

# **NRC Regulatory Agenda**

**Semiannual Report  
January - June 2004**

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



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**NUREG-0936**  
**Vol. 23, No. 1**

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# **NRC Regulatory Agenda**

## **Semiannual Report** **January - June 2004**

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Manuscript Completed: August 2004  
Date Published: August 2004

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



# Preface

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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 June 30, 2004. Section I, "Rules," includes (A) rules on which final action has been taken since December 31, 2003, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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since December 31, 2003; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules, and (D) petitions pending staff review.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.

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**(A) Final Rules**

**I-RULES**

**A**

**1. Changes to Adjudicatory Process (Parts 1, 2, 50, 51, 52, 54, 60, 70, 73, 75, 76, and 110)****RIN:** 3150-AG49

**Abstract:** The final rule amends the Commission's regulations concerning its rules of practice to make the NRC's hearing process more efficient and effective. The final amendments fashion hearing procedures that are tailored to the different types of licensing and regulatory activities the NRC conducts and better focuses the limited resources of involved parties and the NRC.

**Timetable:**

Final Rule Published	01/14/04	69 FR 2182
Final Rule Effective:	02/13/04	

**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

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**2. Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Submissions to the Electronic Docket (Part 2)****RIN:** 3150-AH31

**Abstract:** The final rule amends the Commission's regulations that govern Rules of Practice applicable to the use of the Licensing Support Network (LSN) for the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW licensing proceeding). The final amendments establish the basic requirements and standards for the submission of adjudicatory materials to the electronic docket by parties to the HLW licensing proceeding. The final amendments also address the issue of reducing the unnecessary loading of duplicate documents on individual LSN participant websites.

**Timetable:**

Final Rule Published	06/14/04	69 FR 32836
Final Rule Effective	07/14/04	

**Legal Authority:** 42 USC 2133, 42 USC 2134, 42 USC 2201, 42 USC 2232, 42 USC 2233, 42 USC 2239, 42 USC 5841, 42 USC 5842, 42 USC 5846

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

**Agency Contact:** Francis X. Cameron, Office of the General Counsel  
(301) 415-1642, e-mail fxc@nrc.gov

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

**RIN:** 3150-AG99

**Abstract:** The proposed rule would have amended 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 has been subsumed in the proposed rule, "Fitness-for-Duty Programs (RIN AF12)," which is scheduled to be published in December 2005.

**Timetable:** Subsumed into RIN 3150-AF12

**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

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**4. Performance-Based, Risk-Informed Fire Protection (Part 50)**

**RIN:** 3150-AG48

**Abstract:** The final rule implements 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."

**Timetable:** Final Rule Published 06/16/04 69 FR 33536  
Final Rule Effective 07/16/04

**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

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**5. 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 final rule amends 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 final rule recognizes 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 continue to submit the financial qualifications information as part of the license renewal process and will not be affected by this final rule change.

**Timetable:** Final Rule Published 01/30/04 69 FR 4439  
Final Rule Effective 03/01/04

**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

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

**RIN:** 3150-AG71

**Abstract:** The final rule amends 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 addresses 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 final rule to amend transportation regulations (January 26, 2004; 69 FR 3632).

**Timetable:** Final Rule Published 01/26/04 69 FR 3698  
Final Rule Effective 10/01/04  
Portions of §§ 71.19 and 71.20 Effective 10/01/08

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

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

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

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**7. List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (Amendment 3) (Part 72)**

RIN: 3150-AH25

**Abstract:** The direct final rule amends the Commission's regulations by revising the NAC-UMS cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1015. Amendment No. 3 modifies the cask design to add an alternate poison material, revise the structural analysis, revise the thermal analyses, revise fuel assembly weight and dimensions, and revise allowable fuel cladding temperature. The amendment also revises the criticality analyses and reorganizes the Safety Analysis Report Section, revises Technical Specification A.5.5 to remove the effluent reporting requirements, and makes several editorial and administrative changes.

<b>Timetable:</b>	Direct Final Rule Published	01/16/04	69 FR 2497
	Proposed Rule Published	01/16/04	69 FR 2528
	Direct Final Rule Effective	03/31/04	
	Confirmation of Effective Date Published	03/31/04	69 FR 16769

**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)**8. List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® System Revision (Amendment 7) (Part 72)**

RIN: 3150-AH28

**Abstract:** The direct final rule amends the Commission's regulations by revising the Transnuclear, Inc., (TN) Standardized NUHOMS® System listing within the list of approved spent fuel storage casks to include Amendment No. 7 to Certificate of Compliance Number 1004. Amendment No. 7 incorporates changes in support of the AmerGen Corporation plans to load damaged fuel and additional fuel types at its Oyster Creek Nuclear Station. The amendment specifically adds damaged Boiling Water Reactor spent fuel assemblies and additional fuel types to the authorized contents of the NUHOMS®-61BT Dry Storage Canister.

<b>Timetable:</b>	Direct Final Rule Published	12/18/03	68 FR 70423
	Proposed Rule Published	12/18/03	68 FR 70463
	Direct Final Rule Effective	03/02/04	
	Confirmation of Effective Date Published	02/27/04	69 FR 9199

**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)

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**9. List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, and -61BT Revision (Amendment 5) (Part 72)**

**RIN:** 3150-AH36

**Abstract:** The final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Transnuclear, Inc., Standardized NUHOMS cask system listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance Number 1004. This amendment will add another dry shielded canister (DSC), designated NUHOMS -32PT DSC, to the authorized contents of the Standardized NUHOMS -24P, -52B, and -61BT cask system. This canister is designed to accommodate 32 pressurized water reactor assemblies with or without Burnable Poison Rod assemblies. It is designed for use with existing NUHOMS horizontal Storage Module and NUHOMS Transfer Cask under a general license.

<b>Timetable:</b>	Final Rule Published	01/07/04	69 FR 849
	Final Rule Effective	01/07/04	

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

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

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

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**10. Revision of Fee Schedules; Fee Recovery, FY 2004 (Parts 170 and 171)**

**RIN:** 3150-AH37

**Abstract:** The final rule amends 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 92 percent of the NRC's budget authority for Fiscal Year 2004, less the amounts appropriated from the Nuclear Waste 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 2004 is approximately \$545.3 million. OBRA-90, as amended, requires that the fees for FY 2004 be collected by September 30, 2004.

**Timetable:**              Final Rule Published      04/26/04      69 FR 22664  
                                 Final Rule Effective      06/25/04

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

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

**Agency Contact:**      Tammy Croote, Office of the Chief Financial Officer,  
                                 (301) 415-6041, e-mail txc1@nrc.gov

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**(B) Proposed Rules**

**B**

**11. 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 would be 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>	Proposed Rule Published	07/03/03	68 FR 40026
	Comment Period Closed	09/16/03	
	Final Rule Published	Undetermined	

**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

**12. 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.

<b>Timetable:</b>	Proposed Rule Published	04/27/04	69 FR 22737
	Comment Period Closed	07/12/04	
	Final Rule Published	03/00/05	

**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

### **13. 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 and establish threshold for the control of working hours at nuclear power plants to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process (per SRM-COMSECY-04-0014, dated May 25, 2004, directing combination of RIN-3150-AF12 and RIN-3150-AG99). Because of the issues raised in response to the earlier affirmed (FFD) rule, a new proposed rule will be published, including provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and a petition for rulemaking submitted by Barry Quigley (PRM-26-2) related to worker fatigue.

<b>Timetable:</b>	Proposed Rule Published	05/09/96	61 FR 21105
	Comment Period Closed	08/07/96	
	Proposed Rule Published	12/00/05	
	Final Rule Published	05/00/07	

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

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

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

### **14. 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 gauges are not under the control and constant surveillance of the licensee.

<b>Timetable:</b>	Proposed Rule Published	08/01/03	68 FR 45172
	Comment Period Closed	10/15/03	
	Final Rule Published	12/00/04	

**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

**15. Options for Addressing Training and Experience Issues Associated with Recognition of Specialty Boards by NRC (Part 35)**

**RIN:** 3150-AH19

**Abstract:** The proposed rule would amend the Commission's regulations modifying the training and experience requirements based on recommendations submitted by the Advisory Committee on the Medical Uses of Isotopes (ACMUI), contained in SECY-02-0194 (October 30, 2002, "Staff Requirements - SECY-02-0194 - Options for Addressing Part 35 Training and Experience Issues Associated with Recognition of Specialty Boards by NRC" (February 12, 2003). The Commission approved an option that includes posting on the NRC's web site of the names of boards whose certifications are recognized as meeting revised criteria for training and experience rather than including the names in regulations. The Commission directed that the staff develop the proposed rule based on the ACMUI's recommendations, with certain qualifications in SRM-02-0194, including clarifications about the meaning of terms in preceptor statements – the retention of which was required by the Commission.

<b>Timetable:</b>	Proposed Rule Published	12/09/03	68 FR 68549
	Comment Period Closed	02/23/04	
	Final Rule Published	10/00/04	

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

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

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

**16. 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. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

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

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

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

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

**17. Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors (Part 50)**

**RIN:** 3150-AG42

**Abstract:** The proposed rule 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. In a Staff Requirements Memorandum for SECY-02-0176, dated March 28, 2003, the Commission directed the staff to publish the proposed rule in the Federal Register for public comment. The staff resolved public comments and provided the final rule to the Commission on June 30, 2004.

<b>Timetable:</b>	Proposed Rule Published	05/16/03	68 FR 26511
	Comment Period Closed	07/30/03	
	Final Rule Published	08/00/04	

**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

**18. Changes to Emergency Action Levels and Exercise Requirements for Co-Located Licensees - 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. The proposed rule would also establish emergency planning exercise requirements for co-located licensees.

**NRC Regulatory Agenda****Proposed Rules**

<b>Timetable:</b>	Proposed Rule Published	07/24/03	68 FR 43673
	Comment Period Closed	10/07/03	
	Final Rule Published	08/00/04	

**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

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**19. Industry Codes and Standards; Amended Requirements (Part 50)**

**RIN:** 3150-AH24

**Abstract:** The proposed rule would amend the Commission's regulations to incorporate by reference the 2001 Edition and 2002 Addenda of Division 1 rules in Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* (ASME BPV Code); the 2001 Edition and 2002 Addenda of Division 1 rules in Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME BPV Code; and the 2001 Edition and 2002 Addenda of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code).

<b>Timetable:</b>	Proposed Rule Published	01/07/04	69 FR 879
	Comment Period Closed	03/22/04	
	Final Rule Published	Undetermined	

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

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

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

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**20. 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 became subject to case-specific litigation. It was anticipated that the Commission would add a specific value for Radon-222, but the Commission deferred action until a general updating of Table S-3 is undertaken. For § 51.52, the environmental impact estimates would be re-estimated to reflect the use of more highly enriched fuel and discharge of more highly irradiated fuels from a reactor; as well as many changes needed to update fuel cycle process and technologies.

**Proposed Rules****NRC Regulatory Agenda**

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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:** Stewart Schneider, Office of Nuclear Reactor Regulation,  
(301) 415-4123, e-mail sxs4@nrc.gov

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

**C**

**21. 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. Through the Interagency Steering Committee on Radiation Standards (ISCORS), the NRC and the Environmental Protection Agency conducted a joint survey of sewage treatment plants. The need for and the extent of a rulemaking will be evaluated pending publication and review of the results of the survey, the associated dose assessment, and comments received. If the NRC concludes a rulemaking is needed, it would also address a petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22), as part of that action.

**Timetable:**

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

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

RIN: 3150-AG89

**Abstract:** The advance notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02-0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory Research 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, and requested information regarding the scope and type of research needed to support any entombment option. This information was provided to the Commission on May 14, 2003.

**Timetable:**

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

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**23. 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.

**Timetable:**

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

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**(D) Unpublished Rules**



**D**

**24. Address Change of NRC Region III Offices\* (Parts 1, 20, 30, 40, and 73)****RIN:** 3150-AH49**Abstract:** The final rule amends the Commission's regulations to reflect the change of address for the NRC Region III Office in Lisle, Illinois.**Timetable:** Final Rule Published 08/00/04**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Michael K. Williamson, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6234, e-mail mkw1@nrc.gov

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**25. Collection, Reporting, or Posting of Information\* (Parts 19, 20, and 50)****RIN:** 3150-AH40**Abstract:** The proposed rule would amend the Commission's regulations to clarify or revise the regulations such that (1) licensees would not be required, unless a specific request was made by a worker, to provide an annual report to a worker of their radiation dose if a worker received less than two percent of the limits defined in 10 CFR Part 20; (2) licensees for production and utilization facilities governed by 10 CFR Part 50 would not need to label containers in accordance with 10 CFR 20.1904, "Labeling containers," if the containers met conditions such as being clearly identifiable as containing radioactive materials, being accessible only to trained individuals, and being located in an area posted pursuant to 10 CFR 20.1902, "Posting requirements"; and (3) licensees would no longer need to attempt to obtain records of a worker's cumulative radiation dose unless the worker was to be involved in a planned special exposure. In addition, the staff is considering using this opportunity to propose a change to 10 CFR 20.1003, "Definitions," to clarify the definition of total effective dose equivalent (TEDE).**Timetable:** Proposed Rule Published 12/00/04**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** William D. Reckley, Office of Nuclear Reactor Regulation,  
(301) 415-1323, e-mail wdr@nrc.gov

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**26. Control of Disposition of Solid Material (Part 20)****RIN:** 3150-AH18

**Abstract:** The proposed rule would amend the Commission's regulations to evaluate alternatives for the control of disposition of solid materials with very low, or no levels of radioactivity. There are currently non-codified guidance and practices for the control of solid materials. Current practice is to apply, on a case-by-case basis, either Regulatory Guide 1.86 surface contamination values or no detectable activity using environmental measurements methods. In addition, there are no current release levels established generally for volumetrically contaminated materials. An examination of approaches to the control of disposition of solid materials would help the NRC staff evaluate the cost effectiveness of means to handle requests for clearance of materials during both operation and decommissioning.

**Timetable:** Proposed Rule Published 05/00/05**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Frank P. Cardile, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6185, e-mail fpc@nrc.gov

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**27. Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule\* (Parts 20, 30, 40, 70, and 72)****RIN:** 3150-AH45

**Abstract:** The proposed rule would amend the Commission's regulations by examining the addition and revision of requirements for (a) financial assurance and (b) licensee monitoring, reporting, and remediation to reduce the potential for sites that could have funding shortfalls or contamination that would complicate future decommissioning (i.e., create a future legacy site).

**Timetable:** Proposed Rule Published Undetermined**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Mark S. Delligatti, Office of Nuclear Material Safety and Safeguards,  
(301) 415-8518, e-mail msd@nrc.gov

**28. National Source Tracking\* (Parts 20, 30-40, 70, and 150)**

**RIN:** 3150-AH48

**Abstract:** The proposed rule would amend the Commission's regulations to establish the regulatory foundation for a new national source tracking system for high-risk sources, as designated in the IAEA Code of Conduct (Category 1 and 2 sources). The tracking system is intended to track the high-risk sources from cradle-to-grave. Licensees will be required to report creation of new sources, transfer of sources, receipt of sources and end-points for sources (e.g. export, destruction, loss, and disposal).

**Timetable:** Proposed Rule Published 06/00/05

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

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

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

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**29. Exemptions from Licensing and Distribution of Byproduct Material; Licensing and Reporting Requirement\* (Parts 30, 31, and 32)**

**RIN:** 3150-AH41

**Abstract:** The proposed rule would amend the Commission's regulations to use the results of the reevaluation of exemptions to make Parts 30, 31, and 32 more risk informed, less prescriptive, and better ensure safety. This goal would include considering a new exemption to cover a number of types of devices that are currently used under specific or general license. Some issues related to the distribution of generally licensed devices also would be considered. This rulemaking would subsume RM# 526, "Use of Exempt Sources in Devices, 10 CFR 30.18," which has been terminated.

**Timetable:** Proposed Rule Published Undetermined

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

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

**Agency Contact:** Catherine R. Mattsen, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6264, e-mail crm@nrc.gov

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**30. Medical Use of Byproduct Material; Minor Amendments; Extending Expiration Date for Subpart J\* (Part 35)**

**RIN:** 3150-AH47

**Abstract:** The final rule revises the Commission's regulations to extend the expiration date for training and experience requirements to be superceded for 1 year, from October 24, 2004, to October 24, 2005.

**Timetable:** Final Rule Published 09/00/04

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

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

**Agency Contact:** Anthony N. Tse, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6233, e-mail ant@nrc.gov

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**31. Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License (Part 40)**

**RIN:** 3150-AH15

**Abstract:** The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make Part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in Part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in 10 CFR 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of Parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and organization of Agreement States.

**Timetable:** Proposed Rule Published Undetermined

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

Effects on Small Business and Other Entities: None

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

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**32. Implement US-IAEA Safeguards Agreement\* (Parts 40, 50, 60, 61, 63, 70, 72, 75, 76, and 150)**

RIN: 3150-AH38

**Abstract:** The final rule will amend the Commission's regulations to implement the additional reporting and complementary access requirements contained in the US/IAEA Additional Protocol for the application of safeguards in the United States.

**Timetable:** Final Rule Published Undetermined

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

Effects on Small Business and Other Entities: None

Agency Contact: Mary Adams, Office of Nuclear Reactor Regulation,  
(301) 415-7249, e-mail mta@nrc.gov

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**33. 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 also would 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:** Anthony N. Tse, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6233, e-mail ant@nrc.gov

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#### **34. 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

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#### **35. Acceptable Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors (Part 50)**

**RIN: 3150-AH22**

**Abstract:** The proposed rule would amend the Commission's regulations in § 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. The proposed amendment would eliminate the agency's practice of approving the use of M5™, a zirconium-niobium alloy, by exemptions. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). This action is intended to increase NRC's effectiveness and efficiency and to reduce unnecessary regulatory burden for licensees without adversely affecting public health and safety.

**Timetable:**

Proposed Rule Published	09/00/06
Final Rule Published	Undetermined

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

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

**Agency Contact:** Peter Wen, Office of Nuclear Reactor Regulation,  
(301) 415-2832, e-mail pxw@nrc.gov

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**36. Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition (Part 50)****RIN: 3150-AH29**

**Abstract:** The proposed rule would amend the Commission's regulations to allow for a risk-informed alternative to the present loss-of-coolant accident (LOCA) break size. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-75).

**Timetable:**

Proposed Rule Published	12/00/04
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**Legal Authority:** 42 USC 2201; 42 USC 5841

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

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

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**37. Incorporation by Reference of ASME BPV Code Cases (Part 50)****RIN: 3150-AH35**



**Abstract:** The proposed rule would amend the Commission's regulations to incorporate by reference the latest revisions of two previously incorporated regulatory guides which address NRC review and approval of Code cases published by the American Society of Mechanical Engineers (ASME). The Code cases listed in these regulatory guides have been reviewed by the NRC and found to be acceptable for use as alternatives to requirements in the ASME Boiler and Pressure Vessel Code pertaining to the construction and inservice inspection of nuclear power plant components.

**Timetable:** Proposed Rule Published 08/00/04

**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

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**38. Elimination of Requirement to Submit Annual Financial Report\* (Part 50)**

**RIN:** 3150-AH39

**Abstract:** The proposed rule would amend the Commission's regulations to eliminate the reporting requirement in 10 CFR 50.71(b), which requires that licensees for production and utilization facilities submit annual financial reports, including certified financial statements, to the Commission.

The proposed rule would eliminate the costs to licensees of submitting their annual financial reports and the costs to the NRC of processing those submittals. The cost savings are relatively small but it is expected that the costs associated with the rulemaking will be justified by the cost savings from eliminating the reporting requirement. The elimination of the report will also serve to fulfill a Congressional mandate to address outdated or paperwork oriented requirements.

**Timetable:** Proposed Rule Published 03/00/05

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

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

**Agency Contact:** William D. Reckley, Office of Nuclear Reactor Regulation,  
(301) 415-1323, e-mail wdr@nrc.gov

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**39. Performance-Based ECCS Acceptance Criteria\* (Part 50)**

**RIN:** 3150-AH42

**Abstract:** The proposed rule would amend § 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. Existing provisions of § 50.46 applicable to certain zirconium-based cladding materials would be supplemented by performance-based standards for maximum peak cladding temperature and oxidation limit. The supplementary performance standard would allow licensees to use alternative cladding materials, without seeking an exemption, provided that (1) testing demonstrated that adequate ductility would be maintained, and (2) ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking would also address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71).

**Timetable:** Proposed Rule Published 03/00/06

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

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

**Agency Contact:** Peter C. Wen, Office of Nuclear Reactor Regulation,  
(301) 415-2832, e-mail pxw@nrc.gov

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**40. Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accident (LOCA)\* (Part 50)**

**RIN:** 3150-AH43

**Abstract:** The proposed rulemaking would amend the Commission's regulations to eliminate, based upon appropriate risk considerations, the assumption of a coincident loss of offsite power for postulated large-break (low frequency) loss-of-coolant accidents (LB-LOCA) in General Design Criterion (GDC) 35. The proposed rule would provide a voluntary alternative to existing requirements where specified acceptance criteria are satisfied, and would address a petition for rulemaking submitted by Bob Christie (Performance Technology) (PRM-50-77).

**Timetable:** Proposed Rule Published Undetermined

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

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

**Agency Contact:** Peter C. Wen, Office of Nuclear Reactor Regulation,  
(301) 415-2832, e-mail pxw@nrc.gov

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**41. Codification of EA-03-009 RPV Head and Penetration Inspection Requirements\* (Part 50)**

**RIN:** 3150-AH46

**Abstract:** The proposed rule would amend the Commission's regulations to codify the inspection requirements of Order EA-03-009 regarding inspections of reactor pressure vessel heads and head penetrations in pressurized water reactors into 10 CFR 50.55a.

**Timetable:** Proposed Rule Published 06/00/05

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

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

**Agency Contact:** Joe Birmingham, Office of Nuclear Reactor Regulation,  
(301) 415-2829, e-mail jlb4@nrc.gov

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**42. List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (Amendment 4)\*  
(Part 72)**

**RIN:** 3150-AH50

**Abstract:** The direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the NAC International Inc., NAC-UMS cask system listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of Compliance Number 1025. Amendment No. 4 modifies the present cask system design to incorporate vacuum drying enhancements under a general license. Specifically, the amendment increases vacuum drying time limits, deletes canister removal from concrete cask requirements, revises surface contamination removal time limits, and revises allowable contents fuel assembly limits.

**Timetable:** Direct Final Rule Published 12/00/04

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

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

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

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**43. 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 incorporate the Commission actions taken as a result of September 11, 2001. The proposed rulemaking would (1) require power reactor licensees to conduct drills and exercises to evaluate their protective strategy against a simulated design basis threat (DBT) of radiological sabotage; (2) incorporate requirements of Commission Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; (3) require the development and implementation of an integrated response plan; (4) consider appropriate information obtained as a result of on-going vulnerability assessments; (5) consider appropriate aspects of access authorization program changes; (6) codify the applicable requirements from the Commission Orders (and revisions to § 73.55) as part of the licensing and design regulations applicable to future/new reactor applications/designs (Part 50) (SRM to SECY-03-0157); and (7) codify the applicable requirements from the Commission Orders as part of the licensing and design regulations applicable to Early Site Permits (ESPs). In conjunction with this rulemaking effort, all associated regulatory guidance documents such as regulatory guides, NUREGs, Information notices, etc., would require review and revisions as appropriate.

**Timetable:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Scott A. Morris, Office of Nuclear Security and Incident Response,  
(301) 415-7083, e-mail sam1@nrc.gov

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**44. Export and Import of Nuclear Equipment and Materials\* (Part 110)**

**RIN:** 3150-AH44

**Abstract:** The proposed rule would amend the Commission's regulations to require specific export and import licenses for high-risk radioactive material. The proposed rule is necessary to reflect recent changes to the nuclear material security policies of the Commission and the Executive Branch.

**Timetable:** Proposed Rule Published                      08/00/04

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

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

**Agency Contact:** Suzanne Schuyler-Hayes, Office of International Programs,  
(301) 415-2333, e-mail ssh@nrc.gov

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**45. Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite\* (Part 110)**

**RIN:** 3150-AH51

**Abstract:** The direct final rule amends the Commission's regulations by revising its export/import regulations to remove the NRC's export licensing requirements for nuclear grade graphite for non-nuclear end use. The purpose of this change is to remove from NRC export licensing jurisdiction nuclear materials which are not of significance from a nuclear proliferation perspective. The responsibility for the licensing of exports of nuclear grade graphite for non-nuclear end use will be transferred to the Department of Commerce (DOC). The DOC, which has concurred in this rule, will issue a direct final rule that will place these exports under its jurisdiction. The DOC direct final rule, will be published concurrently, will become effective on the same date as the NRC's direct final rule.

**Timetable:** Direct Final Rule Published 08/00/04

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

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

**Agency Contact:** Suzanne Schuyler-Hayes, Office of International Programs,  
(301) 415-2333, e-mail ssh@nrc.gov

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

**II  
PETITIONS**

**A**

**1. 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 regulations.

**Timetable:** A notice denying this petition was published in the Federal Register on May 19, 2004 (69 FR 28849).

**Agency Contact:** James Firth, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6628, e-mail jrf2@nrc.gov

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**2. 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 final rule "Compatibility with IAEA Transportation Safety Standards" granting this petition was published in the Federal Register on January 26, 2004 (69 FR 3698).

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

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

**B**

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**3. 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 final resolution of the petition has been deferred pending the outcome of the 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). The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Charlotte Abrams, Office of Nuclear Material Safety and Safeguards,  
(301) 415-6319, e-mail cea2@nrc.gov

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**4. 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 expected to be published in June 2005, and the final rule is scheduled to be published in December 2005.

**Agency Contact:** Tim S. McCune, Jr., Office of Nuclear Security and Incident Response,  
(301) 415-6474, e-mail fitnessforduty@nrc.gov

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

**C**

**5. 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, and the rulemaking was recently combined with the Fitness-for-Duty draft proposed rule (RIN 3150-AF12) per SRM-COMSECY-04-0014, dated May 25, 2004. The proposed rule is scheduled to be provided to the Commission in December 2005.

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

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**6. 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

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**7. 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:** Stewart Schneider, Office of Nuclear Reactor Regulation,  
(301) 415-4123, e-mail sxs4@nrc.gov

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**(D) Petitions Pending Staff Review**



**D**

8. **Petitioner/Petition Docket Number:** Sander C. Perle, Technical Director of ICN World Wide Dosimetry Service (PRM-20-25)

**Federal Register Citation:** May 2, 2003 (68 FR 23618)

**Subject:** Require dosimeter accreditation from the NVLAP of the National Institute of Standards and Technology

**Summary:** The petitioner requested that the Commission amend its regulations to require that any dosimeter, without exception, that is used to report dose of record and demonstrate compliance with the dose limits specified in the Commission's regulations be processed and evaluated by a dosimetry processor holding accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology. The petitioner also requested that the definition of *Individual monitoring devices (individual monitoring equipment)* be revised to include "electronic dosimeters, optically stimulated dosimeters" as examples of certain devices.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on May 5, 2003 (68 FR 23618). The public comment period closed on July 21, 2003. The staff is working to complete NRC action documenting resolution of the petition.

**Agency Contact:** Torre Taylor, Office of Nuclear Materials Safety and Safeguards, (301) 415-7900, e-mail tmt@nrc.gov

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9. **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 public 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

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10. **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 staff plans to provide further information and recommendations to the Commission in August 2004. Resolution of the petition is undetermined.

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

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**11. 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 public comment period closed on April 5, 2000. In a partial response to the petitioner's request, NRC issued a Regulatory Information Summary (RIS 01-013) on July 20, 2001. NRC is evaluating the remaining issues and will provide further information and recommendation to the Commission.

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

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**12. Petitioner/Petition Docket Number: Terrence O. Hee, Ion Technology (PRM-40-29)****Federal Register Citation: October 15, 2003 (68 FR 59346)****Subject: Catalytic devices containing thorium**

**Summary:** The petitioner requested that the Commission amend its regulations regarding unimportant quantities of source material to exempt end users of a catalytic devices containing thorium from the NRC's licensing requirements, provided that the thorium content does not exceed 6 percent by weight. The petitioner asserts that this device, in conjunction with a patented new methodology, could substantially reduce air pollution chemicals from mobile and stationary combustion processes and that the use of the included source material would not significantly impact public health and safety.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on October 15, 2003 (68 FR 59346). The public comment period closed on December 29, 2003. A request for additional information was sent to the petitioner on May 29, 2004. Resolution of the petition is schedule for October 2004.

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

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**13. 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

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**14. 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:** Peter C. Wen, Office of Nuclear Reactor Regulation,  
(301) 415-2832 e-mail pxw@nrc.gov

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**15. 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 public comment period closed on June 24, 2002. The staff is working to complete action documenting the resolution of the petition in conjunction with completing the rulemaking on redefinition of the large break loss-of-coolant accident (RIN 3150-AH29).

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

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**16. 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. 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

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**17. 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 public comment period closed on August 27, 2002. The staff is working to complete action documenting the resolution of the petition.

**Agency Contact:** Peter C. Wen, Office of Nuclear Reactor Regulation,  
(301) 415-2832, e-mail pxw@nrc.gov

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**18. 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 December 12, 2002. 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

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**19. Petitioner/Petition Docket Number:** Lawrence T. Christian, et al. (PRM-50-79)

**Federal Register Citation:** November 1, 2002 (67 FR 66588)

**Subject:** Emergency planning for day care centers and nursery schools in the vicinity of nuclear power plants

**Summary:** The petitioners requested that the NRC amend its regulations regarding offsite emergency plans for nuclear power plants. The petitioners contend that local and state emergency planning regulations do not adequately address the health and safety of young children attending nursery schools and day care centers located in evacuation zones. The petitioners believe that Federally-mandated emergency planning requirements for child care facilities are necessary to ensure the safety of preschool children in the event of a nearby radiological accident.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on November 1, 2002 (67 FR 66588). The public comment period closed on January 15, 2003. Resolution of the petition is scheduled for August 2004.

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

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**20. Petitioner/Petition Docket Number:** Union of Concerned Scientists and Mothers for Peace (PRM-50-80)

**Federal Register Citation:** June 16, 2003 (68 FR 35585)

**Subject:** Security regulations and implementation procedures for nuclear power plant reactors and their spent fuel

**Summary:** The petitioner requested that the Commission amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased, and to require licensees to formally evaluate specified intentional or accidental aerial hazards and make necessary changes to ensure that the plant can reach and maintain safe shutdown.

**Timetable:** A notice of receipt for this petition was published in the Federal Register on June 16, 2003 (68 FR 35585). The public comment period closed on September 2, 2003. The staff is working to complete action documenting the resolution of the petition.

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

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**21. 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

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**22. 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 December 2004.

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

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**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. 23, No. 1

2. TITLE AND SUBTITLE

NRC Regulatory Agenda  
Semiannual Report  
January - June 2004

3. DATE REPORT PUBLISHED

MONTH	YEAR
August	2004

4. FIN OR GRANT NUMBER

5. AUTHOR(S)

6. TYPE OF REPORT

Semiannual

7. PERIOD COVERED *(Inclusive Dates)*

January - June 2004

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 20555-0001

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)*

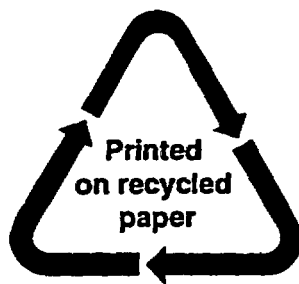
Unclassified

*(This Report)*

Unclassified

15. NUMBER OF PAGES

16. PRICE



**Federal Recycling Program**

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**II  
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Section II - Petitions for  
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