitters of information a qualified right to have their information returned upon request. This rule would inform the public of four additional circumstances where information would not be returned to the applicant, that is, (1) when submitted to an advisory committee governed by the Federal Advisory Committee Act; (2) when captured by a Freedom of Information Act request; (3) when publicly relied upon or revealed by the Commission in an open Commission meeting under the Government in the Sunshine Act; and (4) when obtained during the course of an investigation conducted by the NRC Office of Investigations. The proposed rule would also clarify requirements on submittals to the NRC for identification of confidential information sought to be withheld from public disclosure. Further, the proposed amendment would address the NRC's procedures for handling copyrighted information, including reproduction and distribution according to normal agency practice.

In view of the passage of time since the rule change was proposed in 1992, as well as the need for additional changes and clarifications, the NRC reissued the proposed rulemaking requesting public comment.

<b>Timetable:</b>	Proposed Rule Published	12/23/92	57 FR 61013
	Comment Period Closed	03/08/93	
	Proposed Rule Published	10/17/01	66 FR 52721
	Comment Period Closed	12/31/01	
	Final Rule Published	05/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Catherine M. Holzle, Office of the General Counsel,  
(301) 415-1560, e-mail cmh@nrc.gov

**16. Submission of Documents Electronically; Minor Corrections (Parts 2, 4, 9, 15, 19 - 21, 25, 26, 30 - 32, 34, 40, 50, 51, 55, 60 - 62, 70 - 76, 81, 95, 110, 140, and 150)**

**RIN:** 3150-AF61

**Abstract:** The proposed rule would amend the Commission's regulations to permit voluntary electronic submission of documents and provide procedures for submitting documents electronically. Amending the regulations to permit electronic submission would facilitate the electronic capture of externally generated documents into NRC's Agencywide Documents Access and Management System (ADAMS). The rulemaking would address and improve the document control and records management issues that are of concern to the NRC, its applicants, licensees, and members of the public by improving the process of communication, dissemination, and storage of records. The rule would incorporate minor corrections to the current regulations regarding the submission of documents to the NRC (e.g., organizational, name, and phone number changes). This rulemaking is consistent with existing legislative and regulatory initiatives, such as the Paperwork Reduction Act of 1995, Office of Management and Budget Circular A-130 (Revised February 8, 1996), and the Government Paperwork Elimination Act of 1998, to reduce the information collection burden on the public and to make information more readily accessible to the public. This rule was published as a direct final rule on September 6, 2002. Significant adverse comments were received on the companion proposed rule. The direct final rule was withdrawn on December 4, 2002. A subsequent final rule addressing the comments received will be published in the Federal Register.

<b>Timetable:</b>	Direct Final Rule Published	09/06/02	67 FR 57084
	Direct Final Rule Effective	12/05/02	
	Direct Final Rule Withdrawn	12/04/02	67 FR 72091
	Proposed Rule Published	09/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** Yes

**Agency Contact:** Brenda J. Shelton, Office of the Chief Information Officer,  
(301) 415-7233, e-mail bjs1@nrc.gov  
John A. Skoczlas, Office of the Chief Information Officer,  
(301) 415-7186, e-mail jas1@nrc.gov

**17. Releasing Part of a Power Reactor Site or Facility for Unrestricted Use (Parts 2, 20, and 50)**

**RIN:** 3150-AG56

**Abstract:** The proposed rule would amend the Commission's regulations by adding a new section that would identify the criteria and regulatory framework that a licensee would use to request NRC approval for a partial site release. The rulemaking would provide additional assurance that residual radioactivity would meet the radiological criteria for license termination, even if parts of the site were released before a licensee submits its license termination plans. The

rulemaking would clarify that the radiological criteria for unrestricted use apply to a partial site release. The rulemaking would not provide for a partial site release under restricted conditions. Also, the rulemaking would provide for a Subpart 2 hearing if a license amendment involving a partial site release is challenged.

The rulemaking would fill a gap identified during the NRC's consideration of a technical specification amendment request for the Oyster Creek Nuclear Generating Station to remove a restriction on the sale or lease of property within the exclusion area. During the Oyster Creek review, the NRC staff concluded that it is possible for a reactor licensee to sell land that would reduce the size of its site before the license termination criteria would specifically apply to the release of the property. If the sale does not involve the transfer of licensed material, it would not require NRC approval under current regulations. Currently, the NRC must consider changes to the site boundary of a reactor site on a case-by-case basis to ensure adequate protection of the public and the environment. Because several reactor licensees have expressed interest in selling parts of the sites before they receive approval of their license termination plans, the NRC staff believes the issues should be resolved generically by rulemaking.

<b>Timetable:</b>	Proposed Rule Published	09/04/01	66 FR 46230
	Comment Period Closed	11/19/01	
	Final Rule Published	02/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

**18. Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance (Part 4)**

**RIN:** 3150-AG65

**Abstract:** The proposed rule would incorporate the Civil Rights Restoration Act's definitions of "program or activity" and "program" into Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1972, and the Age Discrimination Act of 1975, and would promote consistent and adequate enforcement of these statutes.

<b>Timetable:</b>	Proposed Rule Published	12/06/00	65 FR 76460
	Comment Period Closed	01/05/01	
	Final Rule Published	06/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Marva C. Gary, Office of Small Business and Civil Rights,  
(301) 415-7382, e-mail mcg@nrc.gov



**19. Fitness-for-Duty Programs (Part 26)**

**RIN: 3150-AF12**

**Abstract:** The proposed rule would amend the Commission's regulations to ensure compatibility with the Department of Health and Human Services guidelines, reduce unnecessary regulatory burden in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency. The rulemaking would address the Regulatory Review Group items on audit frequency and annual submittal of data. This rulemaking would also address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1). In addition, this rulemaking subsumes a previously separate rulemaking, "Reduction in the Scope of Random Fitness-for-Duty Testing Requirements for Nuclear Power Reactor Licensees" (Part 26)(RIN AG62). Because of the issues raised in response to the earlier affirmed rule, a new proposed rule will be published.

<b>Timetable:</b>	Proposed Rule Published	05/09/96	61 FR 21105
	Comment Period Closed	08/07/96	
	Proposed Rule Published	06/00/03	
	Final Rule Published	11/00/04	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Garmon West, Jr., Office of Nuclear Security and Incident Response, (301) 415-0211, e-mail [fitnessforduty@nrc.gov](mailto:fitnessforduty@nrc.gov)  
Mark C. Nolan, Office of Nuclear Security and Incident Response, (301) 415-1596, e-mail [mcn@nrc.gov](mailto:mcn@nrc.gov)

---

**20. Financial Assurance Amendments for Materials Licenses (Parts 30, 40, and 70)**

**RIN: 3150-AG85**

**Abstract:** The proposed rule would amend the Commission's financial assurance regulations for certain materials licenses to bring the amount of financial assurance required more in line with current decommissioning costs. The proposed amendment would maintain adequate financial assurance so that timely decommissioning can be carried out following shutdown of a licensed facility.

<b>Timetable:</b>	Proposed Rule Published	10/07/02	67 FR 62403
	Comment Period Closed	12/23/02	
	Final Rule Published	09/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** Yes

**Agency Contact:** Clark Prichard, Office of Nuclear Material Safety and Safeguards, (301) 415-6203, e-mail [cwp@nrc.gov](mailto:cwp@nrc.gov)

---

**21. Transfers of Certain Source Materials by Specific Licensees (Part 40)**

RIN: 3150-AG64

**Abstract:** The proposed rule would amend the Commission's regulations to require NRC approval for transfers from licensees of unimportant quantities of source material (less than 0.05 percent by weight) to persons exempt from licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety.

<b>Timetable:</b>	Proposed Rule Published	08/28/02	67 FR 55175
	Comment Period Closed	11/12/02	
	Final Rule Published	06/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Gary Comfort, Office of Nuclear Material Safety and Safeguards, (301) 415-8106, e-mail gcc1@nrc.gov**22. Performance-Based, Risk-Informed Fire Protection (Part 50)**

RIN: 3150-AG48

**Abstract:** The proposed rule would address the Commission's direction provided in the staff requirements memorandum dated April 1, 1999, to establish a performance-based, risk-informed alternative to the NRC's existing reactor fire protection requirements through the adoption of an industry consensus standard: NFPA 805, "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants." The rulemaking plan had been on hold until Fall 2001, at which time the Nuclear Energy Institute endorsed the rulemaking effort. The schedule was reinitiated through an EDO memorandum to the Commission dated October 9, 2001. Draft rule language was posted for public comment on the NRC Rulemaking Forum website on December 20, 2001. Draft proposed rule language was posted on the NRC Rulemaking Forum website on April 2, 2002, and again on May 30, 2002, for public information. The proposed rule package was provided to the Commission in July 15, 2002 (SECY-02-132). In a Staff Requirements Memorandum for SECY-02-0132, dated October 3, 2002, the Commission directed the staff to publish the proposed rule in the Federal Register for public comment.

<b>Timetable:</b>	Proposed Rule Published	11/01/02	67 FR 66578
	Comment Period Closed	01/15/03	
	Final Rule Published	04/00/04	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Joseph L. Birmingham, Office Nuclear Reactor Regulation, (301) 415-2829, e-mail jlb4@nrc.gov

**23. Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors (Part 50)**

RIN: 3150-AG76

**Abstract:** The proposed rule would amend the Commission's regulations to improve safety by better focusing on the risk-significant challenges from combustible gases; ensure combustible gas control during all risk-significant events; and eliminate those aspects of current requirements that provide no safety benefit. A staff requirements memorandum dated January 19, 2001, directed the staff to proceed expeditiously with rulemaking on the risk-informed alternative of § 50.44, including completion of outstanding technical work (e.g., development of combustible gas source terms) and necessary regulatory analyses. This rulemaking also addresses the petition for rulemaking submitted by Bob Christie (PRM-50-68), and partially addresses the petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). Draft rule language was posted for public comment on the NRC Ruleforum website on November 14, 2001. The proposed rule was submitted to the Commission on May 13, 2002. Comments are being categorized and evaluated.

<b>Timetable:</b>	Proposed Rule Published	08/02/02	67 FR 50374
	Comment Period Closed	10/16/02	
	Final Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Anthony W. Markley, Office of Nuclear Reactor Regulation, (301) 415-3165, e-mail awm@nrc.gov**24. Financial Information Requirements for Applications to Renew or Extend the Term of an Operating License for a Power Reactor (Part 50)**

RIN: 3150-AG84

**Abstract:** The proposed rule would amend the Commission's regulations to remove the requirement that non-electric utility power reactor licensees submit financial qualifications information as part of the license renewal process. The proposed rule would recognize the need for a reduced level of regulatory burden for licensees falling in this category because the NRC has alternate means to ensure that these licensees are financially viable to operate their facilities and maintain public health and safety. Non-power reactor licensees would continue to submit the financial qualifications information as part of the license renewal process and are not affected by this proposed rule change. Comments are being categorized and evaluated.

<b>Timetable:</b>	Proposed Rule Published	06/04/02	67 FR 38427
	Comment Period Closed	08/19/02	
	Final Rule Published	08/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** George J. Mencinsky, Office of Nuclear Reactor Regulation, (301) 415-3093, e-mail gjm@nrc.gov

**25. Incorporation by Reference of ASME BPV and OM Code Cases (Part 50)**

RIN: 3150-AG86

**Abstract:** New editions of the ASME BPV and OM Codes are issued every three years and addenda to the editions are issued annually. It has been the Commission's policy to update 10 CFR 50.55a to incorporate by reference the ASME Code editions and addenda. The ASME publishes code cases for Section III and Section XI quarterly, and code cases for the OM Code annually. Code cases are alternatives to the requirements of the ASME BPV Code and the OM Code. It has been the NRC staff's practice to review these code cases and find them either acceptable, conditionally acceptable, or unacceptable for use by NRC licensees. These code cases are then listed in periodically revised regulatory guides (RGs), together with information on their acceptability. Footnote 6 to 10 CFR 50.55a refers to the RGs listing code cases determined by the NRC staff to be "suitable for use." No specific date or revision of the RGs is indicated in Footnote 6 to 10 CFR 50.55a. In the past, these RGs have not been approved by the Office of the Federal Register for incorporation by reference in the Code of Federal Regulations. To address this matter, the staff is proposing that the use of ASME Code Cases be approved through a rulemaking incorporating by reference the applicable RGs. Thus, NRC-approved code cases would be accorded the same legal status as the corresponding requirements in the ASME BPV Code and OM Code which are already incorporated by reference in the NRC's regulations.

<b>Timetable:</b>	Proposed Rule Published	03/19/02	67 FR 12488
	Comment Period Closed	06/03/02	
	Final Rule Published	05/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

**26. Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51)**

RIN: 3150-AA31

**Abstract:** The proposed rule would amend the Commission's regulations by addressing uranium fuel cycle environmental data (Table S-3) and the environmental effects of transportation of fuel and waste data (Table S-4). In § 51.51, the environmental data would be re-estimated and reflect changes in the structure and activities of the fuel cycle and the availability of better data. Estimates of releases of Radon-222 and Technetium-99 would be added to Table S-3. The addition of a specific value for Radon-222 would address the outstanding portion of petition for rulemaking PRM-51-1, submitted by the New England Coalition on Nuclear Pollution. To provide immediate relief to the petitioners' request, the Commission published a final rule on March 14, 1977 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it then became subject to case-specific litigation. It was anticipated that the Commission would add a specific value for Radon-222, but the Commission deferred action until a general updating of Table S-3 is undertaken. For § 51.52, the environmental impact estimates would be re-estimated to reflect the use of more highly enriched fuel and discharge of more highly irradiated fuels from a reactor; longer onsite storage; and changes in transportation modes, transport to retrievable storage sites and a permanent repository rather than reprocessing facilities, packaging technology, and regulatory standards. The re-estimates would incorporate current research information and computer codes.

This rulemaking would result in current and more accurate estimates of the environmental impact of licensing a new plant, and would eliminate the requirement to review the contribution to environmental impacts from Radon-222 and Technetium-99 in individual plant reviews. This rule is being reissued as a proposed rule, and would update the initial rulemaking effort to address newly emerging issues and research.

**Timetable:** Proposed Rule Published 03/04/81 46 FR 15154  
 Comment Period Closed 05/04/81

Proposed Rule Published Undetermined

**Legal Authority:** 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Rebecca L. Karas, Office of Nuclear Reactor Regulation,  
 (301) 415-3711, e-mail rlk@nrc.gov

**27. Compatibility With IAEA Transportation Safety Standards (Part 71)**

**RIN:** 3150-AG71

**Abstract:** The proposed rule would amend the Commission's regulations on packaging and transporting radioactive material to make them compatible with the International Atomic Energy Agency (IAEA) standards and to codify other applicable requirements. These changes are compatible with TS-R-1, the latest revision of the IAEA transportation standards. This rulemaking also would address the unintended economic impact of NRC's emergency final rule entitled "Fissile Material Shipments and Exemptions" (February 10, 1997; 62 FR 5907), and a petition for rulemaking submitted by International Energy Consultants, Inc., (PRM-71-12). This rulemaking is closely related to a corresponding Department of Transportation proposed rule to amend transportation regulations (April 30, 2002; 67 FR 21328). NRC's final rule is scheduled to be published concurrently with the DOT's final rule. Therefore, the publication date is also dependent on DOT's schedule.

**Timetable:** Proposed Rule Published 04/30/02 67 FR 21390  
 Comment Period Closed 07/29/02

Final Rule Published 12/00/03

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Naiem S. Taniou, Office of Nuclear Material Safety and Safeguards,  
 (301) 415-6103, e-mail nst@nrc.gov

**28. Geological and Seismological Characteristics of Spent Fuel Storage Systems (Part 72)**

**RIN:** 3150-AG93

**Abstract:** The proposed rule would amend the Commission's regulations concerning geological and seismological criteria to require the use of a risk-informed, performance-based regulatory approach. This revision would use a methodology that is consistent with the approach taken in Part 50 and the recent revision to Part 100. The proposed rule would also clarify the need

for a general licensee to design cask storage pads and areas to adequately support both static and dynamic loads of the stored casks.

<b>Timetable:</b>	Proposed Rule Published	07/22/02	67 FR 47745
	Comment Period Closed	10/22/02	67 FR 56876
	Final Rule Published	09/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Keith McDaniel, Office of Nuclear Material Safety and Safeguards,  
(301) 415-5252, e-mail kkm@nrc.gov

**29. Event Notification Requirements (Parts 72 and 73)**

**RIN:** 3150-AG90

**Abstract:** The proposed rule would change several event notification and security reporting requirements to conform, where appropriate, the independent spent fuel storage installation (ISFSI) and monitored retrievable storage (MRS) facility licensees to more closely align them with those of nuclear reactor facilities. In addition, the proposed rule would change the requirements for when written follow-up reports on safeguards events must be submitted. This change would affect power reactors, ISFSI's, and several other categories of facilities that produce, possess, or transport spent fuel or special nuclear material. The changes would reduce, consolidate, and remove some licensee reporting notifications and lengthen the reporting period for other notifications. Some new requirements would also be added to permit NRC to effectively carry out its regulatory responsibilities and respond to public and media inquiries during emergencies. Overall, the proposed rule would help the NRC and its licensees to better focus their efforts on the most safety-significant issues and to communicate timely information on recent and ongoing events.

<b>Timetable:</b>	Proposed Rule Published	08/22/02	67 FR 54360
	Comment Period Closed	11/05/02	
	Final Rule Published	06/00/03	

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Mark Haisfield, Office of Nuclear Material Safety and Safeguards,  
(301) 415 6196, e-mail mfh@nrc.gov.

**(C) Advance Notices of Proposed Rulemaking**

**C**



**30. Disposal by Release Into Sanitary Sewerage (Part 20)**

RIN: 3150-AE90

**Abstract:** The advance notice of proposed rulemaking (ANPRM) was published to request public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies, the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. The NRC and the Environmental Protection Agency are conducting a joint survey of sewage treatment plants to evaluate the extent of reconcentration due to release of radioactive material into sewage systems. The need for and the extent of a rulemaking will be evaluated pending the result of the survey and the associated dose assessment. This rulemaking would also address a petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22).

<b>Timetable:</b>	ANPRM Published	02/25/94	59 FR 9146
	Comment Period Closed	05/26/94	
	Proposed Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Lydia Chang, Office of Nuclear Material Safety and Safeguards, (301) 415-6319, e-mail lwc1@nrc.gov**31. Entombment Options for Power Reactors (Parts 20 and 50)**

RIN: 3150-AG89

**Abstract:** The advanced notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02-0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory Research has conducted research to develop a sound technical basis for an entombment option, estimated in 2005. The Commission, in a Staff Requirements Memorandum dated November 26, 2002, did not object to staff's proposal.

<b>Timetable:</b>	ANPRM Published	10/16/01	66 FR 52551
	Comment Period Closed	12/31/01	
	Proposed Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Patricia Eng, Office of Nuclear Material Safety and Safeguards, (301) 415-7206, e-mail ple@nrc.gov

**32. Risk-Informing Special Treatment Requirements (Parts 21, 50, 54, and 100)**

RIN: 3150-AG42

**Abstract:** The advance notice of proposed rulemaking (ANPRM) invited comments, advice, and recommendations from interested parties on the contemplated rulemaking that would provide an alternative, risk-informed approach for special treatment requirements in the current regulations. Special treatment requirements are requirements imposed on structures, systems, and components (SSCs) that provide additional confidence that these SSCs are capable of meeting design basis functional requirements. The contemplated risk-informed approach would categorize SSCs and vary the associated regulatory treatment based on the SSC's safety significance. This action is a result of the Commission's continuing efforts to risk-inform its regulations. The staff provided the Commission the proposed rule package on September 30, 2002, and is currently awaiting Commission action on the package.

<b>Timetable:</b>	ANPRM Published	03/03/00 65 FR 11488
	Comment Period Closed	05/17/00
	Proposed Rule Published	Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

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

**33. Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73)**

RIN: 3150-AG41

**Abstract:** The advance notice of proposed rulemaking (ANPRM) invited early input from affected parties and the public on the issues associated with the advance notification of Indian Tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian Tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian Tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

<b>Timetable:</b>	ANPRM Published	12/21/99 64 FR 71331
	Comment Period Closed	07/05/00 65 FR 18010
	Proposed Rule Published	Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Roger W. Broseus, Office of Nuclear Material Safety and Safeguards,  
(301) 415-7608, e-mail [rwb@nrc.gov](mailto:rwb@nrc.gov)

---

**(D) Unpublished Rules**

**D**

**34. Changes to Requirements for Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants (Parts 2, 20, 50, 51, 52, 72, 73, 140, and 171)**

**RIN: 3150-AG24**

**Abstract:** The proposed rule would amend the Commission's requirements for early site permits, standard design certifications, and combined licenses for nuclear power plants, and for other licensing processes. The amendments are based on the NRC staff's experience with the previous design certification reviews and on discussions with stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants. The rulemaking also would make conforming clarifications and corrections to the NRC's regulations.

The NRC is proposing to reorganize 10 CFR Part 52 to establish a separate section for each of the seven licensing processes currently described in 10 CFR Part 52 (early site permits, early site reviews, standard design certification, standard design approvals, combined licenses, manufacturing licenses, and duplicate design licenses). The purpose of this reorganization is to clarify that each licensing process has equal standing. In addition, several subparts would be reserved for future licensing processes. No substantive changes are intended by the incorporation of current Appendices M, N, O, and Q into the new subparts in 10 CFR Part 52.

The NRC is also proposing to retitle 10 CFR Part 52 as "Additional Licensing Processes for Nuclear Power Plants," to clarify that the licensing processes in 10 CFR Part 52 are in addition to and supplement the two-step licensing process in 10 CFR Part 50 and the license renewal process in 10 CFR Part 54, and are not limited to the early site permit, standard design certification, and combined license processes as the current title implies.

The proposed rule would amend § 52.1 to clarify that all seven licensing processes are within the scope of 10 CFR Part 52. Sections within current Appendices M, N, O, and Q would also become new sections of the revised part. In addition, the proposed rule would reserve sections for future licensing processes. In doing so, the NRC hopes to convey that 10 CFR Part 52 is the preferred location in 10 CFR for nuclear power plant licensing processes. The proposed rule subsumed the rulemaking, "Standardized Plant Designs, Early Review of Sites Suitability Issues; Clarifying Amendments" (RIN 3150-AE25), that would remove redundant Appendices M, N, O, and Q from Part 50. The Part 52 rulemaking plan (SECY-98-282) was approved by the Commission on January 14, 1999.

<b>Timetable:</b>	<b>Proposed Rule Published</b>	<b>02/00/03</b>
	<b>Final Rule Published</b>	<b>10/00/03</b>

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities: None**

**Agency Contact:** Jerry N. Wilson, Office of Nuclear Reactor Regulation,  
(301) 415-3145, e-mail jnw@nrc.gov  
Nanette Giles, Office of Nuclear Reactor Regulation,  
(301) 415-1180, e-mail nvg@nrc.gov

---

**35. Public Records\* (Part 9)**

**RIN: 3150-AH12**

**Abstract:** The proposed rule would amend the Commission's regulations to reflect changes in officials who initially deny access to records or deny access to records whose initial denial has been appealed, and to reflect a change in an appellate official due to a reorganization. The amendment would allow the Executive Assistant to the Secretary of the Commission, rather than the Assistant Secretary, to make the initial determination to deny NRC records in whole or in part under the Commission's regulations. Also, an appeal of a denial of a request for a waiver or reduction of fees, or denial of a request for expedited processing would be appealed to the Executive Director for Operations rather than the Secretary of the Commission.

**Timetable:** Proposed Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities: None**

**Agency Contact:** Carol Ann Reed, Office of the Chief Information Officer,  
(310) 415-7169, e-mail car2@nrc.gov

---

**36. Radiation Exposure Reports: Minor Filing Amendment\* (Part 20)**

**RIN: 3150-AH07**

**Abstract:** The final rule will amend the Commission's requirements for filing written Event Reports submitted to the NRC concerning individuals occupationally overexposed to radiation and radioactive materials. Licensees will be required to clearly label any section of the event report containing personal information "Privacy Act Information: Not for Public Disclosure." This action is necessary to ensure that personal information filed with the NRC is segregated from the Event Report and maintained in a separate, non-public document.

**Timetable:** Final Rule Published                      03/00/03

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Merri Horn, Office of Nuclear Material Safety and Safeguards,  
(310) 415-8126, e-mail mlh1@nrc.gov

---

**37. Nuclear Power Plant Worker Fatigue (Part 26)**

**RIN:** 3150-AG99

**Abstract:** The proposed rule would amend the Commission's regulations to establish thresholds for the control of working hours to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. This rule would provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This rulemaking would also address a petition for rulemaking submitted by Barry Quigley (PRM-26-02).

**Timetable:** Proposed Rule Published 09/00/03

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** David Desaulniers, Office of Nuclear Reactor Regulation,  
(301) 415-1043, e-mail drd@nrc.gov

---

**38. Security Requirements for Portable Gauges Containing Byproduct Material\* (Part 30)**

**RIN:** 3150-AH06

**Abstract:** The proposed rule would amend the Commission's regulations governing the use of byproduct material in specifically licensed portable gauges. The proposed rule would require a licensee to provide a minimum of two independent physical controls that form tangible barriers to secure the gauge from unauthorized removal whenever the portable gauge is being stored, transported on public thoroughfares, or stored incidental to transportation.

**Timetable:** Proposed Rule Published 03/00/03

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None



**Agency Contact:** Lydia Chang, Office of Nuclear Material Safety and Safeguards,  
(310) 415-6319, e-mail lwc1@nrc.gov

---

**39. Medical Use of Byproduct Material; Clarifying and Minor Amendments\* (Part 35)**

**RIN:** 3150-AH08

**Abstract:** The direct final rule will amend the Commission's regulations regarding the medical use of byproduct material. The amendment will clarify the definitions of authorized users, authorized medical physicists, authorized nuclear pharmacists, and radiation safety officers; clarify the notification requirements if the patient is in a medical emergency or dies; clarify the recordkeeping requirements for calibration of brachytherapy sources; and eliminate a restriction that training for ophthalmic use of strontium-90 can only be conducted in medical institutions. These amendments are necessary to clarify certain inconsistencies within the regulations and to allow training in ophthalmic treatment to be conducted in eye clinics or private practices, in addition to medical institutions.

**Timetable:** Direct Final Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entitles:** None

**Agency Contact:** Dr. Anthony Tse, Office of Nuclear Material Safety and Safeguards,  
(310) 415-6233, e-mail ant@nrc.gov

---

**40. Source Material Reporting Under International Agreements\* (Parts 40 and 150)**

**RIN:** 3150-AH10

**Abstract:** The direct final rule will amend the Commission's regulations which require licensees to report their holdings of source material (uranium and thorium) to the NRC. Currently, licensees are required to file a report with the NRC whenever they receive or transfer uranium or thorium mined outside the U.S. The amendment will require licensees to report the receipt or transfer of source material controlled under any of the various international Agreements for Peaceful Nuclear Cooperation. This change will enable the U.S. Government to maintain the comprehensive national inventory of nuclear materials required under these agreements. This rule will also allow licensees additional flexibility in submitting their annual source material inventory statements. The amended regulations will permit licensees to submit these statements along with their Material Balance Reports for special nuclear material.

**Timetable:** Direct Final Rule Published                      03/00/03

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Merri Horn, Office of Nuclear Material Safety and Safeguards,  
(310) 415-8126, e-mail mlh1@nrc.gov

---

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

**RIN:** 3150-AG47

**Abstract:** A staff requirements memorandum dated June 23, 1999, directed the NRC staff to consider an integrated, risk-informed decommissioning rule rather than individual rulemakings to address emergency preparedness, insurance, safeguards, operator staffing, and backfit for nuclear power plants that are being decommissioned. SECY-99-168, dated June 30, 1999, recommended that the integrated approach be approved and outlined staff plans for pursuing such a rulemaking. Accordingly, the staff has subsumed previous rulemaking activities in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit into one integrated rulemaking effort. This rulemaking would apply to licensees who certified, pursuant to 10 CFR 50.82(a), that they have permanently ceased facility operation(s) and have permanently removed fuel from the reactor vessel. The Commission approved this approach in an SRM dated December 21, 1999. This rulemaking would also address a petition for rulemaking submitted by the North Carolina Public Utility Commission (PRM-50-57).

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

**Timetable:** Proposed Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** George Mencinsky, Office of Nuclear Reactor Regulation,  
(301) 415-3093, e-mail gjm@nrc.gov

---

**42. Modifications to Pressure-Temperature Limits (Part 50)**

**RIN:** 3150-AG98

**Abstract:** The proposed rule would amend the Commission's regulations to eliminate those requirements for pressure-temperature limits that are related to the metal temperature of the reactor pressure vessel closure head flange and vessel flange areas. The proposed rule would amend footnotes 2 and 6 to Table 1 of Appendix G, and simplify restructuring of the table. Also, this rulemaking would address the petition for rulemaking submitted by Westinghouse Electric Company (PRM-50-69).

**Timetable:** Proposed Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Matthew Mitchell, Office of Nuclear Reactor Regulation,  
(301) 415-3303, e-mail mam4@nrc.gov

---

**43. Changes to Emergency Action Levels - Appendix E (Part 50)**

**RIN:** 3150-AH00

**Abstract:** The proposed rule would resolve an ambiguity in the regulations regarding NRC approval of nuclear power plant licensee-initiated changes to emergency action levels (EALs). The proposed rule would allow licensees to make minor changes to EALs without prior NRC approval.

**Timetable:** Proposed Rule Published                      04/00/03

Final Rule Published                                      02/00/04

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Michael T. Jamgochian, Office of Nuclear Reactor Regulation,  
(301) 415-3224 e-mail mtj1@nrc.gov

---

**44. Filing and Notification Requirements For the Shipment of Certain Radioactive Materials\* (Parts 70, 71, and 73)**

**RIN: 3150-AH09**

**Abstract:** The final rule will amend the Commission's regulations to revise filing and advance notification requirements for the shipments of certain radioactive materials. These amendments are necessary to reflect the recent organizational and administrative changes within NRC and to inform the public and licensees of these changes.

**Timetable:** Final Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Kim Karcagi, Office of Nuclear Material Safety and Safeguards,  
(310) 415-6701, e-mail kxk2@nrc.gov

---

**45. List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System Revision (Amendment No. 3)\* (Part 72)**

**RIN: 3150-AH13**

**Abstract:** The direct final rule will amend the Commission's regulations revising the BNFL Fuel Solutions (FuelSolutions™) cask system listing within the list of approved spent fuel storage casks to include Amendment 3 to Certificate of Compliance Number 1026. Amendment 3 will modify the Technical Specifications to provide an alternative to returning the canister to the spent fuel building by returning it to the transfer cask. Specifically, Technical Specifications 3.3.2 and 3.3.3 will require returning the W-21 canister to the transfer cask while restoring normal storage conditions. The amendment will also include several editorial changes to Technical Specifications 3.1.1, 3.3.2, and 3.3.3.

**Timetable:** Direct Final Rule Published      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** None

**Agency Contact:** Jayne McCausland, Office of Nuclear Material Safety and Safeguards,  
(310) 415-6219, e-mail jmm2@nrc.gov

---

**46. Re-evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage (Part 73)****RIN: 3150-AG63**

**Abstract:** The proposed rule would amend the Commission's regulations to require power reactor licensees to conduct drills and exercises to evaluate their protective strategy against a simulated design basis threat (DBT) of radiological sabotage. The proposed rulemaking would include risk insights, supporting guidance documents, and be more performance based. Following the events of September 11, 2001, the staff recommended and the Commission approved the withdrawal of SECY-01-0101, "Proposed Rule Changes to 10 CFR 73.55," which contained the staff's recommendations in the subject rulemaking. This withdrawal was requested to allow the staff to incorporate its post-September 11, 2001, considerations in a revised recommended rule revision, then later resubmit 10 CFR 73.55 to the Commission for its consideration.

**Timetable:** Proposed Rule Published                      Undetermined

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** Undetermined

**Agency Contact:** Mark C. Nolan, Office of Nuclear Security and Incident Response,  
(301) 415-1596, e-mail mcn@nrc.gov

---

**47. Revision of Fee Schedules; Fee Recovery, FY 2003\* (Parts 170 and 171)****RIN: 3150-AH14**

**Abstract:** The proposed rule would amend the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 94 percent of the NRC's budget authority for FY 2003, less the amounts appropriated from the Nuclear Waste Fund and General Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

The FY 2001 Energy and Water Development Appropriations Act amended OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent for FY 2005. The purpose of this amendment is to address the fairness and equity concerns related to charging NRC license holders for agency expenses that do not provide a direct benefit to the licensee. The dollar amount to be recovered for FY 2003 is approximately \$526.5 million. OBRA-90, as amended, requires that the fees for FY 2003 be collected by September 30, 2003.

**Timetable:** Proposed Rule Published 02/00/03

Final Rule Published 06/00/03

**Legal Authority:** 42 USC 2201; 42 USC 5841

**Effects on Small Business and Other Entities:** Yes

**Agency Contact:** Ann Norris, Office of the Chief Financial Officer,  
(301) 415-7807, e-mail ame@nrc.gov

---

**(A) Petitions Incorporated Into Final Rules  
or Denied**

A

II  
PETITIONS



- 
- 1. Petitioner/Petition Docket Number:** National Registry of Radiation Protection Technologists (NRRPT) (PRM-35-13)

**Federal Register Citation:** February 8, 1996 (61 FR 4754)

**Subject:** Training requirements for a radiation safety officer

**Summary:** The petitioner requested that the Commission amend its regulations by including acceptance of NRRPT registration as fulfilling some of the training requirements for a radiation safety officer (RSO). 10 CFR Part 35, including the training requirements for RSOs, was completely revised on April 27, 2002. As a result of the revision of the RSO training requirements, the petitioner requested that the petition be withdrawn.

**Timetable:** A notice of withdrawing the petition was published in the Federal Register on September 24, 2002 (67 FR 59794).

**Agency Contact:** Patricia Eng, Office of Nuclear Material Safety and Safeguards, (301) 415-7206, e-mail ple@nrc.gov

---

- 2. Petitioner/Petition Docket Number:** Union of Concerned Scientists (PRM-50-72)

**Federal Register Citation:** March 5, 2001 (66 FR 13267)

**Subject:** Performance Indicator Information

**Summary:** The petitioner requested that the Commission amend its regulations to require nuclear power plant owners to submit the performance indicator information needed for the NRC's revised reactor oversight program.

**Timetable:** A notice denying this petition was published in the Federal Register on September 19, 2002 (67 FR 59025).

**Agency Contact:** Dennis Allison, Office of Nuclear Reactor Regulation, (301) 415-1178, e-mail dpa@nrc.gov

---

- 3. Petitioner/Petition Docket Number:** National Mining Association (PRM-170-5)

**Federal Register Citation:** November 2, 2001 (66 FR 55604)

**Subject:** Exempt Uranium Licensees

**Summary:** The petitioner requested that the Commission amend its regulations to establish the basis for waiving the assessment of all annual and periodic inspection and licensing fees for NRC uranium recovery licensees or, alternatively, to waive the fees associated with a contemplated rulemaking that would develop requirements for licensing uranium and thorium recovery facilities. The petitioner believes that the fee relief is in the public interest because it would help ensure the continued viability of a domestic uranium recovery industry.

**Timetable:** A notice denying the petition was published in the Federal Register on July 3, 2002 (67 FR 44573).

**Agency Contact:** Glenda Jackson, Office of the Chief Financial Officer,  
(301) 415-6057, e-mail gcj@nrc.gov  
Robert Carlson, Office of the Chief Financial Officer,  
(301) 415-8165, e-mail rdc@nrc.gov

---

**(B) Petitions Incorporated Into Published  
Proposed Rules**

**B**

**4. Petitioner/Petition Docket Number: Northeast Ohio Regional Sewer District (PRM-20-22)**

**Federal Register Citation: October 20, 1993 (58 FR 54071)**

**Subject: Release of radioactive material to the sanitary sewer system**

**Summary:** The petitioner requested that the Commission amend its regulations to require that licensees provide at least 24 hours advance notice to the appropriate sewage treatment plant before releasing radioactive material to the sanitary sewer system. The petitioner also requested that the NRC exempt materials that enter the sanitary waste stream from the requirements regarding Commission approval for incineration under the NRC's current regulations.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on October 20, 1993 (58 FR 54071). The public comment period closed on January 3, 1994. The petition is scheduled to be addressed by rulemaking, "Disposal by Release Into Sanitary Sewerage" (RIN AE90). The advance notice of proposed rulemaking was published in the Federal Register on February 25, 1994 (59 FR 9146). Publication of the proposed rule is undetermined.

**Agency Contact:** Lydia Chang, Office of Nuclear Material Safety and Safeguards, (301) 415-6319, e-mail lwc1@nrc.gov

---

**5. Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-26-1)**

**Federal Register Citation: N/A**

**Subject: Fitness-for-Duty Programs**

**Summary:** The petitioner requested that the Commission amend its regulations to change the frequency that licensees are required to audit their fitness-for-duty programs from annually to biennially.

**Timetable:** A notice of receipt was not published for this petition. This petition qualified for special fast-track handling, as specified in 10 CFR 2.802(e); publication of the docketing of PRM-26-1 was not required. This petition was addressed in a proposed rulemaking, "Fitness-for-Duty Program" (RIN AF12). The proposed rule was published in the Federal Register on May 9, 1996 (61 FR 21105). A new proposed rule is scheduled to be published in June 2003, and the final rule is scheduled to be published in November 2004.

**Agency Contact:** Garmon West, Jr., Office of Nuclear Security and Incident Response, (301) 415-1044, e-mail fitnessforduty@nrc.gov  
Vonna L. Ordaz, Office of Nuclear Security and Incident Response, (301) 415-2147, e-mail vlo@nrc.gov

---

**6. Petitioner/Petition Docket Number:** Bob Christie (PRM-50-68)

**Federal Register Citation:** January 12, 2000 (65 FR 1829)

**Subject:** Hydrogen control systems

**Summary:** The petitioner requested that the Commission amend its regulations concerning hydrogen control systems at nuclear power plants. The petitioner believes that the current regulations on hydrogen control systems at some nuclear power plants are detrimental and present a health risk to the public. The petitioner believes that similar detrimental situations may apply to other systems as well. The petitioner believes the proposed amendments would eliminate those situations that present adverse conditions at nuclear power plants.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on January 12, 2000 (65 FR 1829). The public comment period closed on March 27, 2000. This petition is scheduled to be addressed by rulemaking (Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors (RIN AG76)). The proposed rule was published in the Federal Register on August 2, 2002 (67 FR 50374). The public comment period closed on October 16, 2002. Comments are being categorized and evaluated. Publication of the final rule is undetermined.

**Agency Contact:** Anthony W. Markley, Office of Nuclear Reactor Regulation,  
(301) 415-3165, e-mail awm@nrc.gov

---

**7. Petitioner/Petition Docket Number:** International Energy Consultants (PRM-71-12)

**Federal Register Citation:** February 19, 1998 (63 FR 8362)

**Subject:** Packaging and transportation of radioactive material

**Summary:** The petitioner requested that the Commission amend its regulations governing special requirements for the transportation of plutonium under Part 71. The petitioner requested that § 71.63 be removed.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on February 19, 1998 (63 FR 8362). The public comment period closed on July 31, 1998 (63 FR 34335). The petition is scheduled to be addressed by rulemaking (Compatibility With the International Atomic Energy Agency Transportation Safety Standards (AG71)). The proposed rule was published in the Federal Register on April 30, 2002 (67 FR 21390). The final rule is scheduled to be published in December 2003. This final rule is scheduled to be published concurrently with the companion rule from the Department of Transportation (DOT). Therefore, the publication date is also dependent on DOT's publication date.

**Agency Contact:** Naiem Tanius, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6103, e-mail nst@nrc.gov

---

**(C) Petitions Incorporated Into Unpublished Rules**

C



**8. Petitioner/Petition Docket Number: Barry Quigley (PRM-26-2)**

**Federal Register Citation: December 1, 1999 (64 FR 67202)**

**Subject: Fitness-for-duty**

**Summary:** The petitioner requested that the Commission amend its regulations to (1) add enforceable working hour limits to 10 CFR Part 26; (2) add a criterion to 10 CFR Part 55 to require evaluation of known sleeping disorders; (3) revise the Enforcement Policy to include examples of working hour violations warranting various NRC sanctions; and (4) revise NRC Form 396 to include self-disclosure of sleeping disorders by licensed operators. The petitioner also requested changes to NRC Inspection Procedure 81502, Fitness-for-Duty Program. The petitioner believes that clear and enforceable working hour limits are required to ensure that the impact of personal fatigue is minimized.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on December 1, 1999 (65 FR 67202). The comment period closed on February 14, 2000. This petition is scheduled to be addressed through rulemaking. Publication of the proposed rule is scheduled for September 2003.

**Agency Contact:** David Desaulniers, Office of Nuclear Reactor Regulation,  
(301) 415-1043, e-mail drd@nrc.gov

---

**9. Petitioner/Petition Docket Number: State of Colorado and Organization of Agreement States (PRM-40-27)**

**Federal Register Citation: July 7, 1999 (64 FR 36615)**

**Subject: Exemption for source material general licensees**

**Summary:** The petitioner requested that the Commission amend its regulations to restrict the exemption in § 40.22(b) for source material general licensees from the radiation protection and worker notification requirements in 10 CFR Parts 19 and 20. Current NRC regulations exempt source material general licensees from the requirements that specify standards of protection against radiation and notification of individuals who participate in licensed activities. The petitioner believes that no basis exists for exempting these licensees from compliance with radiation safety standards if a licensee can exceed currently specified dose limits, create areas where individuals may be exposed to radiation, or dispose of radioactive waste in a manner that is not permitted for other licensees.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on July 7, 1999 (64 FR 36615). The public comment period closed on September 20, 1999. The petition is scheduled to be addressed by rulemaking. Publication of the proposed rule is undetermined.

**Agency Contact:** Gary Comfort, Office of Nuclear Material Safety and Safeguards,  
(301) 415-8106, e-mail gcc1@nrc.gov

---

**10. Petitioner/Petition Docket Number:** Donald A. Barbour, Philotechnics (PRM-40-28)

**Federal Register Citation:** January 21, 2000 (65 FR 3394)

**Subject:** Effective control of depleted uranium aircraft counterweights

**Summary:** The petitioner requested that the Commission amend its regulations governing the domestic licensing of source material to provide additional rules for the effective control of depleted uranium aircraft counterweights. The petitioner believes that this regulatory clarification should address a number of issues concerning the exemption, storage, and disposal of these devices.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on January 21, 2000 (65 FR 3394). The comment period closed on April 5, 2000. This petition is scheduled to be addressed by rulemaking. Publication of the proposed rule is undetermined.

**Agency Contact:** Gary Comfort, Office of Nuclear Material Safety and Safeguards,  
(301) 415-8106, e-mail gcc1@nrc.gov

---

**11. Petitioner/Petition Docket Number:** North Carolina Public Staff Utility Commission  
(PRM-50-57)

**Federal Register Citation:** January 17, 1992 (57 FR 2059)

**Subject:** Reducing or eliminating insurance requirements at decommissioned nuclear power plants

**Summary:** The petitioner requested that the Commission amend its regulations to substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shut down and are awaiting decommissioning and all the nuclear fuel has been removed from the reactor site.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on January 17, 1992 (57 FR 2059). The public comment period closed on March 17, 1992. The petition is scheduled to be addressed by rulemaking. Completion of the rulemaking plan is undetermined.

**Agency Contact:** George Mencinsky, Office of Nuclear Reactor Regulation,  
(301) 415-3093, e-mail gjm@nrc.gov

---

**12. Petitioner/Petition Docket Number: New England Coalition on Nuclear Pollution  
(PRM-51-1)**

**Federal Register Citation: January 16, 1976 (41 FR 2448)**

**Subject: Amendments to Table S-3 in 10 CFR Part 51**

**Summary:** The petitioner requested that the Commission amend its regulations to "Table S-3 - Summary of Environmental Considerations for Uranium Fuel Cycle" [Uranium Fuel Cycle Environmental Data -Table S-3].

**Timetable:** A notice of receipt for this petition was published in the Federal Register on January 16, 1976 (41 FR 2448). The public comment period closed on March 16, 1976. The Commission closed three issues by denial in a Federal Register notice published on April 14, 1978 (43 FR 15613). Action on the remaining issue will be addressed by rulemaking, "Update Fuel Performance Considerations and Other Fuel Cycle Issues (RIN AA31). Publication of the proposed rule is undetermined.

**Agency Contact:** Rebecca L. Karas, Office of Nuclear Reactor Regulation,  
(301) 415-3711, e-mail [rlk@nrc.gov](mailto:rlk@nrc.gov)

---

**(D) Petitions Pending Staff Review**

**D**

**13. Petitioner/Petition Docket Number: Ohio Citizens for Responsible Energy, Inc. (PRM-9-2)**

**Federal Register Citation: June 13, 1994 (59 FR 30308)**

**Subject: Public access to licensee-held information**

**Summary:** The petitioner requested that the Commission amend its regulations to establish public right-to-know provisions that would ensure public access to licensee-held information.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on June 13, 1994 (59 FR 30308). The comment period closed on August 29, 1994. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Maria Schwartz, Office of the General Counsel,  
(301) 415-1888, e-mail mes@nrc.gov

---

**14. Petitioner/Petition Docket Number: Union of Concerned Scientists (PRM-30-62)**

**Federal Register Citation: October 27, 1999 (64 FR 57785)**

**Subject: Provide specific training to management on their obligations under the employee protection regulations**

**Summary:** The petitioner requested that the Commission amend its regulations to require licensees to provide specific training to its management (i.e., first-line supervisors, managers, directors, and officers) on their obligations under the employee protection regulations. The petitioner believes that the amendment would prevent nuclear energy management from using "ignorance of the law" as an excuse for a violation and allow the NRC to take enforcement actions against individuals who violate the employee protection regulation.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on October 27, 1999 (64 FR 57785). The comment period closed on January 10, 2000. The NRC staff has incorporated the concerns of this petition into the scope of an NRC Task Force to investigate handling of discrimination allegation matters. The Task Force recommendations were submitted to the Commission in September 2002. Resolution of this petition will be determined following Commission review of the Task Force recommendations.

**Agency Contact:** Mark Haisfield, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6196, e-mail mfh@nrc.gov

---

**15. Petitioner/Petition Docket Number: Amersham Corporation (PRM-34-5)**

**Federal Register Citation: June 18, 1996 (61 FR 30837)**

**Subject: Radiographic equipment regulations**

**Summary:** The petitioner requested that the Commission amend its regulations by removing the reference to "associated equipment" from the radiography equipment regulations. The petitioner believes that this amendment would clarify the licensing reviews of sealed sources and radiographic exposure devices to meet the applicable requirements.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on June 18, 1996 (61 FR 30837). The comment period closed on September 3, 1996. The staff is working to complete NRC action documenting resolution of the petition

**Agency Contact:** Thomas Young, Office of Nuclear Material Safety and Safeguards,  
(301) 415-5795, e-mail tfy@nrc.gov

---

**16. Petitioner/Petition Docket Number: American National Standards Institute N43.10  
Committee (PRM-36-1)**

**Federal Register Citation: September 15, 1998 (63 FR 49298)**

**Subject: Radiation safety requirements**

**Summary:** The petitioner requested that the Commission amend its radiation safety requirements for irradiators to allow the operation of panoramic irradiator facilities without continuous onsite attendance.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on September 15, 1998 (63 FR 49298). The comment period closed on November 30, 1998. This action is on hold pending a review of NRC rules in response to events of September 11, 2001.

**Agency Contact:** Lydia Chang, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6319, e-mail lwc1@nrc.gov

---

**17. Petitioner/Petition Docket Number: Westinghouse Electric Company (PRM-50-69)**

**Federal Register Citation: February 8, 2000 (65 FR 6044)**

**Subject: Reactor vessel head closure flange requirements**

**Summary:** The petitioner requested that the Commission amend its regulations governing pressure and temperature limits for the reactor pressure vessel to eliminate requirements for the metal temperature of the closure head flange and vessel flange regions. The petitioner believes the elimination of the flange requirement has no impact on boiling-water reactors and could improve plant safety in pressurized-water reactors.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on February 8, 2000 (65 FR 6044). The public comment period closed on April 24, 2000. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Matthew Mitchell, Office of Nuclear Reactor Regulation,  
(301) 415-3303, e-mail mam4@nrc.gov

---

**18. Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-50-71)

**Federal Register Citation:** May 31, 2000 (65 FR 34599)

**Subject:** Alternate cladding material

**Summary:** The petitioner requested that the Commission amend its regulations to allow nuclear power plant licensees to use zirconium-based cladding materials other than Zircaloy or ZIRLO, provided the cladding materials meet the requirements for fuel cladding performance and have received approval by the NRC staff. The petitioner believes the proposed amendment would improve the efficiency of the regulatory process by eliminating the need for individual licensees to obtain exemptions to use advanced cladding materials that have already been approved by the NRC.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on May 31, 2000 (65 FR 34599). The public comment period closed on August 14, 2000. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Samuel S. Lee, Office of Nuclear Reactor Regulation,  
(301) 415-1061, e-mail ssl@nrc.gov

---

**19. Petitioner/Petition Docket Number:** Robert H. Leyse (PRM-50-73)

**Federal Register Citation:** October 12, 2001 (66 FR 52065)

**Subject:** Impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident



**Summary:** The petitioner requested that the Commission amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on October 12, 2001 (66 FR 52065). The comment period closed on December 26, 2001. The staff has determined that PRM-73A (Robert H. Leye) is a supplement to PRM-50-73 and will be resolved as one action. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Alan Roecklein, Office of Nuclear Reactor Regulation,  
(301) 415-3883, e-mail akr@nrc.gov

---

**20. Petitioner/Petition Docket Number:** Robert H. Leye (PRM-50-73A)

**Federal Register Citation:** January 29, 2002 (67 FR 4214)

**Subject:** Impact of crud deposits on fuel bundle capability during normal operation of a light-water-reactor

**Summary:** The petitioner requested that the Commission amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of severe crud deposits on fuel bundle coolability during normal operation of a light-water-reactor.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on January 29, 2002 (67 FR 4214). The comment period closed on April 15, 2002. This petition was determined by the staff to be a supplement to PRM-50-73 (Robert H. Leye), and the two petitions are being resolved as one action. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Alan Roecklein, Office of Nuclear Reactor Regulation,  
(301) 415-3883, e-mail akr@nrc.gov

---

**21. Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-50-74)

**Federal Register Citation:** October 11, 2001 (66 FR 51884)

**Subject:** Emergency Core Cooling System Evaluation Models

**Summary:** The petitioner requested that the Commission amend its regulations regarding Emergency Core Cooling System Evaluation Models to allow licenses to voluntarily adopt the most current industry consensus standard for decay heat power, as well as any subsequent NRC-endorsed revisions to this standard.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on October 11, 2001 (66 FR 51884). The comment period closed on December 26, 2001. Resolution of this petition is scheduled for February 2003.

**Agency Contact:** Samuel S. Lee, Office of Nuclear Reactor Regulation,  
(301) 415-1061, e-mail ssl@nrc.gov

---

**22. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-75)**

**Federal Register Citation:** April 8, 2002 (67 FR 16654)

**Subject:** ECCS Models: Alternate maximum break size

**Summary:** The petitioner requested that the Commission amend its Emergency Core Cooling System (ECCS) regulations to allow the use of an alternative maximum pipe break size for the largest pipe in the reactor coolant system in ECCS evaluation models for Light-Water Nuclear Power Reactors.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on April 8, 2002 (67 FR 16654). The comment period closed on June 24, 2002. Resolution of the petition is scheduled for April 2003.

**Agency Contact:** Samuel S. Lee, Office of Nuclear Reactor Regulation,  
(301) 415-1061, e-mail ssl@nrc.gov

---

**23. Petitioner/Petition Docket Number: Robert H. Leyse\* (PRM-50-76)**

**Federal Register Citation:** August 9, 2002 (67 FR 51783)

**Subject:** Models for Emergency Core Cooling Systems and associated guidance documents

**Summary:** The petitioner requested that the Commission amend its regulations concerning evaluation models for Emergency Core Cooling Systems (ECCS) and associated guidance documents. The petitioner believes the amendments are necessary to correct technical deficiencies that do not consider the complex thermal hydraulic conditions during a Loss-of-Coolant-Accident (LOCA), including the potential for very high fluid temperatures.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on August 9, 2002 (67 FR 51783). The public comment period closed on October 23, 2002. Resolution of this petition is scheduled for August 2003.

**Agency Contact:** Alan Roecklein, Office of Nuclear Reactor Regulation,  
(301) 415-3883, e-mail akr@nrc.gov

---

**24. Petitioner/Petition Docket Number: Performance Technology (PRM-50-77)**

**Federal Register Citation:** June 13, 2002 (67 FR 40622)

**Subject:** Short-term equipment response times of emergency diesel generators

**Summary:** The petitioner requested that the Commission amend its regulations to increase short-term equipment response times of emergency diesel generators that it believes are inappropriate and detrimental to safety. The petitioner requested that the NRC increase emergency diesel generator start times, enhance operator training, and delete the requirement that offsite electrical power is assumed disconnected from the nuclear unit switchyard during postulated accidents. The petitioner believes that its proposed amendments would increase safety at licensed nuclear facilities.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on June 13, 2002 (67 FR 40622). The comment period closed on August 27, 2002. Resolution of this petition is scheduled for June 2003.

**Agency Contact:** David Diec, Office of Nuclear Reactor Regulation,  
(301) 415-2834, e-mail dtd@nrc.gov

---

**25. Petitioner/Petition Docket Number: Robert H. Leyse\* (PRM-50-78)**

**Federal Register Citation:** October 31, 2002 (67 FR 66347)

**Subject:** Impact of CRUD deposition on the performance of all heat transfer surfaces in nuclear power plants

**Summary:** The petitioner requested that the Commission amend its regulations to address the impact of fouling on the performance of all heat transfer surfaces in nuclear power plants. The petitioner alleges that this fouling is generally not adequately considered in the licensing and the compliance inspections at nuclear power plants.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on October 31, 2002 (67 FR 66347). The public comment period closed on January 16, 2002. Resolution of the petition is scheduled for October 2003.

**Agency Contact:** Alan Roecklein, Office of Nuclear Reactor Regulation,  
(301) 415-3883, e-mail akr@nrc.gov

---

**26. Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-52-1)

**Federal Register Citation:** September 24, 2001 (66 FR 48832)

**Subject:** Application and review process for early site permits or combined licenses at licensed facilities

**Summary:** The petitioner requested that the Commission amend its regulations to improve the efficiency of the application and review process for companies seeking early site permits or combined licenses at licensed facilities. The petitioner believes that these proposed amendments would enhance the focus and efficiency of the early site permit and combined license process. The petitioner proposes to eliminate the need for an applicant to produce and the NRC review existing information relating to a licensed facility that has been previously approved by the NRC and was subject to a public hearing.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on September 24, 2001 (66 FR 48832). The public comment period closed on November 8, 2001. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Stephen Koenick, Office of Nuclear Reactor Regulation,  
(301) 415-1239, e-mail ssk2@nrc.gov

---

**27. Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-52-2)

**Federal Register Citation:** September 24, 2001 (66 FR 48828)

**Subject:** Siting, construction, and operation of nuclear power plants

**Summary:** The petitioner requested that the Commission eliminate the requirement that an early site permit applicant evaluate, and that the NRC review, alternative sites, and remove provisions regarding the siting, construction, and operation of nuclear power plants which require applicants and licenses to analyze, and the NRC to evaluate, alternative sites, alternative energy sources, and the need for power.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on September 24, 2001 (66 FR 48828). The public comment period closed on November 8, 2001. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Nanette Gilles, Office of Nuclear Reactor Regulation,  
(301) 415-1180, e-mail nvg@nrc.gov

---

**28. Petitioner/Petition Docket Number:** State of Nevada (PRM-73-10)

**Federal Register Citation:** September 13, 1999 (64 FR 49410)

**Subject:** Safeguards for shipments of spent nuclear fuel against sabotage and terrorism

**Summary:** The petitioner requested that the Commission conduct a comprehensive assessment of the consequences of terrorist attacks that have the capability of radiological sabotage, including attacks against transportation infrastructure used during nuclear waste shipments, attacks involving capture of nuclear waste shipments and use of high-energy explosives against a cask or casks, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on September 13, 1999 (64 FR 49410). The public comment period closed on January 28, 2000. In light of the September 11, 2001, terrorist attack on the United States, the Commission directed the staff to reevaluate NRC's safeguards and physical security programs for licensed facilities and activities, including transportation of spent nuclear fuel and high level waste. Any revision to NRC's regulations and guidance will be based on that review. Resolution of the petition is undetermined.

**Agency Contact:** Merri Horn, Office of Nuclear Material Safety and Safeguards,  
(301) 415-8126, e-mail mlh1@nrc.gov

---

**29. Petitioner/Petition Docket Number:** Three Mile Island Alert (PRM-73-11)

**Federal Register Citation:** November 2, 2001 (66 FR 55603)

**Subject:** Post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants

**Summary:** The petitioner requested that the Commission amend its regulations governing the physical protection of plants and materials to require NRC licensees to post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants by adding armed site protection officers to the security forces.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on November 2, 2001 (66 FR 55603). The public comment period closed on January 16, 2002. Resolution of this petition is scheduled for June 2003.

**Agency Contact:** Dennis Allison, Office of Nuclear Reactor Regulation,  
(301) 415-1178, e-mail dpa@nrc.gov

---

**BIBLIOGRAPHIC DATA SHEET**

*(See instructions on the reverse)*

1. REPORT NUMBER  
(Assigned by NRC, Add Vol., Supp., Rev.,  
and Addendum Numbers, if any.)

NUREG-0936  
Vol. 21, No. 2

2. TITLE AND SUBTITLE

NRC Regulatory Agenda  
Semiannual Report  
July - December 2002

3. DATE REPORT PUBLISHED

MONTH	YEAR
January	2003

4. FIN OR GRANT NUMBER

5. AUTHOR(S)

6. TYPE OF REPORT

Semiannual

7. PERIOD COVERED *(Inclusive Dates)*

July - December 2002

8. PERFORMING ORGANIZATION - NAME AND ADDRESS *(If NRC, provide Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address; if contractor, provide name and mailing address.)*

Division of Administrative Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-001

9. SPONSORING ORGANIZATION - NAME AND ADDRESS *(If NRC, type "Same as above"; if contractor, provide NRC Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address.)*

10. SUPPLEMENTARY NOTES

11. ABSTRACT *(200 words or less)*

The NRC Regulatory Agenda is a compilation of all rules on which NRC has recently completed action, or has proposed action, or is considering action, and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued semiannually.

12. KEY WORDS/DESCRIPTORS *(List words or phrases that will assist researchers in locating the report.)*

Compilation of rules  
Petitions for rulemaking

13. AVAILABILITY STATEMENT

Unlimited

14. SECURITY CLASSIFICATION

*(This Page)*

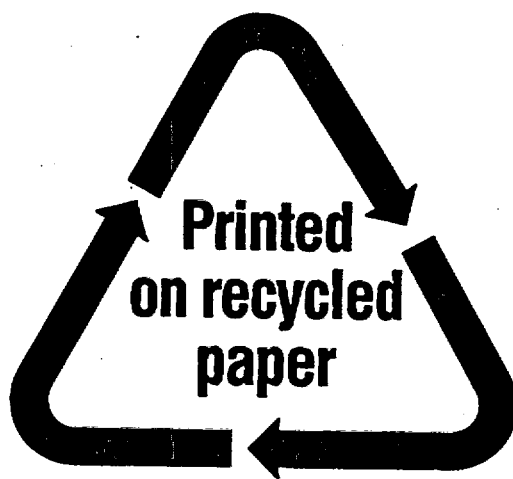
Unclassified

*(This Report)*

Unclassified

15. NUMBER OF PAGES

16. PRICE



**Federal Recycling Program**

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

**I-RULES**

Section 1 - Rules

**A**

Action Completed Rules

**B**

Proposed Rules

**C**

Advance Notice - Proposed Rulemaking

**D**

Unpublished Rules

**II  
PETITIONS**

Section II - Petitions for Rulemaking

**A**

Petitions - Final or Denied

**B**

Petitions - Incorporated into Published Proposed Rules

**C**

Petitions - Incorporated into Unpublished Rules

**D**

Petitions - Pending