

## NUCLEAR REGULATORY COMMISSION

[NRC–2017–0185]

### 10 CFR Chapter I

#### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” The Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 7 rulemaking activities since publication of our last Agenda on August 24, 2017. This issuance of our Agenda contains 30 active and 23 long-term rulemaking activities: 2 are Economically Significant; 8 represent Other Significant agency priorities; 39 are Substantive, Nonsignificant rulemaking activities; and 4 are Administrative rulemaking activities. In addition, 3 rulemaking activities impact small entities. This issuance also contains our annual regulatory plan, which contains information on some of our most important regulatory actions that we are considering issuing in proposed or final form during Fiscal Year 2018. Our regulatory plan was submitted to OMB in June 2017; updates have been reflected in the Agenda abstract for each rulemaking. We are requesting comment on the rulemaking activities as identified in this Agenda.

**DATES:** Submit comments on rulemaking activities as identified in this Agenda by February 12, 2018.

**ADDRESSES:** Submit comments on any rulemaking activity in the Agenda by the date and methods specified in any **Federal Register** notice on the rulemaking activity. Comments received on rulemaking activities 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 **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to <http://www.regulations.gov> and searching for Docket ID NRC–2017–0185. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov)

*nrc.gov*. For technical questions on any rulemaking activity listed in the Agenda, contact the individual listed under the heading “Agency Contact” for that rulemaking activity.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Cindy Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: [Cindy.Bladey@nrc.gov](mailto:Cindy.Bladey@nrc.gov). Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading “Agency Contact” for that rulemaking activity.

#### SUPPLEMENTARY INFORMATION:

##### Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC–2017–0185 when contacting the NRC about the availability of information for this document. You may obtain publically-available information related to this document by any of the following methods:

- *Reginfo.gov*:
  - For completed rulemaking activities go to <http://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed>, select “fall 2017 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions” from drop down menu, and select “Nuclear Regulatory Commission” from drop down menu.
  - For active rulemaking activities go to <http://www.reginfo.gov/public/do/eAgendaMain> and select “Nuclear Regulatory Commission” from drop down menu.
  - For long-term rulemaking activities go to <http://www.reginfo.gov/public/do/eAgendaMain>, select “Current Long Term Actions” link, and select “Nuclear Regulatory Commission” from drop down menu.

- *Federal Rulemaking website*: Go to <http://www.regulations.gov> and search for Docket ID NRC–2017–0185.

- *NRC’s Public website*: Go to <http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/unified-agenda.html> and select fall 2017.

- *NRC’s Public Document Room*: You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

###### B. Submitting Comments

Please include Docket ID NRC–2017–0185 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into the Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

##### Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: Completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency’s last Agenda; active rulemaking activities are those that an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

We assign a “Regulation Identifier Number” (RIN) to a rulemaking activity when our Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission delegated

rulemaking<sup>1</sup> that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire “lifecycle” of a particular rulemaking activity. We report all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on August 24, 2017 (82 FR 40448). Specifically, the information in this Agenda has been updated through September 18, 2017.

The date for the next scheduled action under the heading “Timetable” is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

**Common Prioritization of Rulemaking**

A key part of our regulatory program is an annual review of all ongoing and potential rulemaking activities. In conjunction with our budget and long-term planning process, we develop program budget estimates and determine the relative priority of

rulemaking activities using our Common Prioritization of Rulemaking (CPR) methodology (ADAMS Accession No. ML15086A074). For the most up-to-date information on the NRC’s rulemaking activities, including the CPR score for each planned rulemaking activity see the NRC’s Rules and Petitions web page at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>. The CPR methodology considers four factors and assigns a score to each factor. Factor A includes activities that support the NRC’s Strategic Plan goal of ensuring the safe and secure use of radioactive materials. Factor B includes activities that support the Strategic Plan cross-cutting strategies of Regulatory Effectiveness and Openness. Specifically, this factor considers whether the rulemaking activity enhances regulatory effectiveness and/or openness in the way that the NRC conducts regulatory activities. Factor C is a governmental factor representing interest to the NRC, Congress, or other governmental bodies. Factor D is an external factor representing interest to members of the public, non-governmental organizations, the nuclear industry, vendors, and suppliers. The overall priority is determined by adding the factor scores together for each rulemaking activity.

**Section 610 Periodic Reviews Under the Regulatory Flexibility Act**

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies

to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from the NRC’s website at <http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html>.

**Public Comments Received on the NRC’s Unified Agenda**

The comment period on the NRC’s last Agenda (published on August 24, 2017 (82 FR 40448)) will close on September 25, 2017. The NRC will address any written comments on our 2017 Agenda issuances in our next Agenda update.

Dated at Rockville, Maryland, this 18th day of September 2017.

For the Nuclear Regulatory Commission.

**Cindy Bladley,**

*Federal Register Liaison Officer, U.S. Nuclear Regulatory Commission.*

**NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
480 .....	Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026] .....	3150–AJ95

**NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
481 .....	Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032] .....	3150–AJ99

**NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
482 .....	Revision of Fee Schedules; Fee Recovery for FY 2017 [NRC–2016–0081] .....	3150–AJ73

<sup>1</sup> For information on delegated rulemakings see ADAMS Accession No. ML16040A011.

**NUCLEAR REGULATORY COMMISSION (NRC)**

Proposed Rule Stage

**480. Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]**

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This proposed rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission (NRC) to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission’s fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC’s cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (e.g., research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/18	
Final Rule .....	05/00/18	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email:* michele.kaplan@nrc.gov.

*RIN:* 3150–AJ95

**NUCLEAR REGULATORY COMMISSION (NRC)**

Long-Term Actions

**481. Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]**

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission (NRC) to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission’s fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC’s cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (e.g., research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/19	
Final Rule .....	05/00/19	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email:* michele.kaplan@nrc.gov.

*RIN:* 3150–AJ99

**NUCLEAR REGULATORY COMMISSION (NRC)**

Completed Actions

**482. Revision of Fee Schedules; Fee Recovery for FY 2017 [NRC–2016–0081]**

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing and generic homeland security activities, through fees assessed to licensees. This rulemaking would amend the Commission’s fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the Nuclear Regulatory Commission’s cost of providing services to identifiable applicants and licensees. Examples of services provided by the Nuclear Regulatory Commission for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (e.g., research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	06/30/17	82 FR 30682
Final Rule Effective.	08/29/17	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michele D. Kaplan, *Phone:* 301 415–5256, *Email:* michele.kaplan@nrc.gov.

*RIN:* 3150–AJ73

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