



Federal Register

**Monday,
December 22, 2003**

Part LXI

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on May 27, 2003 (68 FR 31418).

ADDRESSES: You may submit comments on any rule in the agenda by any one of the following methods. Please include the RIN (Regulation Identifier Number) number in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking web site. Personal information will not be removed from your comments.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC’s rulemaking web site at <http://ruleforum.llnl.gov>.

Address questions about our rulemaking website to Carol Gallagher (301) 415-5905; email cag@nrc.gov.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to the rulemaking may be viewed electronically on the public computers located at the NRC’s Public Document Room (PDR), O1’F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC’s Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC’s Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC’s public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdrc@nrc.gov.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of

Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-7163 (e-mail: mtl@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 rule listed in the agenda, contact the individual listed under the heading “Agency Contact” for that rule.

SUPPLEMENTARY INFORMATION: The information contained in this semiannual publication is updated to reflect any action that has occurred on rules since publication of the last NRC semiannual agenda on May 27, 2003 (68 FR 31418). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through September 12, 2003. The date for the next scheduled action under the heading “Timetable” is the date the rule 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 the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

The NRC agenda lists all open rulemaking actions. Six rules affect small entities, one of which may potentially have a “significant economic impact on a substantial number of small entities” as defined in the Regulatory Flexibility Act.

Dated at Rockville, Maryland, this 12th day of September 2003.

For the Nuclear Regulatory Commission.

Michael T. Lesar,
Chief, Rules and directive Branch,
Division of Administrative Services,
Office of Administration.

Nuclear Regulatory Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4296	Fitness for Duty Programs	3150—AF12
4297	Nuclear Power Plant Worker Fatigue	3150—AG99
4298	Public Records	3150—AH12
4299	Control of Solid Material	3150—AH18
4300	Options for Addressing Training and Experience Issues Associated With Recognition of Specialty Boards by NRC	3150—AH19
4301	Acceptable Criteria for Emergency Core Cooling Systems for Light—Water Nuclear Power Reactors	3150—AH22

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Nuclear Regulatory Commission—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
4302	Industry Codes and Standards; Amended Requirements	3150—AH24
4303	Risk—Informed Alternative to Maximum Pipe Break Size (LB—LOCA Redefinition)	3150—AH29
4304	Licensing Proceedings for the Receipt of High—Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Submissions to the Electronic Docket	3150—AH31

Nuclear Regulatory Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4305	Lessons Learned From Design Certification	3150—AG24
4306	Risk—Informing Special Treatment Requirements	3150—AG42
4307	Performance—Based, Risk—Informed Fire Protection	3150—AG48
4308	Transfers of Certain Source Materials by Specific Licensees	3150—AG64
4309	Compatibility With IAEA Transportation Safety Standards	3150—AG71
4310	Financial Information Requirements for Applications To Renew or Extend the Term of an Operating License for a Power Reactor	3150—AG84
4311	Changes to Emergency Action Levels — Appendix E	3150—AH00
4312	Security Requirements for Portable Gauges Containing Byproduct Material	3150—AH06
4313	Electronic Submission of Fingerprint Records	3150—AH16
4314	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision (Amendment 5)	3150—AH26
4315	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS —24P, —52B, —61BT, —32PT, and —24PHB Revision (Amendment 6)	3150—AH27
4316	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision (Amendment 7)	3150—AH28
4317	Minor Changes to Decommissioning Trust Fund Provisions	3150—AH32

Nuclear Regulatory Commission—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
4318	Update Fuel Performance Considerations and Other Fuel Cycle Issues	3150—AA31
4319	Disposal by Release Into Sanitary Sewerage	3150—AE90
4320	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste	3150—AG41
4321	Integrated Rulemaking for Decommissioning Nuclear Power Reactors	3150—AG47
4322	Changes to Adjudicatory Process	3150—AG49
4323	Reevaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage	3150—AG63
4324	Entombment Options for Power Reactors	3150—AG89
4325	Modifications to Pressure—Temperature Limits	3150—AG98
4326	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License	3150—AH15
4327	List of Approved Spent Fuel Storage Casks: NAC—UMS Revision (Amendment 3)	3150—AH25

Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4328	Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Programs or Activities	3150—AG65
4329	Standards for Combustible Gas Control System in Light—Water—Cooled Power Reactors	3150—AG76
4330	Financial Assurance Amendments for Materials Licenses	3150—AG85
4331	Incorporation by Reference of ASME BPV and OM Code Cases	3150—AG86
4332	Event Notification Requirements	3150—AG90
4333	Geological and Seismological Characteristics of Spent Fuel Storage Systems	3150—AG93

NRC

Nuclear Regulatory Commission—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
4334	Revision of Fee Schedules; Fee Recovery, FY 2003	3150—AH14
4335	Facility Security Clearance and Safeguarding of National Security Information and Restricted Data—Minor Changes	3150—AH17
4336	List of Approved Spent Fuel Storage Casks: NAC—MPC Revision (Amendment 3)	3150—AH20
4337	General License for Import of Major Nuclear Reactor Components	3150—AH21
4338	Adjustment of the Maximum Retrospective Deferred Premium	3150—AH23
4339	Assessment of Access Authorization Fees	3150—AH30
4340	Submission of Documents Electronically; Minor Corrections	3150—AH33

Nuclear Regulatory Commission (NRC)

Proposed Rule Stage

4296. FITNESS FOR DUTY PROGRAMS

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 2201; 42 USC 5841
CFR Citation: 10 CFR 26
Legal Deadline: None

Abstract: The proposed rule would amend the Commission’s regulations to ensure compatibility with the Department of Health and Human Services guidelines, reduce unnecessary regulatory burden in some areas, clarify the Commission’s original intent of the rule, and improve overall program effectiveness and efficiency. This rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM—26—1). In addition, this rulemaking subsumes a previously separate rulemaking, “Reduction in the Scope of Random Fitness—for—Duty Testing Requirements for Nuclear Power Reactor Licensees” (part 26)(RIN 3150—AG62). Because of the issues raised in response to the earlier affirmed rule, a new proposed rule will be published.

Timetable:

Action	Date	FR Cite
NPRM	05/09/96	61 FR 21105
NPRM Comment Period End	08/07/96	
Second NPRM	06/00/04	
Final Rule	11/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AF12

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: David Desaulniers, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555—0001
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RIN: 3150—AG99

4297. NUCLEAR POWER PLANT WORKER FATIGUE

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 2201; 42 USC 5841
CFR Citation: 10 CFR 26
Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

4298. PUBLIC RECORDS

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 2201; 42 USC 5841
CFR Citation: 10 CFR 9
Legal Deadline: None

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

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Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150—AH12

4299. CONTROL OF SOLID MATERIAL

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal, State

Federalism: Undetermined

Agency Contact: Frank Cardile,
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Safeguards, Washington, DC 20555—
0001

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RIN: 3150—AH18

4300. OPTIONS FOR ADDRESSING TRAINING AND EXPERIENCE ISSUES ASSOCIATED WITH RECOGNITION OF SPECIALTY BOARDS BY NRC

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Federalism: Undetermined

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RIN: 3150—AH19

4301. ● ACCEPTABLE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT—WATER NUCLEAR POWER REACTORS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 41 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend NRC regulations to add M5, a zirconium—niobium alloy to the alloys currently approved by the NRC for use as fuel cladding. The proposed amendment would eliminate the agency's practice of approving the use of this alloy by exemptions. This action is intended to increase NRC's effectiveness and efficiency and to reduce unnecessary regulatory burden for licensees without adversely affecting public health and safety.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Rule	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AH22

4302. ● INDUSTRY CODES AND STANDARDS; AMENDED REQUIREMENTS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the 2001 Edition and 2002 Addenda of Division 1 rules in section III, "Rules for

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Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME BPV Code); the 2001 Edition and 2002 Addenda of Division 1 rules in section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME BPV Code; and the 2001 edition and 2002 addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code).

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AH24

4303. • RISK—INFORMED ALTERNATIVE TO MAXIMUM PIPE BREAK SIZE (LB—LOCA REDEFINITION)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to allow for a risk—informed alternative to the present maximum loss—of—

coolant accident (LOCA) break size. This rulemaking would grant in part a petition for rulemaking submitted by the Nuclear Energy Institute, PRM—50—75. In accordance with the same SRM, this rulemaking would also amend General Design Criterion (GDC) 35—and possibly GDC 38 and GDC 41 as well—to eliminate, based upon appropriate risk considerations, the assumption of a coincident loss of offsite power for postulated large break (low frequency) loss—of—coolant accidents. As such, the rulemaking would grant in part another petition for rulemaking, PRM—50—77, submitted by Bob Christie (Performance Technology).

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Alan K. Rocklein, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555—0001
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RIN: 3150—AH29

4304. • LICENSING PROCEEDINGS FOR THE RECEIPT OF HIGH—LEVEL RADIOACTIVE WASTE AT A GEOLOGIC REPOSITORY: LICENSING SUPPORT NETWORK, SUBMISSIONS TO THE ELECTRONIC DOCKET

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2133, 42 USC 2134, 42 USC 2201, 42 USC 2232, 42

USC 2233, 42 USC 2239, 42 USC 5841, 42 USC 5842, 42 USC 5846

CFR Citation: 10 CFR 2

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Undetermined

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AH31

Nuclear Regulatory Commission (NRC)

Final Rule Stage

4305. LESSONS LEARNED FROM DESIGN CERTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 52

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's requirements for early site permits, standard design certifications, and combined licenses for nuclear power plants, and for other licensing processes. The amendments are based on the NRC staff's experience with the previous design certification reviews and on discussions with

stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants. The rulemaking also would make conforming clarifications and corrections to the NRC's regulations.

NRC

Final Rule Stage

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	07/03/03	68 FR 40026
NPRM Comment Period End	09/16/03	
Final Rule	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG24

4306. RISK—INFORMING SPECIAL TREATMENT REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 21; 10 CFR 50; 10 CFR 54; 10 CFR 100

Legal Deadline: None

Abstract: The proposed rule would provide an alternative, risk-informed approach for special treatment requirements in the current regulations. Special treatment requirements are requirements imposed on structures, systems, and components (SSCs) that provide additional confidence that these SSCs are capable of meeting design basis functional requirements. The contemplated risk-informed approach would categorize SSCs and vary the associated regulatory treatment based on the SSC's safety significance. This action is a result of the Commission's continuing efforts to risk-inform its regulations. The staff provided the Commission the proposed rule package on September 30, 2002. In a Staff Requirements Memorandum for SECY—02—0176, dated March 28, 2003, the Commission directed the staff to publish the proposed rule in the Federal Register for public comment.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/00	65 FR 11488
ANPRM Comment Period End	05/17/00	
NPRM Comment Period Extended	05/16/03	68 FR 26511
Final Rule	07/30/03	68 FR 44672
Final Rule	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG42

4307. PERFORMANCE—BASED, RISK—INFORMED FIRE PROTECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would address the Commission's direction provided in the staff requirements memorandum dated April 1, 1999, to establish a performance-based, risk-informed alternative to the NRC's existing reactor fire protection requirements through the adoption of an industry consensus standard: NFPA 805, "Performance-Based Standard for Fire Protection for Light—Water Reactor Electric Generating Plants." Draft rule language was posted for public comment on the NRC Rulemaking Forum website on December 20, 2001. Draft proposed rule language was posted on the NRC Rulemaking Forum website on April 2, 2002, and again on May 30, 2002, for public information. The proposed rule package was provided to the Commission on July 15, 2002 (SECY—02—132). Comments are being categorized and evaluated.

Timetable:

Action	Date	FR Cite
NPRM	11/01/02	67 FR 66578
ANPRM Comment Period End	01/15/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Joseph L. Birmingham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555—0001

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NRC

Final Rule Stage

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RIN: 3150-AG48

4308. TRANSFERS OF CERTAIN SOURCE MATERIALS BY SPECIFIC LICENSEES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require NRC approval for transfers from licensees of unimportant quantities of source material (less than 0.05 percent by weight) to persons exempt from licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/28/02	67 FR 55175
NPRM Comment Period End	11/12/02	
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150-AG64

4309. COMPATIBILITY WITH IAEA TRANSPORTATION SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations on packaging and transporting radioactive material to make them compatible with the International Atomic Energy Agency (IAEA) standards and to codify other applicable requirements. These changes are compatible with TS-R-1, the latest revision of the IAEA transportation standards. This rulemaking also would address the unintended economic impact of NRC's emergency final rule entitled Fissile Material Shipments and Exemptions (February 10, 1997; 62 FR 5907) and a petition for rulemaking submitted by International Energy Consultants, Inc. (PRM-71-12)(February 19, 1998; 63 FR 8362). This rulemaking is closely related to a corresponding Department of Transportation (DOT) proposed rule to amend transportation regulations (April 30, 2002; 67 FR 21328). NRC's final rule is scheduled to be published concurrently with the DOT's final rule. Therefore, the publication date is dependent on DOT's schedule.

Timetable:

Action	Date	FR Cite
NPRM	04/30/02	67 FR 21390
NPRM Comment Period End	07/29/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150-AG71

4310. FINANCIAL INFORMATION REQUIREMENTS FOR APPLICATIONS TO RENEW OR EXTEND THE TERM OF AN OPERATING LICENSE FOR A POWER REACTOR

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to

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

Timetable:

Action	Date	FR Cite
NPRM	06/04/02	67 FR 38427
NPRM Comment Period End	08/19/02	
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150-AG84

4311. CHANGES TO EMERGENCY ACTION LEVELS — APPENDIX E

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/24/03	68 FR 43673

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Action	Date	FR Cite
NPRM Comment	10/07/03	
Period End		
Final Rule	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

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RIN: 3150—AH00

4312. SECURITY REQUIREMENTS FOR PORTABLE GAUGES CONTAINING BYPRODUCT MATERIAL

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 30**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations governing the use of byproduct material in specifically licensed portable gauges. The proposed rule would require a licensee to provide a minimum of two independent physical controls that form tangible barriers to secure the gauge from unauthorized removal whenever the portable gauges are not under the control and constant surveillance of the licensee.

Timetable:

Action	Date	FR Cite
NPRM	08/01/03	68 FR 45172
NPRM Comment	10/15/03	
Period End		
Final Rule	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Lydia Chang, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555—0001

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RIN: 3150—AH06

4313. ELECTRONIC SUBMISSION OF FINGERPRINT RECORDS

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 73**Legal Deadline:** None

Abstract: The final rule will amend the Commission's regulations concerning the submittal of fingerprint cards and fingerprint records and the payment of the user fee for processing fingerprints. The amendments will provide licensees additional flexibility in submitting fingerprint records and in paying the user fee applicable to processing fingerprint records.

Timetable:

Action	Date	FR Cite
Final Rule	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Cheryl Stone, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555

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RIN: 3150—AH16

4314. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS SYSTEM REVISION (AMENDMENT 5)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 72**Legal Deadline:** None

Abstract: The direct final rule will amend the Commission's regulations by revising the Standardized NUHOMS System listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance Number 1004. Amendment No. 5 adds another Dry Shielded Canister (DSC), designated the NUHOMS—32PT DSC, to the authorized contents of the Standardized NUHOMS System. This canister is designed to accommodate 32

Pressurized Water Reactor assemblies with or without Burnable Poison Rod assemblies. It is designed for use with existing NUHOMS Horizontal Storage Module and NUHOMS Transfer Cask.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/19/03	68 FR 49683
Direct Final Rule Effective	11/03/03	
Withdrawal of Direct Final Rule	10/30/03	68 FR 61734
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Jayne M. McCausland, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555—0001

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RIN: 3150—AH26

4315. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS —24P, —52B, —61BT, —32PT, AND —24PHB REVISION (AMENDMENT 6)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 72**Legal Deadline:** None

Abstract: The direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Transnuclear, Inc., Standardized NUHOMS cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 6 to Certificate of Compliance Number 1004. This amendment will add another dry shielded canister (DSC), designated NUHOMS —24PHB, to the authorized contents of the Standardized NUHOMS —24P, —52B, and —61BT cask system. The NUHOMS —24PHB cask will permit a Part 72 licensee to store high burnup Babcock & Wilcox 15x15 spent fuel assemblies with an average burnup of up to 55,000 megawatts—day/metric ton of uranium, enrichment equal to 4.5

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weight percent uranium—235, a maximum decay heat load of 1.3 kilowatt (kW) per assembly, and a maximum heat load of 24 kW per cask under a general license.

Timetable:

Action	Date	FR Cite
Direct Final Rule	10/07/03	68 FR 57785
Direct Final Rule Effective	12/22/03	
Confirmation of Effective Date	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150-AH27

4316. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS SYSTEM REVISION (AMENDMENT 7)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72

Legal Deadline: None

Abstract: The direct final rule will amend the Commission's regulations by

revising the Transnuclear, Inc., (TN) Standardized NUHOMS System listing within the list of approved spent fuel storage casks to include Amendment No. 7 to Certificate of Compliance Number 1004. Amendment 7 incorporates changes in support of the Amergen Corporation plans to load damaged fuel and additional fuel types at its Oyster Creek Nuclear Station. The amendment specifically adds damaged Boiling Water Reactor spent fuel assemblies and additional fuel types to the authorized contents of the NUHOMS —61BT Dry Storage Canister.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Jayne M. McCausland, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555—0001
Phone: 301 415-6219
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RIN: 3150-AH28

4317. • MINOR CHANGES TO DECOMMISSIONING TRUST FUND PROVISIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: This direct final rule amends the Commission's regulations related to decommissioning trust fund provisions to make minor changes to a final rule promulgated by the NRC in December 2002. This action establishes an earlier effective date for a portion of the final rule and adds clarifying language to amendments regarding notification requirements, investment prohibitions, and the option for licensees to retain their existing license conditions.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/20/03	68 FR 65386
Direct Final Rule Effective	12/24/03	
Confirmation of Effective Date	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150-AH32

Nuclear Regulatory Commission (NRC)

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4318. UPDATE FUEL PERFORMANCE CONSIDERATIONS AND OTHER FUEL CYCLE ISSUES

Priority: Substantive, Nonsignificant

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

CFR Citation: 10 CFR 51

Legal Deadline: None

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 section 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 section 51.52, the environmental impact estimates would

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

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	
Second NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AA31

4319. DISPOSAL BY RELEASE INTO SANITARY SEWERAGE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published to request public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies, the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer

systems by licensed nuclear facilities. The Interagency Steering Committee on Radiation Standards (ISCORS), the NRC and the Environmental Protection Agency conducted a joint survey of sewage treatment plants. The need for and the extent of a rulemaking will be evaluated pending the result of the survey and the associated dose assessment. This rulemaking would also address a petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM—20—22).

Timetable:

Action	Date	FR Cite
ANPRM	02/25/94	59 FR 9146
ANPRM Comment Period End	05/26/94	
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AE90

4320. ADVANCE NOTIFICATION TO NATIVE AMERICAN TRIBES OF TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR WASTE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 71; 10 CFR 73

Legal Deadline: None

Abstract: The NRC has issued an advance notice of proposed rulemaking (ANPRM) to invite early input from affected parties and the public on the issues associated with the advance notification of Indian tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE already has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides

Indian tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than governors' designees is not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 2, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

Timetable:

Action	Date	FR Cite
ANPRM	12/21/99	64 FR 71331
ANPRM Comment Period End	07/05/00	65 FR 18010
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG41

4321. INTEGRATED RULEMAKING FOR DECOMMISSIONING NUCLEAR POWER REACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

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

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previous rulemaking activities in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit into one integrated rulemaking effort. This rulemaking would apply to licensees who certified, pursuant to 10 CFR 50.82(a), that they have permanently ceased facility operation(s) and have permanently removed fuel from the reactor vessel. The Commission approved this approach in an SRM dated December 21, 1999. This rulemaking also would address a petition for rulemaking submitted by the North Carolina Public Utility Commission (PRM—50—57).

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: George J. Mencinsky, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555—0001
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RIN: 3150—AG47

4322. CHANGES TO ADJUDICATORY PROCESS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 2; 10 CFR 50; 10 CFR 51; 10 CFR 52; 10 CFR 54; 10 CFR 60; 10 CFR 70; 10 CFR 73; 10 CFR 75; 10 CFR 76; 10 CFR 110

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/16/01	66 FR 19610
NPRM Comment	09/14/01	66 FR 27045
Period End		
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG49

4323. REEVALUATION OF POWER REACTOR PHYSICAL PROTECTION REGULATIONS AND POSITION ON A DEFINITION OF RADIOLOGICAL SABOTAGE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Scott A. Norris, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555
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RIN: 3150—AG63

4324. ENTOMBMENT OPTIONS FOR POWER REACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 50

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02—0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory

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Long-Term Actions

Research has conducted research to develop a sound technical basis for an entombment option, estimated in 2005. The Commission, in a Staff Requirements Memorandum dated November 26, 2002, did not object to staff's proposal, and requested information regarding the scope and type of research needed to support any entombment option. This information was provided to the Commission on May 14, 2003.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/01	66 FR 52551
ANPRM Comment Period End	12/31/01	
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG89

4325. MODIFICATIONS TO PRESSURE—TEMPERATURE LIMITS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG98

4326. DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT PERSONS AND GENERAL LICENSEES AND REVISION OF 10 CFR 40.22 GENERAL LICENSE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40

Legal Deadline: None

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 and PRM—40—28 submitted by the State of Colorado and organization of Agreement States and Donald A. Barbour, Philotechnics, respectively.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: State

Federalism: Undetermined

Agency Contact: Gary Comfort, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555—0001

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RIN: 3150—AH15

4327. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: NAC—UMS REVISION (AMENDMENT 3)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72

Legal Deadline: None

Abstract: The direct final rule will amend the Commission's regulations by revising the NAC—UMS cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1015. Amendment No. 3 modifies the present cask system design to add the 100—ton transfer cask design, adds an alternate poison material, revises fuel assembly dimensions, revises thermal analyses, increases Boiling Water Reactor fuel assembly weight, and incorporates Interim Staff Guidance—11 revision provisions. The amendment will also reorganize Section 6.5 of the Safety Evaluation Report, revise Technical

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Specification A.5.5, and request several editorial and administrative changes.

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Jayne M. McCausland, Nuclear Regulatory

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RIN: 3150—AH25

Nuclear Regulatory Commission (NRC)

Completed Actions

4328. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE; NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 4

Completed:

Reason	Date	FR Cite
Final Action	08/26/03	68 FR 51333
Final Action Effective	09/25/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG65

4329. STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEM IN LIGHT—WATER—COOLED POWER REACTORS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 50

Completed:

Reason	Date	FR Cite
Final Action	09/16/03	68 FR 54123
Final Action Effective	10/16/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Anthony W. Markley

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RIN: 3150—AG76

4330. FINANCIAL ASSURANCE AMENDMENTS FOR MATERIALS LICENSES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Completed:

Reason	Date	FR Cite
Final Rule	10/03/03	68 FR 57327
Final Rule Effective	12/02/03	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Clark Prichard

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RIN: 3150—AG85

4331. INCORPORATION BY REFERENCE OF ASME BPV AND OM CODE CASES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 50

Completed:

Reason	Date	FR Cite
Final Rule	07/08/03	68 FR 40469
Final Rule Effective	08/07/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Harry S. Tovmossian

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RIN: 3150—AG86

4332. EVENT NOTIFICATION REQUIREMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 72; 10 CFR 73

Completed:

Reason	Date	FR Cite
Final Rule	06/05/03	68 FR 33611
Final Rule Effective	10/03/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Mark Haisfield

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RIN: 3150—AG90

4333. GEOLOGICAL AND SEISMOLOGICAL CHARACTERISTICS OF SPENT FUEL STORAGE SYSTEMS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 72

Completed:

Reason	Date	FR Cite
Final Rule	09/16/03	68 FR 54143
Final Rule Effective	10/16/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AG93

4334. REVISION OF FEE SCHEDULES; FEE RECOVERY, FY 2003

Priority: Economically Significant

CFR Citation: 10 CFR 170; 10 CFR 171

Completed:

Reason	Date	FR Cite
NPRM	04/03/03	68 FR 16373
Final Rule	06/18/03	68 FR 36713
Final Rule Effective	08/18/03	

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Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Local, State**Federalism:** Undetermined**Agency Contact:** Ann Norris

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RIN: 3150—AH14**4335. FACILITY SECURITY CLEARANCE AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA—MINOR CHANGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 95**Completed:**

Reason	Date	FR Cite
Final Rule	07/11/03	68 FR 41221
Final Rule Effective	07/11/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** J. Keith Everly

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RIN: 3150—AH17**4336. LIST OF APPROVED SPENT FUEL STORAGE CASKS: NAC—MPC REVISION (AMENDMENT 3)****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 72**Completed:**

Reason	Date	FR Cite
Direct Final Rule	07/18/03	68 FR 42570
Direct Final Rule Effective	10/01/03	
Confirmation of Effective Date	09/25/03	68 FR 55304

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Jayne M. McCausland

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RIN: 3150—AH20**4337. • GENERAL LICENSE FOR IMPORT OF MAJOR NUCLEAR REACTOR COMPONENTS****Priority:** Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2133**CFR Citation:** 10 CFR 110**Legal Deadline:** None

Abstract: The direct final rule amends the Commission's regulations to abolish the specific license and issue a general license for the import of major reactor components of utilization facilities for end—use by 10 CFR part 50 or 52 licensees at NRC—licensed nuclear power reactors. The rule is necessary to facilitate the import of major components of domestic nuclear reactors, not currently manufactured in the United States, in furtherance of the protection of public health and safety. The direct final rule also reduces the unnecessary regulatory burden imposed by specific licensing related to the maintenance of NRC—licensed reactors.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/28/03	68 FR 31588
Confirmation of Effective Date	07/31/03	68 FR 44870

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Suzanne Schuyler—Hayes, Nuclear Regulatory Commission,

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RIN: 3150—AH21**4338. • ADJUSTMENT OF THE MAXIMUM RETROSPECTIVE DEFERRED PREMIUM****Priority:** Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 140**Legal Deadline:** None

Abstract: This final rule increases the maximum secondary retrospective deferred premium 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. Presently established at \$83.9 million per reactor per incident (but not to exceed \$10 million in any 1 year), the maximum secondary retrospective deferred premium is being increased to \$94.5 million per reactor per incident (but not to exceed \$10 million in any 1 year). The change is based on the aggregate percentage change of 12.59 percent in the Consumer Price Index (CPI) from September 1998 through March 2003. The Price—Anderson Amendments Act of 1988 requires that this inflation adjustment be made at least once each 5 years. The increase in the primary nuclear liability insurance layer, which was increased on January 1, 2003, to \$300 million, is also reflected in this rule.

Timetable:

Action	Date	FR Cite
Final Rule	08/07/03	68 FR 46929
Final Rule Effective	08/20/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Ira Dinitz, Nuclear Regulatory Commission, Office of

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RIN: 3150—AH23**4339. • ASSESSMENT OF ACCESS AUTHORIZATION FEES****Priority:** Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 11; 10 CFR 25**Legal Deadline:** None

Abstract: The final rule will amend the Commission's regulations to change the schedule of fees for processing licensee applications for access authorization. The NRC is replacing its set fee schedules for special nuclear material access authorization and national security information or restricted data access authorization with a formula for

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calculating fees based on current Office of Personnel Management billing rates for personnel background investigations. The new formula is designed to recover the full cost of application processing from the licensee. The use of a fee assessment formula tied to current OPM billing rates will eliminate the need for the NRC to update its access authorization fee schedules through regular rulemakings.

Timetable:

Action	Date	FR Cite
Final Rule	11/05/03	68 FR 62509
Final Rule Effective	11/05/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AH30

4340. • SUBMISSION OF DOCUMENTS ELECTRONICALLY; MINOR CORRECTIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 4; 10 CFR 9; 10 CFR 15; 10 C

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to permit voluntary electronic submission of documents and provide procedures for submitting documents electronically. Amending the regulations to permit electronic submission will facilitate the electronic capture of externally generated documents into NRC's Agencywide Document Access and Management System (ADAMS). The rulemaking addresses and improves the document control and records management issues that are of concern to the NRC, its applicants, licensees, and members of the public by improving the process of communication, dissemination, and storage of records. The rule incorporates minor corrections to the current regulations regarding the submission of documents to the NRC (e.g., organizational, name, and phone number changes). This rulemaking is consistent with existing legislative and

regulatory initiatives, such as the Paperwork Reduction Act of 1995, Office of Management and Budget Circular A—130 (Revised February 8, 1996), and the Government Paperwork Elimination Act of 1998, to reduce the information collection burden on the public and to make information more readily accessible to the public. This rule was published as a direct final rule on September 6, 2002. Significant adverse comments were received on the companion proposed rule. The direct final rule was withdrawn on December 4, 2002. A subsequent final rule addressing the comments received will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Rule	10/10/03	68 FR 58791
Final Rule Effective	01/01/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150—AH33

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