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Vol. 29, No. 1

# **NRC Regulatory Agenda**

**Semiannual Report  
January – June 2010**

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# **NRC Regulatory Agenda**

## **Semiannual Report January – June 2010**

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# Preface

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The Nuclear Regulatory Commission (NRC) Regulatory Agenda is a semiannual compilation of the agency's recent rulemaking activities. It contains a summary and the status for each ongoing rulemaking and petition for rulemaking received by the agency.

## Organization of the Agenda

The agenda consists of two sections that have been updated through June 30, 2010. Section I, "Rules," includes: (A) rules on which final action has been taken since December 31, 2009, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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) final actions on petitions for rulemaking since December 31, 2009; and (B) 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.

## Organization of Agenda Entries

Each rulemaking agenda entry has a Regulation Identifier Number (RIN) and a Docket ID. The RIN number allows the public to track the publication history of a regulatory action in the Unified Agenda of Federal Regulatory and Deregulatory Actions, compiled by the Office of Management and Budget's Office of Information and Regulatory Affairs. The Unified Agenda, published every spring and fall, provides uniform reporting of data on regulatory and deregulatory activities under development throughout the Federal Government.

The Docket ID allows the public to access significant documents and public comments on the rulemaking activity at the website <http://www.Regulations.gov>, the public face of the Federal E-Government eRulemaking Program. This site facilitates public participation in the Federal regulatory process by improving the public's ability to find, view, and comment on Federal 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 with early notice and an 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.

The agency examines rules in process and under consideration on an annual basis to determine the allocation of staff resources necessary to achieve NRC's regulatory priorities most effectively. Any unpublished rule whose termination is directed prior to publication of a notice of proposed rulemaking or an advance notice of proposed rulemaking, including those that were intended to address issues raised in a petition for rulemaking, will be noted in this edition of the agenda and deleted from subsequent editions. Any rule whose termination is 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 petitions for rulemaking 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 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 Federal eRulemaking Portal (<http://www.regulations.gov>) by following instructions for submitting comments. For information on NRC Rulemaking dockets contact Ms. Carol Gallagher, 301-492-3668 (e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov)). You may e-mail comments to: [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677.

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**Additional Rulemaking Information**

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Doris Mendiola, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-492-3665 (persons outside the Washington, DC, metropolitan area may call toll-free: 1-800-368-5642), or e-mail [Doris.Mendiola@nrc.gov](mailto:Doris.Mendiola@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**

Section I - Rules

## **A**

Action Completed Rules



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**1. Implementation of OMB Guidance on Nonprocurement Debarment and Suspension (2 CFR Part 2000)**

RIN: 3150-AI76

Docket ID: NRC-2010-0005

**Abstract:** The final rule amends the Commission's regulations to adopt a new Part 2000 in Title 2 *Code of Federal Regulations* as the NRC's policies and procedures for nonprocurement debarment and suspension. The new Part 2000 adopts and supplements the Office of Management and Budget's (OMB's) guidance on nonprocurement debarment and suspension in 2 CFR Part 180.

<b>Timetable:</b>	Final Rule Published	05/19/10	75 FR 27923
	Final Rule Effective	06/18/10	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Ruth Kowarski Cooke, Office of the General Counsel,  
(301) 415-3412; e-mail: Ruth.KowarskiCooke@nrc.gov

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**2. NRC Region II Address and Main Telephone Number Changes\* (Parts 1, 20, 30, 40, 55, 70, and 73)**

RIN: 3150-AI80

Docket ID: NRC-2010-0083

**Abstract:** The final rule amends the Commission's regulations to update the street address for its Region II office and to update the main telephone number. The Region II office move and telephone number change will take effect on April 12, 2010. Also, the relevant regulations that govern communications are amended to reflect that Virginia is now an Agreement State. This document is necessary to inform the public of these changes to the NRC's regulations.

<b>Timetable:</b>	Final Rule Published	04/27/10	75 FR 21979
	Final Rule Effective	05/27/10	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Cindy Bladey, Office of Administration,  
(301)-492-3667; e-mail: Cindy.Bladey@nrc.gov

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**3. Alternate Fracture Toughness Requirements Against Pressurized Thermal Shock Event (Part 50)**

RIN: 3150-AI01

Docket ID: NRC-2007-0008

**Abstract:** The final rule amends the Commission's regulations that protect against brittle fracture of reactor vessels during severe cooldown events. The existing regulations establish screening limits that were developed based on what NRC believed to be a conservative probabilistic fracture mechanics analysis. Several licensees will exceed the screening limits in the current rule during their license renewal periods. The final rule provides alternate fracture toughness requirements which reflect an updated technical basis.

<b>Final Action:</b>	Final Rule Published	01/04/10	75 FR 13
	Final Rule Effective	02/03/10	

**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Veronica M. Rodriguez, Office of Nuclear Reactor Regulation,  
(301) 415-3703; e-mail: Veronica.Rodriguez@nrc.gov

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**4. Emergency Response Data System (ERDS) Enhancement (Part 50)**

RIN: 3150-AI36

Docket ID: NRC-2009-0088

**Abstract:** The proposed rule would have amended the Commission's regulations to Part 50, Appendix E, Section VI, to modernize the Emergency Response Data System (ERDS) to increase its reliability and ability to provide nuclear plant information to the NRC, specifically addressing the technology used to transmit data from power reactor facility sites to the NRC and the scope and number of data points that are transmitted by power reactor facility sites. The NRC staff subsequently determined that the rule did not need to be amended to permit the change in data transmission technology. A voluntary program was established with industry to accomplish this goal (see Regulatory Issue Summary 2009-13). Any changes regarding the scope and number of data points to be transmitted will be addressed in future rulemaking activities related to ERDS requirements for new reactor designs.

<b>Final Action:</b>	Closed	August 2010
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**Legal Authority:** 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None

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**Agency Contact:** Robert J. Stransky, Office of Nuclear Security and Incident Response,  
(301) 415-6411; e-mail: Robert.Stransky@nrc.gov

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**5. Categorical Exclusions From Environmental Review (Part 51)**

**RIN:** 3150-AI27

**Docket ID:** NRC-2008-0269

**Abstract:** The final rule amends the Commission's regulations by identifying actions that have no significant effect on the human environment and eliminates the need for the preparation of environmental assessments. The rule provides for more timely NRC actions.

<b>Final Action:</b>	Final Rule Published	04/19/10	75 FR 20148
	Final Rule Effective	04/19/10	

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

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

**Agency Contact:** Cardelia Maupin, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-2312; e-mail: Cardelia.Maupin@nrc.gov

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**6. Increase in the Primary Nuclear Liability Insurance Premium (Part 140)**

**RIN:** 3150-AI74

**Docket ID:** NRC-2009-0516

**Abstract:** The final rule amends the Commission's regulations regarding financial protection requirements and indemnity agreements to increase the primary liability insurance layer, effective on January 1, 2010, from \$300 million to \$375 million for liability insurance coverage in the event of nuclear incidents at licensed, operating, commercial nuclear power plants with a rated capacity of 100,000 kW or more.

<b>Timetable:</b>	Final Rule Published	04/02/10	75 FR 16645
	Final Rule Effective	05/03/10	

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

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

**Agency Contact:** Anneliese Simmons, Office of Nuclear Reactor Regulation,  
(301) 415-2791; e-mail: Anneliese.Simmons@nrc.gov

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**7. Revision of Fee Schedules; Fee Recovery for FY 2010 (Parts 170 and 171)**

**RIN:** 3150-A170

**Docket ID:** NRC-2009-0333

**Abstract:** The final rule amends the Commission's licensing, inspection, and annual fees charged to U.S. Nuclear Regulatory Commission (NRC) licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for fiscal year (FY) 2010, less the amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities, as required by the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended.

Based on the Energy and Water Development and Related Agencies Appropriation Act, 2010, the NRC's required fee recovery amount for the FY 2010 budget is approximately \$912.2 million. After accounting for billing adjustments (i.e., expected unpaid invoices, payments for prior year invoices), the total amount to be billed as fees is \$911.1 million. The OBRA-90, as amended, requires that the fees for FY 2010 be collected by September 30, 2010.

<b>Timetable:</b>	Final Rule Published	06/16/10	75 FR 34210
	Final Rule Effective	08/16/10	

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

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

**Agency Contact:** Renu Suri, Office of the Chief Financial Officer,  
(301) 415-0161; e-mail: Renu.Suri@nrc.gov

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## **(B) Proposed Rules**

**B**

Proposed Rules

**8. Decommissioning Planning (Parts 20, 30, 40, 50, 70, and 72)**

**RIN:** 3150-AI55

**Docket ID:** NRC-2008-0030

**Abstract:** The proposed rule would amend the Commission's regulations to prevent future legacy sites. One set of changes would revise 10 CFR 20.1406 and 20.1501 to require that licensees conduct their operations to minimize contamination at the site, including the subsurface, and to document survey results with records important for decommissioning. A second set of changes would revise regulations in 10 CFR Parts 30, 40, 50, 70, and 72 to provide tighter control of the decommissioning financial assurances and more detailed reporting by licensees of their decommissioning cost estimates. This rule was previously reported under RIN 3150-AH45.

<b>Final Action:</b>	Proposed Rule Published	01/31/08	73 FR 3811
	Comment Period Closed	04/07/08	
	Extension of Commend Period Published	03/20/08	73 FR 14946
	Comment Period Closed	05/08/08	
	Final Rule Published	Undetermined	

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

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

**Agency Contact:** Kevin R. O'Sullivan, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8112; e-mail: Kevin.O'Sullivan@nrc.gov

**9. Expansion of the National Source Tracking System (Parts 20 and 32)**

**RIN:** 3150-AI29

**Docket ID:** NRC-2008-0200

**Abstract:** The proposed rule would amend the Commission's regulations to expand the current National Source Tracking System (NSTS) to include certain additional sealed sources at International Atomic Energy Agency (IAEA) Category 3 threshold values. The proposed amendments would require licensees to report certain transactions involving these sealed sources to the NSTS. These transactions would include the manufacture, transfer, receipt, disassembly, or disposal of the nationally tracked source. The proposed amendment would also require each licensee to provide its initial inventory of nationally tracked sources to the NSTS and annually verify and reconcile the information in the system with the licensee's actual inventory. In a Staff Requirements Memorandum dated June 30, 2009, the Commission was unable to reach a decision

on the staff's recommendation to publish the final rule and, therefore, the recommendation was not approved.

**Final Action:**            Proposed Rule Published            04/11/08            73 FR 19749  
   Comment Period Closed            06/25/08  
  
   Final Rule Published            Undetermined

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

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

**Agency Contact:**    Kevin R. O'Sullivan, Office of Federal and State Materials and  
   Environmental Management Programs,  
   (301) 415-8112; e-mail: Kevin.O'sullivan@nrc.gov

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**10.    Requirements for Distribution of Byproduct Material (Parts 30, 31, 32, 40, and 70)**

**RIN:**    3150-AH91

**Docket ID:**    NRC-2008-0338

**Abstract:**    The proposed rule would amend the Commission's regulations by making the requirements for distributors of byproduct material more explicit, less prescriptive, and more risk-informed, improve safety criteria for approving products through licensing actions, and redefine categories of devices to be used under exemption.

**Final Action:**            Proposed Rule Published            06/24/10            75 FR 36211  
   Comment Period Closed            09/07/10  
  
   Final Rule Published            Undetermined

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

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

**Agency Contact:**    Catherine Mattsen, Office of Federal and State Materials and  
   Environmental Management Programs,  
   (301) 415-6264, e-mail: Catherine.Mattsen@nrc.gov

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**11.    Physical Protection of Byproduct Material (Part 30, 32, 33, 34, 35, 37, 39, 51, 71, and 73)**

**RIN:**    3150-AI12



**Docket ID:** NRC-2008-0120

**Abstract:** The proposed rule would amend the Commission's regulations to put in place security requirements for the use of category 1 and category 2 quantities of radioactive material. The objective is to ensure that effective security measures are in place to prevent the dispersion of radioactive material for malevolent purposes. The proposed amendment would also address background investigations and access controls, enhanced security for use, and transportation security for category 1 and category 2 quantities of radioactive material. This rulemaking subsumes RIN-3150-AI56, "Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property (Part 37)."

<b>Timetable:</b>	Proposed Rule Published	06/15/10	75 FR 33901
	Comment Period Closed	10/13/10	
	Final Rule Published	Undetermined	

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

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

**Agency Contact:** Merri Horn, Office of Federal and State Materials and Environmental Management Programs, (301) 415-8126; e-mail: Merri.Horn@nrc.gov

**12. Limiting the Quantity of Byproduct Material in a Generally Licensed Device (Part 31)**

**RIN:** 3150-AI33

**Docket ID:** NRC-2008-0272

**Abstract:** The proposed rule would amend the Commission's regulations to limit the quantity of byproduct material in generally licensed devices to below one-tenth (1/10) of the International Atomic Energy Agency (IAEA) Code of Conduct's Category 3 threshold. The rule also would modify the compatibility categories contained in the current regulations (10 CFR 31.5 and 31.6) from "B" to "C."

<b>Final Action:</b>	Proposed Rule Published	08/03/09	74 FR 38372
	Comment Period Closed	10/19/09	
	Final Rule Published	Undetermined	

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

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

**Agency Contact:** Solomon Sahle, Office of Federal and State Materials and Environmental Management Programs, (301) 415-0664; e-mail: Solomon.Sahle@nrc.gov

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**13. Medical Use of Byproduct Material- Amendments/Medical Event Definition (Part 35)**

**RIN:** 3150-AI26

**Docket ID:** NRC-2008-0071

**Abstract:** The proposed rule would amend the Commission’s regulations that govern medical use of byproduct material related to reporting and notifications of medical events to clarify requirements for permanent implant brachytherapy.

<b>Final Action:</b>	Proposed Rule Published	08/06/08	73 FR 45635
	Comment Period Closed	10/20/08	
	Extension of Comment Period Published	10/06/08	73 FR 58063
	Comment Period Closed	11/07/08	
	Proposed Rule Republished		Undetermined
	Final Rule Published		Undetermined

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

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

**Agency Contact:** Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, (301) 415-0253; e-mail: Edward.Lohr@nrc.gov

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

**RIN:** 3150-AG64

**Docket ID:** NRC-2002-0013

**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 related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

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<b>Final Action:</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 C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8106; e-mail: Gary.Comfort@nrc.gov

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**15. Incorporation by Reference of 2005 Addenda Through 2008 Edition of ASME Code (Part 50)**

**RIN:** 3150-AI35

**Docket ID:** NRC-2008-0554

**Abstract:** The proposed rule would incorporate by reference into 10 CFR 50.55a of the Commission's regulations the 2005 through 2008 Addenda of the American Society of Mechanical Engineers Code.

<b>Final Action:</b>	Proposed Rule Published	05/04/10	75 FR 24324
	Comment Period Closed	07/19/10	
	Final Rule Published	12/00/10	

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

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

**Agency Contact:** L. Mark Padovan, Office of Nuclear Reactor Regulation,  
(301) 415-1423; e-mail: Mark.Padovan@nrc.gov

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**16. Incorporation by Reference of Revisions of Regulatory Guides (Part 50)**

**RIN:** 3150-AI37

**Docket ID:** NRC-2009-0014

**Abstract:** The proposed rule would amend the Commission's regulations to incorporate by reference recent revisions of regulatory guides (RG 1.84, Revision 35, and RG 1.147, Revision 16)

listing NRC-approved American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases pertaining to in-service inspection (DG-1134) and design, fabrication, and materials (DG-1133) in nuclear power reactors.

<b>Final Action:</b>	Proposed Rule Published	06/02/09	74 FR 26303
	Comment Period Closed	08/17/09	
	Final Rule Published	08/00/10	

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

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

**Agency Contact:** Manash K. Bagchi, Office of Nuclear Reactor Regulation,  
(301) 415-2905; e-mail: Manash.Bagchi@nrc.gov

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**17. Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements (Parts 50 and 52)**

**RIN:** 3150-AH29

**Docket ID:** NRC-2004-0006

**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 (NEI) (PRM-50-75). A draft final rule was provided to the Advisory Committee on Reactor Safeguards (ACRS) on October 16, 2006. After reviewing the draft rule, the ACRS informed the Commission of numerous technical and policy concerns and recommended that the rule not be issued. The staff prepared a Commission paper (SECY-07-0082; May 16, 2007) to inform the Commission of the impact of the ACRS recommendations and to request guidance before proceeding with the rule. The Commission provided its guidance in a Staff Requirements Memorandum on August 10, 2007. On April 1, 2008, the staff provided an updated rule schedule to the Commission. In a meeting on August 6, 2008, selected NRC managers approved the staff's recommended resolution of the open issues related to the final rule. The staff prepared draft rule language incorporating the new positions into the rule and adding additional requirements for defense-in depth for pipe breaks larger than the TBS. OGC reviewed the revised rule language and recommended that portions of the rule be re-noticed to provide an opportunity for public comments on some of the new rule requirements. In a meeting on October 8, 2008, NRC managers decided to repropose the entire rule. On December 18, 2008, the EDO signed a memorandum informing the Commission that the staff will re-notice the section 50.46a rule for additional public comments in August 2009. The staff discussed the revised proposed rule with the ACRS on May 6-7, 2009 and then published the rule on August 10, 2009 (74 FR 40006). On September 24, 2009, in response to a request from NEI, the NRC extended the public comment period by 120 days to close on January 22, 2010 (74 FR 48667). The NRC evaluated the public comments and prepared draft final rule language which was posted on Regulations.gov on May 12, 2010. A public meeting was held on June 4, 2010, to discuss resolution

of public comments and the draft rule language. The staff is now preparing the final rule. The staff will meet with the ACRS in October 2010 and plans to provide the final rule package to the Commission in December 2010.

<b>Final Action:</b>	Proposed Rule Published	11/07/05	70 FR 67597
	Comment Period Closed	02/06/06	
	Extension of Comment Period Published	01/25/06	71 FR 4061
	Comment Period Closed	03/08/06	
	Supplemental Proposed Rule Published	08/10/09	74 FR 40006
	Comment Period Closed	09/24/09	
	Extension of Comment Period Published	09/24/09	74 FR 48667
	Comment Period Closed	01/22/10	
	Final Rule Published	Undetermined	

**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: Richard.Dudley@nrc.gov

**18. Enhancements to Emergency Preparedness Regulations and Guidance (Parts 50 and 52)**

**RIN:** 3150-A110

**Docket ID:** NRC-2008-0122

**Abstract:** The proposed rule would amend the Commission's regulations to enhance the emergency preparedness regulations to address concerns post September 11, 2001, as well as improve the emergency preparedness process.

<b>Final Action:</b>	Proposed Rule Published	05/18/09	74 FR 23254
	Comment Period Closed	08/03/09	
	Extension of Comment Period Published	06/11/09	74 FR 27724
	Extension of Comment Period Closed	10/19/09	
	Final Rule Published	05/00/11	

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

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

**Agency Contact:** Lauren Quiñones-Navarro, Office of Nuclear Reactor Regulation,  
(301) 415-2007; e-mail: Lauren.Quiñones@nrc.gov

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

**RIN:** 3150-AA31

**Docket ID:** NRC-2009-0082

**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.

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 would be reissued as a proposed rule, and would update the initial rulemaking effort to address newly emerging issues and research.

<b>Final Action:</b>	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: Stewart.Schneider@nrc.gov

**20. Environmental Effect of Renewing the Operating License of a Nuclear Power Plant (Part 51)**

**RIN:** 3150-AI42

**Docket ID:** NRC-2008-0608

**Abstract:** The proposed rule would amend the Commission's regulations that provide the environmental protection requirements for renewing nuclear power plant operating licenses. The regulations require that licensees consider the impact that the licensing action could have on the human environment.

<b>Final Action:</b>	Proposed Rule Published	07/31/09	74 FR 38117
	Comment Period Closed	10/14/09	
	Extension of Comment Period Published	10/07/09	74 FR 51522
	Extension of Comment Period Closed	01/12/10	
	Final Rule Published	03/00/11	

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

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

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

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**21. Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation and Waste Confidence Decision Update (Part 51)**

**RIN:** 3150-AI47

**Docket ID:** NRC-2008-0404 - NRC-2008-0482

**Abstract:** The proposed rule would amend the Commission's regulations by revising its generic determinations on the timing of the availability of a geologic repository for commercial high-level radioactive waste and spent nuclear fuel, and on the environmental impacts of storage of spent fuel at or away from reactor sites after the expiration of reactor operating licensing.

<b>Final Action:</b>	Proposed Rule Published	10/09/08	73 FR 59547
	Comment Period Closed	12/08/08	
	Extension of Comment Period Published	11/28/08	73 FR 72370
	Extension of Comment Period Closed	02/06/09	
	Final Rule Published	Undetermined	

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

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

**Agency Contact:** Tison A. Campbell, Office of the General Counsel  
(301) 415-8579; e-mail: Tison.Campbell@nrc.gov  
Lisa G. London, Office of the General Counsel  
(301) 415-3233; e-mail: Lisa.London@nrc.gov

**22. Security Requirements for Geological Repository Operations Area (GROA) (Parts 60, 63, 73, and 74)**

**RIN:** 3150-AI06

**Docket ID:** NRC-2007-0670

**Abstract:** The proposed rule would amend the Commission's regulations that would establish post September 11, 2001, security and material control and accounting requirements for a geologic repository operations area (GROA) to reflect the current threat environment. Due to budget constraints in the High-Level Waste program, the final rule is deferred until a later date.

<b>Final Action:</b>	Proposed Rule Published:	12/20/07	72 FR 72521
	Comment Period Closed	03/04/08	
	Extension of Comment Period Published	02/26/08	73 FR 10187
	Comment Period Closed	05/05/08	
	Final Rule Published	Undetermined	

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

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

**Agency Contact:** Merri L. Horn, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8126; e-mail: Merri.Horn@nrc.gov

**23. License and Certificate of Compliance Terms (Part 72)**

**RIN:** 3150-AI09

**Docket ID:** NRC-2008-0361

**Abstract:** The proposed rule would amend the Commission's regulations that govern licensing requirements for the independent storage of spent nuclear fuel. These proposed amendments include changes that would enhance the effectiveness and efficiency of the licensing process for spent nuclear fuel storage. Specifically, they would clarify the term limits for dry storage cask Certificates of Compliance (CoCs) and independent spent fuel storage installation (ISFSI) specific licenses. The proposed amendments would also provide consistency between the general and



specific ISFSI license requirements, and allow general licensees subject to these regulations to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC.

<b>Final Action:</b>	Preliminary Draft Rule Language Published (PDRL)	08/04/08	73 FR 45173
	PDRL Comment Period Closed	03/31/08	
	Proposed Rule Published	09/15/09	74 FR 47126
	Comment Period Closed	11/30/09	
	Final Rule Published	10/00/10	

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

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

**Agency Contact:** Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-5252; e-mail: Keith.McDaniel@nrc.gov

**24. List of Approved Spent Fuel Storage Casks: NUHOMS HD System, Revision 1 (Part 72)**

**RIN:** 3150-A175

**Docket ID:** NRC-2009-0538

**Abstract:** This direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Transnuclear, Inc. (TN) NUHOMS HD System dry cask storage system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to Certificate of Compliance (CoC) Number 1030. Amendment No. 1 will modify the CoC to add Combustion Engineering 16x16 class fuel assemblies as authorized contents, reduce the minimum ambient temperature from -20°F to -21 °F, expand the authorized contents of the NUHOMS HD System to include pressurized water reactor fuel assemblies with control components; reduce the minimum initial enrichment of fuel assemblies from 1.5 weight percent uranium-235 to 0.2 weight percent uranium-235; clarify the requirements of reconstituted fuel assemblies, add requirements to qualify metal matrix composite neutron absorbers with integral aluminum cladding, delete use of nitrogen for draining the water from the dry shielded canister (DSC), and allow only helium as a cover gas during DSC cavity water removal operations.

<b>Final Action:</b>	Direct Final Rule Published	05/06/10	75 FR 24786
	Direct Final Rule Effective	07/20/10	
	Proposed Rule Published	05/07/10	75 FR 25120
	Comment Period Closed	06/07/10	
	Direct Final Rule Withdrawal	07/16/10	

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

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

**Agency Contact:** Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs, (310) 415-6219; e-mail: Jayne.McCausland@nrc.gov

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**25. List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 1\* (Part 72)**

**RIN:** 3150-AI86

**Docket ID:** NRC-2010-0140

**Abstract:** The direct final rule amends the Commission's regulations to its spent fuel storage regulations by revising the NAC International Inc. MAGNASTOR System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to Certificate of Compliance Number 1031. Amendment No. 1 to the MAGNASTOR System CoC will change technical specifications (TS) related to neutron absorber qualification and acceptance testing. Specifically, the amendment will revise TS 4.1.1.b and incorporate by reference into the MAGNASTOR CoC, Sections 10.1.6.4.5, 10.1.6.4.6, 10.1.6.4.7, and 10.1.6.4.8 of the Final Safety Analysis Report (FSAR) regarding acceptance testing of borated aluminum alloy and borated metal matrix composite neutron absorber material. This amendment will also include other changes in Appendices A and B of the TS to incorporate minor editorial changes.

<b>Timetable:</b>	Direct Final Rule Published	06/15/10	75 FR 33678
	Direct Final Rule Effective	08/30/10	
	Proposed Rule Published	06/15/10	75 FR 33736
	Comment Period Closed	07/15/10	
	Confirmation of Effective Date Published	08/16/10	

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

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

**Agency Contact:** Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs, (301) 415-6219; e-mail: Jayne.McCausland@nrc.gov

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**26. Export and Import of Nuclear Equipment and Materials; Updates and Clarifications (Part 110)**

**RIN:** 3150-AI16

**Docket ID:** NRC-2008-0567

**Abstract:** The proposed rule would amend the Commission's regulations to update, clarify, and correct several provisions in Part 110 to improve NRC's regulatory framework for the export and import of nuclear equipment, material, and radioactive waste. Among other revisions, the proposed rule would clarify and correct the regulations addressing the general license for the export of byproduct material, revise the definition of "radioactive waste," and modify the regulations governing the export and import of Category 1 and Category 2 quantities of radioactive materials listed in Appendix P to 10 CFR Part 110.

<b>Final Action:</b>	Proposed Rule Published	06/23/09	74 FR 29614
	Comment Period Closed	07/23/09	
	Comment Period Reopened	08/14/09	74 FR 41096
	Comment Period Closed	09/08/09	
	Final Rule Published	07/28/10	

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

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

**Agency Contact:** Brooke G. Smith, Office of International Programs,  
(301) 415-2347; e-mail: Brooke.Smith@nrc.gov

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

**C**

Advance Notice - Proposed  
Rulemaking

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

**RIN:** 3150-AG89

**Docket ID:** NRC-2001-0012

**Abstract:** The advance notice of proposed rulemaking (ANPR) 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 completed research to develop a sound technical basis for an entombment option. The Office of Nuclear Regulatory Research conducted research in 2004 and 2005, and the work was terminated in FY2005, at the direction of the Commission. A research information letter was prepared summarizing the research results and regulatory implications of using concrete barriers to prevent or control the release of radioactive materials from waste disposal facilities or contaminated sites. The staff is continuing to defer this rulemaking activity.

<b>Final Action:</b>	ANPR Published	10/16/01	66 FR 52551
	ANPR 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:** Kevin R. O'Sullivan, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8112; e-mail: Kevin.O'Sullivan@nrc.gov

**28. Performance-Based Emergency Core Cooling System Acceptance Criteria (Part 50)**

**RIN:** 3150-AH42

**Docket ID:** NRC-2008-0332

**Abstract:** The advanced notice of proposed rulemaking (ANPR) presents a conceptual approach that the Nuclear Regulatory Commission (NRC) is considering in a rulemaking effort to revise the acceptance criteria for emergency core cooling systems (ECCSs) for light-water nuclear power reactors as currently required by NRC regulations that govern domestic licensing of production and utilization facilities. Revised ECCS acceptance criteria would reflect recent research findings that indicate the current criteria should be re-evaluated for all fuel cladding materials in all potential conditions. Further, the NRC is considering an approach that would expand the applicability of the rule to all current and future cladding materials, modify the reporting requirements, and address the issues raised in a petition for rulemaking (PRM) regarding crud and

oxide deposits and hydrogen content in fuel cladding. With this ANPR, the NRC seeks comment on specific questions and issues for consideration related to this proposed conceptual approach to revising the ECCS acceptance criteria.

<b>Final Action:</b>	ANPR Published	08/13/09	74 FR 40765
	ANPR Comment Period Closed	10/27/09	
	Proposed Rule Published	08/00/11	

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

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

**Agency Contact:** Tara Inverso, Office of Nuclear Reactor Regulation,  
(301) 415-1024; e-mail: Tara.Inverso@nrc.gov

**29. Approach to Risk-Inform, Performance-Based Requirements for Nuclear Power Plants (Parts 50 and 53)**

**RIN:** 3150-AH81

**Docket ID:** NRC-2006-0008

**Abstract:** The advanced notice of proposed rulemaking (ANPR) would provide a new set of risk-informed, performance-based requirements for nuclear power plants. The Commission approved the staff's recommendation to defer rulemaking for risk-informed and performance-based part 50 reactor requirements for advanced reactors until after the development of the licensing strategy for the Next Generation Nuclear Plant (NGNP), or receipt of an application for a Pebble Bed Modular Reactor design certification or combined license. The Commission directed the staff to provide a recommendation on initiating rulemaking 6 months after the development of the licensing strategy for the NGNP is finalized. The staff informed the Commission that it will defer rulemaking until after NGNP licensing test review (approximately 2015-2017).

<b>Final Action:</b>	ANPR Published	05/04/06	71 FR 26267
	ANPR Comment Period Closed	12/29/06	
	Proposed Rule Published	Undetermined	

**Legal Authority:** 42 USC 2201; 42 USC 58411

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

**Agency Contact:** William D. Reckley; Office of New Reactors,  
(301) 415-7490; e-mail: William.Reckley@nrc.gov



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

RIN: 3150-AG41

Docket ID: NRC-1999-0005

**Abstract:** The advance notice of proposed rulemaking (ANPR) invited early input from affected parties and the public on the issues associated with the advance notification of Indian Tribes of spent fuel shipments. NRC's current regulations do not address notification of Indian Tribes. 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. The rulemaking effort has started and is no longer on hold.

<b>Final Action:</b>	ANPR Published	12/21/99	64 FR 71331
	ANPR Comment Period Closed	07/05/00	65 FR 18010
	Proposed Rule Published	12/00/10	

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

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

**Agency Contact:** Merri L. Horn, Office of Federal and State Materials and Environmental Management Programs, (301) 415-8126; e-mail: Merri.Horn@nrc.gov

**31. Research and Test Reactor Fingerprinting Requirements for Unescorted Access (Part 73)**

RIN: 3150-AI25

Docket ID: NRC-2008-0619

**Abstract:** The advanced notice of proposed rulemaking (ANPR) would amend the Commission's regulations to require a finger-print based criminal history records check for individuals with unescorted access to research and test reactors. In SECY-08-0196, dated December 19, 2008, the staff has proposed that the Commission publish an ANPR requesting public comment on several positions of interest pertaining to Research and Test Reactors before initiating rulemaking. The staff conducted a public meeting on April 4, 2009, and has considered the comments from the meeting and those received in response to its ANPR. The staff completed the proposed rule and will be published for public comment in the *Federal Register* in July 2010.

<b>Final Action:</b>	ANPR Published	04/14/09	74 FR 17115
	Comment Period Closed	06/15/09	

Proposed Rule Published 07/20/10

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

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

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

### 32. Variable Annual Fee Structure for Power Reactors (Part 171)

**RIN:** 3150-AI54

**Docket ID:** NRC-2008-0664

**Abstract:** The advanced notice of proposed rulemaking (ANPR) was published seeking comments from the public on a possible variable fee structure for Part 171 annual fees for power reactors based on licensed power limits. In SECY-09-0137 (October 13, 2009), the Commission approved the staff's recommendation to establish an NRC workgroup to analyze suggested methodologies for a variable annual fee structure for power reactors.

<b>Final Action:</b>	ANPR Published	03/25/09	74 FR 12735
	Comment Period Closed	06/08/09	
	Proposed Rule Published	Undetermined	

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

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

**Agency Contact:** Rebecca I. Ericson, Office of the Chief Financial Officer,  
(301) 415-7126; e-mail address: Rebecca.Ericson@nrc.gov

## **(D) Unpublished Rules**

**D**

Unpublished Rules

**33. Revision to Petition for Rulemaking Process (Part 2)**

**RIN:** 3150-AI30

**Docket ID:** NRC-2009-0044

**Abstract:** The proposed rule would amend the Commission's regulations for petitions for rulemaking (PRMs). This rule would clarify requirements and update the NRC's process for the consideration and disposition of PRMs.

**Final Action:** Proposed Rule Published                      Undetermined

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

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

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

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**34. Amendments to Adjudicatory Process Rules and Related Requirements (Parts 2, 51, 54, 60, and 63)**

**RIN:** 3150-AI43

**Docket ID:** NRC-2008-0415

**Abstract:** The proposed rule would amend the Commission's adjudicatory rules of practice. The proposed rule would correct errors and omissions that have been noticed since the major revisions to the NRC's rules of practice in early 2004. Further, this proposed rule would amend the NRC's adjudicatory process to provide increased efficiency to better focus the limited resources of the NRC and other involved parties.

**Final Action:** Final Rule Published                      Undetermined

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

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

**Agency Contact:** Tison A. Campbell, Office of the General Counsel,  
(301) 415-8579; e-mail: Tison.Campbell@nrc.gov

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**35. ITAAC Maintenance (Parts 2 and 52)**

**RIN:** 3150-AI77

**Docket ID:** NRC-2010-0012

**Abstract:** The proposed rule would amend the Commission's regulations related to verification of nuclear power plant construction activities through inspections, tests, analyses, and acceptance criteria (ITAAC) under a combined license. The new provisions would require licensees to (1) report new information materially altering the basis for determining that a prescribed inspection, test, or analysis was performed as required, or finding that a prescribed acceptance criterion is met, (2) document the basis for all ITAAC notifications, and (3) notify the NRC of completion of all ITAAC activities.

**Final Action:** Proposed Rule Published 10/00/10

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

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

**Agency Contact:** Nanette Gilles, Office of New Reactors;  
(301) 415-1180; e-mail: Nanette.Gilles@nrc.gov

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### 36. Public Records\* (Part 9)

**RIN:** 3150-AI87

**Docket ID:** NRC-2010-0157

**Abstract:** The final rule amends the Commission's regulations by changing its fees for searching and reviewing agency records by NRC personnel. This document is necessary to inform the public of these changes.

**Timetable:** Final Rule Published: 07/16/10

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

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

**Agency Contact:** Becky Wood, Office of Information Services  
(301) 415-6968; e-mail: Becky.Wood@nrc.gov

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### 37. Controlling the Disposition of Solid Materials (Part 20)

**RIN:** 3150-AH18

**Docket ID:** NRC-1999-0002

**Abstract:** The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved. The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis

is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

**Final Action:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Kimyata Morgan Butler, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-0733; e-mail: Kimyata.MorganButler@nrc.gov

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**38. Material Control and Accounting of Special Nuclear Material (Parts 20, 40, 50, 63, 70, 74, 76, and 110)**

**RIN:** 3150-AI61

**Docket ID:** NRC-2009-0096

**Abstract:** The proposed rule would amend the Commission's regulations to revise and consolidate the current Material Control and Accounting (MC&A) program, including regulatory requirements and licensing and inspection practices.

**Timetable:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Thomas F. Young, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-5795; e-mail: Thomas.Young@nrc.gov

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**39. Geological Repository Operations Area (GROA) Fitness-for-Duty Requirements (Part 26)**

**RIN:** 3150-AI38

**Docket ID:** NRC-2009-0089

**Abstract:** The proposed rule would amend the Commission's regulations to reinstate the alcohol and drug provisions of the fitness-for-duty requirements to a GROA. The rulemaking would also impose fatigue provisions on security personnel at a GROA. Due to budget constraints in the High-Level Waste program, this proposed rule is deferred until a later date.

**Final Action:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Merri L. Horn, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8126; e-mail: Merri.Horn@nrc.gov

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**40. Fitness-For-Duty Programs (Part 26)**

**RIN:** 3150-AI58

**Docket ID:** NRC-2009-0090

**Abstract:** The proposed rule would amend the Commission's regulations to ensure that personnel who actually perform independent quality control/verification (QC/QV) checks under the licensee's NRC-approved quality assurance program are subject to the same Part 26, Subpart I provisions as operating personnel identified in section 26.4(a)(1).

**Final Action:** Proposed Rule Published                      10/00/10

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

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

**Agency Contact:** Lynn M. Hall, Office of Nuclear Reactor Regulation,  
(301) 415-3759; e-mail: Lynn.Hall@nrc.gov

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**41. Fitness-For-Duty (HHS Requirements) (Part 26)**

**RIN:** 3150-AI67

**Docket ID:** NRC-2009-0225

**Abstract:** The direct final rule will amend the Commission's regulations to correct technical errors associated with drug testing requirements and enhance the alignment of 10 CFR Part 26 drug testing requirements with those issued by the Department of Health and Human Services (HHS). This rule would enhance consistency with advances in similar rules and guidelines, including, but not limited to HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. This rulemaking is significant because these inaccuracies, if left uncorrected, would result in an unnecessary regulatory burden on licensees and other entities that operate licensee testing facilities. The urgency of this rulemaking is low; an Enforcement Guidance Memorandum regarding the dispositioning of violations has been issued and few industry concerns have been identified.



The rulemaking has no impact on the public and minimal impact on the industry since the inaccurate provisions are being effectively mitigated by industry actions.

**Final Action:** Direct Final Rule Published 09/00/10

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

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

**Agency Contact:** Paul W. Harris, Office of Nuclear Security and Incident Response,  
(301) 415-1169; e-mail: Paul.Harris@nrc.gov

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**42. Licenses, Certifications, and Approvals for Material Licensees\* (Parts 30, 36, 39, 40, 51, 70, and 150)**

**RIN:** 3150-AI79

**Docket ID:** NRC-2010-0075

**Abstract:** The proposed rule would amend the Commission's regulations to resolve inconsistencies that currently exist between various parts of *Title 10 of the Code of Federal Regulations* (CFR) with respect to the terms "construction" and "commencement of construction." This action would also correct a typographical error in 10 CFR Part 39.

**Timetable:** Proposed Rule Published: 07/27/10

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

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

**Agency Contact:** Tracey L. Stokes, Office of the General Counsel,  
(301) 415-1064; e-mail: Tracey.Stokes@nrc.gov

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**43. Preceptor Attestation Requirements (Part 35)**

**RIN:** 3150-AI63

**Docket ID:** NRC-2009-0175

**Abstract:** The proposed rule would amend the Commission's regulations to make amendments requested in the Division of Materials Safety and State Agreements (DMSSA) user need memo, consider training and experience requirements requested in PRM-35-20, and clarify preceptor attestation requirements.

**Timetable:** Proposed Rule Published Undetermined

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

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

**Agency Contact:** Neelam Bhalla, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6843; e-mail: Neelam.Bhalla@nrc.gov

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

**RIN:** 3150-AH15

**Docket ID:** NRC-2009-0084

**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.

**Final Action:** Proposed Rule Published 07/26/10

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

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

**Agency Contact:** Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8106; e-mail: Gary.Comfort@nrc.gov

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**45. Uranium in Drinking Water (Part 40)**

**RIN:** 3150-AH97

**Docket ID:** NRC-2009-0086

**Abstract:** The proposed rule would amend the Commission's regulations to include a new general license for a community water system (CWS), that during the treatment of drinking water, may accumulate and concentrate naturally-occurring uranium in media, effluents, and other residuals, above 0.05 percent by weight. This rulemaking is being delayed while NRC evaluates the possibility of removing this type of activity from NRC's jurisdiction. In the meantime, a CWS may choose to operate under the enforcement discretion policy discussed in Regulatory Issue Summary RIS-06-020, "Guidance for Receiving Enforcement Discretion When Concentrating Uranium at Community Water Systems," dated September 14, 2006. Publication of the proposed rule is being delayed while the NRC considers options to remove NRC regulatory jurisdiction from this area.

**Final Action:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8106; e-mail: Gary.Comfort@nrc.gov

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**46. Groundwater Protection *in Situ* Leach Uranium Recovery Facilities (Part 40)**

**RIN:** 3150-AI40

**Docket ID:** NRC-2008-0421

**Abstract:** The proposed rule would amend the Commission's regulations to clarify the regulations in 10 CFR Part 40, Appendix A, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content," to better ensure groundwater protection at *in situ* leach uranium recovery facilities. The proposed rule would codify practices currently done through license condition to provide the industry and public with more predictability during the licensing process.

**Final Action:** Proposed Rule Published                      02/00/11

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

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

**Agency Contact:** Gary C. Comfort, Jr., Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8106; e-mail: Gary.Comfort@nrc.gov

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**47. Integrated Safety Analysis for Uranium Conversion and Deconversion Facilities (Part 40)**

**RIN:** 3150-A150

**Docket ID:** NRC-2009-0079

**Abstract:** The proposed rule would amend the Commission's regulations to require an integrated safety analysis (ISA) for facilities with significant quantities of uranium hexafluoride or uranium tetrafluoride and large quantities of hazardous chemicals, such as hydrogen fluoride; set possession limits for determining licensing authority (NRC or Agreement States); add definitions that are specific to an ISA; and make administrative changes to the structure of Part 40.

**Final Action:** Proposed Rule Published 11/00/10

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

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

**Agency Contact:** Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-0253; e-mail: Edward.Lohr@nrc.gov

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**48. Conforming Administrative Changes (Parts 40 and 73)**

**RIN:** 3150-AH49

**Docket ID:** NRC-2009-0085

**Abstract:** The final rule amends the Commission's regulations to make a number of administrative changes to and update the list of Non-Agreement States, add a list of mining and milling Agreement States, amend relevant parts to identify that the Region II materials program has been merged into Region I, to delete paragraphs which are no longer valid related to a final rule published on January 16, 1996 (61 FR 1109) dealing with extensions of certain types of licenses beyond existing expiration dates, correct titles associated with the Division Director of Spent Fuel Storage and Transportation in the Office of Nuclear Materials Safety and Security, utilize the formal title for the Office of Federal and State Materials and Environmental Management Programs, remove text that is no longer needed for an exemption stated in Appendix A of 10 CFR Part 70 that expired on October 18, 2004, and correct a table heading in Appendix B of 10 CFR Part 20 to read "uCi."

**Final Action:** Final Rule Published Undetermined

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

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

**Agency Contact:** Angella Love-Blair, Office of Administration,  
(301) 492-3671; e-mail: Angella.Love-Blair@nrc.gov

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

**RIN:** 3150-AG47

**Docket ID:** NRC-2009-0083

**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 under § 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.

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

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**Agency Contact:** Mark S. Delligatti, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-8518; e-mail: Mark.Delligatti@nrc.gov

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**50. Modifications to Pressure-Temperature Limits and Reactor Vessel Material Surveillance Program Requirements (Part 50)**

**RIN:** 3150-AG98

**Docket ID:** NRC-2008-0582

**Abstract:** The proposed rule would amend the Commission's regulations in Part 50, Appendix G to provide a risk-informed option for determining the fracture toughness requirements for ferritic materials of the pressure-retaining components of the reactor coolant pressure boundary. The proposed rule would also modify 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. Also, the proposed rule would amend footnotes 2 and 6 to table 1 of Appendix G, and simplify restructuring of the table. Part 50, Appendix H, contains reactor vessel material surveillance program requirements to monitor changes in the fracture toughness properties of the reactor vessel beltline due to neutron irradiation.

**Final Action:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Carolyn J. Fairbanks, Office of Nuclear Reactor Regulation,  
(301) 415-6719; e-mail: Carolyn.Fairbanks@nrc.gov

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

**RIN:** 3150-AH43

**Docket ID:** NRC-2008-0606

**Abstract:** The proposed rule would amend the Commission's regulations to remove the requirement to postulate unavailability of offsite power for all loss of coolant accidents, as currently required by General Design Criterion 35. By taking into account risk insights, this requirement would be removed for the larger, less likely events, but would be retained for more frequent (smaller break) losses of coolant. The rulemaking would facilitate certain facility changes, such as emergency diesel generator start times, to optimize them for the more likely events rather than for rare events. In a Staff Requirements Memorandum (SRM) dated March 31, 2003, the Commission directed the staff to prepare a proposed LOOP/LOCA rule. On April 27, 2004, the BWR Owners Group (BWROG) submitted the topical report, "Separation of Loss of Offsite Power from Large Break

LOCA" for staff review. The BWROG indicated that the topical report would support plant-specific exemption requests to implement specific plant changes that are currently not possible with the existing rule requirements. The staff recommended in SECY-04-0037, that it be allowed to finish its review of the topical report and pilot exemption request before initiating rulemaking. In its SRM of July 1, 2004, the Commission approved the staff to begin rulemaking after review of the BWROG pilot exemption request. After an ongoing dialogue, on June 12, 2008, the BWROG withdrew its topical report, stating that "...continued development of this LTR [Licensing Topical Report] is no longer cost effective and, if ultimately approved in the form presently desired by NRC staff, adoption by licensees would most likely be prohibitively expensive." Upon this withdrawal, the NRC staff reevaluated the rulemaking effort. As a result of this reevaluation, the NRC staff recommended in SECY-09-0140, dated October 1, 2009, that this rulemaking effort be discontinued. A new recommendation will be provided to the Commission in December 2012. This rulemaking activity also considers the issues raised in a petition for rulemaking submitted by Bob Christie (PRM-50-77).

**Final Action:** Proposed Rule Published                      Undetermined

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

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

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

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## **52. Incorporation by Reference of Revisions of ASME Regulatory Guides (Part 50)**

**RIN:** 3150-A172

**Docket ID:** NRC-2009-0359

**Abstract:** The proposed rule would amend the Commission's regulations to incorporate by reference the latest revisions of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code Cases pertaining to RG 1.84, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III," Revision 36; RG 1.147, "In-service Inspection Code Case Acceptability, ASME Section XI, Division 1," Revision 17, and RG 1.192, "Operation and Maintenance Code Case Acceptability, ASME OM Code," Revision 1. This rulemaking would incorporate by reference the latest revisions of regulatory guides (RGs) approving new and revised Code Cases published by the ASME as alternatives to requirements in the ASME BPV regarding the construction and in-service inspection of nuclear power plant components.

**Final Action:** Proposed Rule Published                      12/00/10

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

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

**Agency Contact:** Manash K. Bagchi, Office of Nuclear Reactor Regulation,  
(301) 415-2905; e-mail: Manash.Bagchi@nrc.gov

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**53. Part 52 Supplemental Rule (Part 52)**

**RIN:** 3150-AI66

**Docket ID:** NRC-2009-0196

**Abstract:** The proposed rule would amend the Commission's regulations to Part 52 to provide clarifications and various minor revisions and incorporate lessons learned during reviews of design certification and combined license applications.

**Final Action:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Nanette Gilles, Office of New Reactors,  
(301) 415-1180; e-mail: Nanette.Gilles@nrc.gov

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**54. Advanced Passive (AP) 1000 Design Certification Amendment\* (Part 52)**

**RIN:** 3150-AI81

**Docket ID:** NRC-2010-0131

**Abstract:** The proposed rule would amend the Commission's regulations for the Advanced Passive (AP) 1000 design certification to incorporate several significant design changes, including closing or partial closing of the AP1000 design control document combined license information items; a redesign of the pressurizer; a revision to the seismic analysis to allow an AP1000 reactor to be constructed onsite with rock and soil conditions other than the hard rock conditions certified in the AP1000 design certification rule; changes to the instrumentation and control systems; a redesign of the fuel racks; and a revision of the reactor fuel design.

**Timetable:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Serita Sanders, Office of New Reactors,  
(301) 415-2956; e-mail: Serita.Sanders@nrc.gov

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**55. U.S. Evolutionary Power Reactor (EPR) Design Certification Amendment\* (Part 52)**

**RIN:** 3150-AI82

**Docket ID:** NRC-2010-0132

**Abstract:** The proposed rule would amend the Commission's regulations for the initial certification of the U.S. Evolutionary Power Reactor standard plant design. Applicants or licensees intending to construct and operate a nuclear power plant using the EPR design may do so by referencing this design certification rule.

**Timetable:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Fred Schofer, Office of New Reactors,  
(301) 415-5682; e-mail: Fred.Schofer@nrc.gov

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**56. U.S. Advanced Pressurized Water Reactor (APWR) Design Certification Amendment\* (Part 52)**

**RIN:** 3150-AI83

**Docket ID:** NRC-2010-0133

**Abstract:** The proposed rule would amend the Commission's regulations for the initial certification of the U.S. Advanced Pressurized-Water Reactor standard plant design. Applicants or licensees intending to construct and operate a nuclear power plant using the APWR design may do so by referencing this design certification rule.

**Timetable:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Sheryl A. Burrows, Office of New Reactors,  
(301) 415-6086; e-mail: Sheryl.Burrows@nrc.gov

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**57. U.S. Advanced Boiling Water Reactor (ABWR) Aircraft Impact Design Certification Amendment\* (Part 52)**

**RIN:** 3150-AI84

**Docket ID:** NRC-2010-0134

**Abstract:** The proposed rule would amend the Commission's regulations in Appendix A, "Design Certification Rule for the U.S. Advanced Boiling Water Reactor" to 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," to comply with 10 CFR 50.150, "Aircraft Impact Assessment." Applicants or licensees intending to construct and operate a nuclear power plant using the ABWR design may comply with 10 CFR 50.150 by referencing the amended design certification rule.

**Timetable:** Proposed Rule Published 12/00/10

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

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

**Agency Contact:** Nanette Gilles, Office of New Reactors,  
(301) 415-1180; e-mail: Nanette.Gilles@nrc.gov

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**58. Economic Simplified Boiling-Water Reactor (ESBWR) Design Certification\*(Part 52)**

**RIN:** 3150-AI85

**Docket ID:** NRC-2010-0135

**Abstract:** The proposed rule would amend the Commission's regulations for the initial certification of the ESBWR standard plant design. Applicants or licensees intending to construct and operate a nuclear power plant using the ESBWR design may do so by referencing this design certification rule.

**Timetable:** Proposed Rule Published 01/00/11

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

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

**Agency Contact:** George M. Tartal, Office of New Reactors,  
(301) 415-0016; e-mail: George.Tartal@nrc.gov

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**59. Revise Part 71 for IAEA and DOT Compatibility (Part 71)**

**RIN:** 3150-AI11

**Docket ID:** NRC-2008-0198

**Abstract:** The proposed rule would amend the Commission's regulations at 10 CFR Part 71 to make the requirements compatible with the 2005 edition of the International Atomic Energy Agency

Transportation Safety Standards, TS-R-1, and changes to the Department of Transportation Hazardous Materials Regulations. This rulemaking would make other changes to 10 CFR Part 71. The proposed rule would amend the quality assurance requirements to make the regulation of quality assurance programs more efficient. In addition, the proposed rule would (1) clarify the general license requirements and (2) make changes to the exemptions relating to the classification of fissile material and low-level materials.

**Final Action:** Proposed Rule Published 09/00/11

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

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

**Agency Contact:** James R. Firth, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6628, e-mail: James.Firth@nrc.gov

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**60. List of Approved Spent Fuel Storage Casks: NAC-MPC System, Revision 6\* (Part 72)**

**RIN:** 3150-A188

**Docket ID:** [NRC-2010-0183]

**Abstract:** The direct final rule amends the Commission's regulations by revising the NAC International, Inc. (NAC), NAC-MPC System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 6 to Certificate of Compliance Number 1025. Amendment No. 6 includes changes to the configuration of the NAC-MPC storage system as noted in Appendix B of the Technical Specifications.

**Timetable:** Direct Final Rule Published: 07/21/10

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

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

**Agency Contact:** Jayne McCausland, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-6219; e-mail: Jayne.McCausland@nrc.gov

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**61. ISFSI Security Requirements for Radiological Sabotage (Parts 72 and 73)**

**RIN:** 3150-A178

**Docket ID:** NRC-2009-0558

**Abstract:** The proposed rule would amend the Commission's regulations to revise the existing security requirements that apply during the storage of spent nuclear fuel (SNF) at an independent spent fuel storage installation (ISFSI), and during the storage of SNF and High-level waste (HLW) at a Monitored Retrievable storage Installation (MRS). This rule would require conforming changes to the ISFSI and MRS licensing requirements. The specific objectives of this rule are to update the ISFSI security requirements to improve the consistency and clarification of the security requirements for both types of ISFSI licensees (i.e., general and specific); make generically applicable requirements similar to those imposed on ISFSI licensees by the post September 11, 2001, security orders; and use a risk-informed, performance-based structure in ISFSI and MRS security regulations.

**Timetable:** Proposed Rule Published 09/00/10

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

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

**Agency Contact:** Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-5252; e-mail: Keith.McDaniel@nrc.gov

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**62. Enhanced Weapons, Firearms Background Checks, and Security Event Notification (Part 73)**

**RIN:** 3150-AI49

**Docket ID:** NRC-2008-0465

**Abstract:** The proposed rule would amend the Commission's regulations by implementing the new authority in Section 161A of the Atomic Energy Act of 1954, as amended, for access to enhanced weapons and associated firearms background checks, and modifies certain security event notifications at power reactor facilities and Category I strategic special nuclear materials facilities.

**Final Action:** Proposed Rule Published 09/00/10

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

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

**Agency Contact:** Robert Beall, Office of Nuclear Reactor Regulation,  
(301) 415-3874; e-mail: Robert.Beall@nrc.gov

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**63. Safeguarding Shipments of Spent Fuel (Part 73)**

**RIN:** 3150-AI64

**Docket ID:** NRC-2009-0163

**Abstract:** The proposed rule would amend the Commission's regulations by revising the security (physical protection) requirements that are designed to provide reasonable assurance of preventing the theft, diversion, or radiological sabotage of spent fuel shipments. The proposed rule would establish and update generically applicable security requirements similar to those previously imposed by the Commission's orders issued after the September 11, 2001, terrorist attacks.

**Timetable:** Proposed Rule Published 11/00/10

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

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

**Agency Contact:** Cardelia Maupin, Office of Federal and State Materials and Environmental Management Programs,  
(301) 415-2312, e-mail: Cardelia.Maupin@nrc.gov

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**64. Access Authorization and Physical Protection Requirements For Nuclear Power Plant Construction (Part 73)**

**RIN:** 3150-AI65

**Docket ID:** NRC-2009-0195

**Abstract:** The proposed rule would amend the Commission's regulations to add a new section to Part 73 to Title 10 of the *Code of Federal Regulations*. This new section will add requirements for the implementation of access authorization and physical protection measures; access authorization controls; physical inspections; lockdown measures and procedures for securing the security- and safety-related structures, systems, and components; and performance of high-quality security sweeps before the plant's transition into its operational phase. These changes would affect holders of a construction permit (CP) under 10 CFR Part 50 and holders of a combined license (COL) under 10 CFR Part 52 with nuclear power plants under construction.

**Final Action:** Proposed Rule Published 12/00/10

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

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

**Agency Contact:** Fred Schofer, Office of New Reactors,  
(301) 415-5682; e-mail: Fred.Schofer@nrc.gov

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**65. Sabotage of Nuclear Facilities, Fuel or Designated Material (Part 73)**

**RIN:** 3150-AI68

**Docket ID:** NRC-2009-0227

**Abstract:** Section 655 of the Energy Policy Act of 2005, requires the NRC to implement requirements for criminal sanctions for sabotage of commercial nuclear facilities, fuel, and Commission designated material or property not previously covered. The staff is developing the proposed rule to implement these requirements. Additional classes of radioactive material or property not specifically mandated in the statute may be included in this rulemaking.

**Timetable:** Proposed Rule Published                      Undetermined

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

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

**Agency Contact:** Thomas Young, Office of Federal and State Materials and  
Environmental Management Programs,  
(301) 415-5795; e-mail: Thomas.Young@nrc.gov

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**(A) Final Actions on Petitions  
For Rulemaking**

## **II PETITIONS**

Section II - Petitions for  
Rulemaking

### **A**

Final Actions on Petitions  
for Rulemaking



1. **Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-73-14)

**Docket ID:** NRC-2009-0493

**Federal Register Citation:** None

**Subject:** Request for expedited rulemaking to revise 10 CFR 73.55 compliance date

**Summary:** In a letter dated September 25, 2009, NEI requested that the NRC undertake an expedited rulemaking to revise the compliance date for specific requirements within 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage." NEI requested that the NRC change the compliance date from March 31, 2010, to December 31, 2010. The staff reviewed the request for rulemaking and determined that the request meets the minimum sufficiency requirements of 10 CFR 2.802, and therefore, could be considered as a petition for rulemaking. Accordingly, the staff docketed the request as PRM-73-14 and notified the petitioner of this decision by letter dated October 1, 2009. The staff considered the petition and denied the request as published in the Federal Register on March 8, 2010. The denial was based primarily on process limitations, since there was not adequate time to do a notice and comment rulemaking prior to the 10 CFR 73.55 compliance date of March 31, 2010.

**Final Action:** A notice denying this petition was published in the Federal Register on March 8, 2010 (75 FR 10444).

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

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**(B) Pending Petitions for  
Rulemaking**

**B**

Pending Petitions for Rulemaking

2. **Petitioner/Petition Docket Number:** Professional Reactor Operator Society (PRM 26-3)

**Docket ID:** NRC-2009-0482

**Federal Register Citation:** November 27, 2009 (74 FR 62257)

**Subject:** Fitness for Duty - change to outage definition

**Summary:** The petitioner is requesting that the NRC amend the regulations that govern fitness for duty programs. Specifically, the petitioner requests that the definition of "unit outage" be changed to "site outage" and be amended to clarify the way licensees schedule manpower on the front and back end of outages. The petitioner believes the suggested amendment would require licensees to abandon past practice that could impact the licensees' ability to safely execute future outages and would help to ensure that nuclear utilities continue to perform outages in a safe and efficient manner.

**Final Action:** A notice of receipt for this petition was published in the Federal Register on November 27, 2009 (74 FR 62257). The public comment period closed on February 10, 2010. Resolution and closure of this petition is expected in August 2010.

**Agency Contact:** Tara Inverso, Office of Nuclear Reactor Regulation,  
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3. **Petitioner/Petition Docket Number:** Organization of Agreement States (PRM-31-05)

**Docket ID:** NRC-2005-0018

**Federal Register Citation:** December 20, 2005 (70 FR 75423)

**Subject:** Byproduct material; domestic licensing: Industrial devices

**Summary:** The petitioner is requesting that the NRC amend its regulations to require specific licensing for devices that are currently regulated by a combination of general licensing and registration, and to revise the compatibility category for § 31.6 from "B" to "C."

**Final Action:** A notice of receipt was published in the Federal Register on December 20, 2005 (70 FR 75423). The public comment closed March 6, 2006. The petition was resolved in July 2007, and is being considered in the rulemaking, General License Restrictions (RIN: 3150-AI33).

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**4. Petitioner/Petition Docket Number:** Association of State and Territorial Solid Waste Management Officials\* (PRM-32-06)

**Docket ID:** NRC-2009-0547

**Federal Register Citation:** January 12, 2010 (75 FR 1559)

**Subject:** Tritium in exit signs

**Summary:** The petitioner requested that the Commission amend its regulations and/or guidance to improve the labeling and accountability of tritium exit signs. Also, the petitioner recommends a national collection effort be conducted to consolidate all expired and disused tritium exit signs.

**Final Action:** A notice of receipt for this petition was published in the Federal Register on January 12, 2010 (75 FR 1559). The public comment period closed on March 29, 2010. Resolution of this petition is in progress.

**Agency Contact:** Gregory R. Trussell, Office of Federal and State Materials and Environmental Management Programs,  
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**5. Petitioner/Petition Docket Number:** James Luehman (PRM-50-92)

**Docket ID:** NRC-2008-0492

**Federal Register Citation:** None

**Subject:** Domestic licensing of production and utilization facilities

**Summary:** The petitioner requested that the Commission amend its regulations regarding the domestic licensing of production and utilization facilities to clarify or change the standards for sustaining a violation of the employee protection regulations contained in § 50.7.

**Final Action:** A notice of receipt was not published for this petition. This petition is being evaluated. A recommendation on whether to pursue rulemaking is being developed.

**Agency Contact:** Kimberly A. Sexton, Office of the General Counsel,  
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**6. Petitioner/Petition Docket Number:** Mark Leyse\* (PRM-50-93)

**Docket ID:** NRC-2009-0554

**Federal Register Citation:** January 25, 2010 (75 FR 3876)

**Subject:** Domestic licensing of production and utilization facilities

**Summary:** The petitioner requested that the NRC amend its regulations regarding the domestic licensing of production and utilization facilities. Specifically, the petitioner requested that the NRC revise its regulations based on data from multi-rod (assembly) severe fuel damage experiments. The petitioner also requested that the NRC promulgate a regulation that will stipulate minimum allowable core reflood rates in the event of a loss-of-coolant accident.

**Final Action:** A notice of receipt for this petition was published in the Federal Register on January 25, 2010 (75 FR 3876). The public comment period closed on April 12, 2010. A supplemental notice of receipt and limited re-opening of the comment period is expected in August/September 2010.

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(301) 415-1024; e-mail: Tara.Inverso@nrc.gov

**7. Petitioner/Petition Docket Number:** Sherwood Martinelli\* (PRM-50-94)

**Docket ID:** NRC-2010-0004

**Federal Register Citation:** February 26, 2010 (75 FR 8843)

**Subject:** Frequency of reporting status of decommissioning trust funds

**Summary:** The petitioner requested that the NRC amend its regulations regarding the domestic licensing of production and utilization facilities. Specifically, the petitioner requested that the NRC revise its regulations as they relate to decommissioning and decommissioning funding.

**Final Action:** A notice of receipt for this petition was published in the Federal Register on February 26, 2010 (75 FR 8843). The public comment period closed on May 12, 2010. The date for resolution of this petition is undetermined.

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**8. Petitioner/Petition Docket Number:** Daniel Kane\* (PRM-51-13)

**Docket ID:** NRC-2010-0088

**Federal Register Citation:** April 1, 2010; 75 FR 16360

**Subject:** Environmental protection for domestic licensing and related regulatory functions

**Summary:** The petitioner requested that the NRC amend its regulations that govern environmental protection for domestic licensing and related regulatory functions. Specifically, the petitioner requested that the provisions that govern temporary storage of spent fuel after cessation of reactor operation be revoked, that licensing of new nuclear power plants cease, and that existing operating nuclear power plants be phased out.

**Final Action:** A notice of receipt for this petition was published in the Federal Register on April 1, 2010 (75 FR 16360). The public comment period closed on June 15, 2010. Resolution of the petition is undetermined.

**Agency Contact:** Tison A. Campbell, Office of the General Counsel,  
(301) 415-8579; e-mail: Tyson.Campbell@nrc.gov

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**9. Petitioner/Petition Docket Number:** Nuclear Energy Institute (PRM-70-8)

**Docket ID:** NRC-2009-0184

**Federal Register Citation:** June 6, 2009 (74 FR 26814)

**Subject:** Event reporting requirements

**Summary:** The petitioner requested that the Commission amend its regulations to clarify the existing event reporting requirements based on experience gained since the requirements were implemented in 2000.

**Final Action:** A notice of receipt for this petition was published in the Federal Register on June 6, 2009 (74 FR 26814). The public comment period closed on August 18, 2009. Resolution of the petition is in progress.

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Environmental Management Programs,  
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**10. Petitioner/Petition Docket Number:** C-10 Research and Education Foundation, Inc.  
(PRM-72-6)

**Docket ID:** NRC-2008-0649

**Federal Register Citation:** March 3, 2009; (74 FR 9178)

**Subject:** Requirements for the independent storage of spent nuclear fuel, etc.

**Summary:** The petitioner requested that the Commission amend its regulations governing on-site dry cask storage of spent fuel. The petitioner believes that the current regulations do not provide sufficient requirements for safe storage of spent nuclear fuel in dry cask storage at



independent spent fuel storage installations (ISFSIs). The petitioner requested that: the NRC prohibit non-conforming pre-built full scale casks specifically built for NRC certification testing from being put into production; NRC certification of casks be based on upgraded code requirements that include design criteria and technical specifications for a 100 year minimum age related degradation timeframe; the NRC approve, as part of the original ISFSI certification process and construction license, a method for dry cask transfer capacity that will allow for immediate and safe maintenance on a faulty or failing cask; the NRC require that dry casks are qualified for transport at the time of on-site storage approval certification; the NRC require mandatory compliance with the ASME code and standards, "without exception"; the NRC require ASME code stamping for fabrication; all materials for fabrication be supplied by ASME approved material suppliers; current ASME codes and standards for conservative heat treatment and leak tightness be adopted and enforced; a safe and secure hot cell transfer station coupled with an auxiliary pool be built as part of an upgraded ISFSI design certification and licensing process; the NRC require real-time heat and radiation monitoring at ISFSIs and Hardened On-Site Storage (HOSS) at all nuclear power plants; and the NRC establish funding to conduct ongoing studies to provide the data required to accurately define and monitor for age-related material degradation.

**Final Action:** A notice of receipt for this petition was published in the Federal Register on March 3, 2009 (74 FR 9178). The public comment period closed on May 18, 2009. Resolution of the petition is in progress.

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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.

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