



Federal Register

**Monday,
December 13, 2004**

Part LX

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 June 28, 2004 (69 FR 38628).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30

a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying for a fee at the Nuclear Regulatory Commission’s Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F21, Rockville, Maryland.

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 Service, 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 June 28, 2004, (69 FR 38628). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through September 24, 2004. 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. Three rules affect small entities.

Dated at Rockville, Maryland, this 24th day of September 2004.

For the Nuclear Regulatory Commission.

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

Nuclear Regulatory Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4129	Control of Solid Material	3150-AH18
4130	Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition	3150-AH29
4131	Elimination of Requirement To Submit Annual Financial Report	3150-AH39
4132	Collection, Reporting, or Posting of Information	3150-AH40
4133	Export and Import of Nuclear Equipment and Materials	3150-AH44
4134	Codification of EA-03-009 RPV Head and Penetration Inspection Requirements	3150-AH46
4135	National Source Tracking	3150-AH48
4136	Post-Fire Operator Manual Actions	3150-AH54

Nuclear Regulatory Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4137	Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants	3150-AG24
4138	Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors	3150-AG42
4139	Changes to Emergency Action Levels and Exercise Requirements for Co-Located Licensees—Appendix E	3150-AH00
4140	Security Requirements for Portable Gauges Containing Byproduct Material	3150-AH06
4141	Public Records	3150-AH12
4142	Options for Addressing Training and Experience Issues Associated With Recognition of Specialty Boards by NRC	3150-AH19

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Nuclear Regulatory Commission—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
4143	Incorporation by Reference of ASME BPV Code Cases	3150-AH35
4144	Address Change of NRC Region III Offices	3150-AH49
4145	Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite	3150-AH51

Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4146	Update Fuel Performance Considerations and Other Fuel Cycle Issues	3150-AA31
4147	Disposal by Release Into Sanitary Sewerage	3150-AE90
4148	Fitness for Duty Programs	3150-AF12
4149	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste	3150-AG41
4150	Integrated Rulemaking for Decommissioning Nuclear Power Reactors	3150-AG47
4151	Reevaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage	3150-AG63
4152	Transfers of Certain Source Materials by Specific Licensees	3150-AG64
4153	Entombment Options for Power Reactors	3150-AG89
4154	Modifications to Pressure-Temperature Limits	3150-AG98
4155	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License	3150-AH15
4156	Acceptable Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors	3150-AH22
4157	Implement US-IAEA Safeguards Agreement	3150-AH38
4158	Exemptions from Licensing and Distribution of Byproduct Material; Licensing and Reporting Requirement	3150-AH41
4159	Performance-Based ECCS Acceptance Criteria	3150-AH42
4160	Decoupling of Assumed Loss of Offsite Power from Loss-of-Coolant Accidents (LOCA)	3150-AH43
4161	Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule	3150-AH45
4162	Certification That Procedures Under 10 CFR Parts 25 and 95 for Access Authorization and Facility Security Clearance Are Available in Connection With Activities Under Parts 60 and 63	3150-AH52

Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4163	Performance-Based, Risk-Informed Fire Protection	3150-AG48
4164	Nuclear Power Plant Worker Fatigue	3150-AG99
4165	Industry Codes and Standards; Amended Requirements	3150-AH24
4166	Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Submissions to the Electronic Docket	3150-AH31
4167	Medical Use of Byproduct Material; Minor Amendments; Extending Expiration Date for Subpart J	3150-AH47
4168	List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (Amendment 4)	3150-AH50
4169	Criminal History Check: Assessment of Application Fee	3150-AH53
4170	Adjustment of Civil Penalties for Inflation	3150-AH55

Nuclear Regulatory Commission (NRC)

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4129. 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

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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	05/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State

Agency Contact: Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6185

Email: fpc@nrc.gov

RIN: 3150-AH18

4130. LARGE BREAK LOSS-OF-COOLANT ACCIDENT (LB-LOCA) REDEFINITION

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 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).

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard F. Dudley, Nuclear Regulatory Commission, Office

of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-1116

Email: rfd@nrc.gov

RIN: 3150-AH29

4131. ELIMINATION OF REQUIREMENT TO SUBMIT ANNUAL FINANCIAL REPORT

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 the reporting requirement in 10 CFR 50.71(b), which requires that licensees for production and utilization facilities submit annual financial reports, including certified financial statements, to the Commission.

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William D. Reckley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-1323

Email: wdr@nrc.gov

RIN: 3150-AH39

4132. COLLECTION, REPORTING, OR POSTING OF INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 19; 10 CFR 20; 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to clarify or revise the regulations such that (1) licensees would not be required, unless a specific request was made by a worker, to provide an annual report to a worker of their radiation dose if a worker received less than two percent of the limits defined in 10 CFR part 20; (2) licensees for production and utilization facilities governed by 10 CFR part 50 would not need to label containers in accordance with 10 CFR 20.1904, "Labeling containers," if the containers met conditions such as being clearly identifiable as containing radioactive materials, being accessible only to trained individuals, and being located in an area posted pursuant to 10 CFR 20.1902, "Posting requirements"; and (3) licensees would no longer need to attempt to obtain records of a worker's cumulative radiation dose unless the worker was to be involved in a planned special exposure. In addition, the staff is considering using this opportunity to propose a change to 10 CFR 20.1003, "Definitions," to clarify the definition of total effective dose equivalent (TEDE).

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William D. Reckley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-1323

Email: wdr@nrc.gov

RIN: 3150-AH40

4133. EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require

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specific export and import licenses for high-risk radioactive material. The final rule is necessary to reflect recent changes to the nuclear material security policies of the Commission and the Executive branch.

Timetable:

Action	Date	FR Cite
NPRM	09/16/04	69 FR 55785
NPRM Comment Period End	11/30/04	
Final Rule	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Suzanne Schuyler-Hayes, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555-0001
Phone: 301 415-2333
Email: ssh@nrc.gov

RIN: 3150-AH44

4134. • CODIFICATION OF EA-03-009 RPV HEAD AND PENETRATION INSPECTION REQUIREMENTS

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 codify the inspection requirements of Order EA-03-009 regarding inspections of reactor pressure vessel heads and head penetrations in pressurized water reactors into 10 CFR part 50.55a.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

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

Phone: 301 415-2829

Email: jlb4@nrc.gov

RIN: 3150-AH46

4135. • NATIONAL SOURCE TRACKING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 30-40; 10 CFR 70; 10 CFR 70

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Merri Horn, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-8126

Email: mlh1@nrc.gov

RIN: 3150-AH48

4136. • POST-FIRE OPERATOR MANUAL ACTIONS

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 revising fire protection requirements in Appendix R to 10 CFR part 50, along with associated guidance, to allow manual actions when those actions meet appropriate acceptance criteria. The staff will develop an interim enforcement policy to deal with compliance issues until the rulemaking is complete and final revisions to the regulations and the guidance are effective.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: David T Diec, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-2834

Email: dtd@nrc.gov

RIN: 3150-AH54

Nuclear Regulatory Commission (NRC)

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4137. EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 2; 10 CFR 20; 10 CFR 50; 10 CFR 51; ...**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.

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.

Timetable:

Action	Date	FR Cite
NPRM	07/03/03	68 FR 40025
NPRM Comment	09/16/03	
Period End		
Final Rule	08/00/05	

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

Additional Information: 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.

Agency Contact: Jerry N. Wilson, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-3145
Email: jnw@nrc.gov

Nanette Giles, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-1180
Email: nvg@nrc.gov

Related RIN: Merged with 3150-AE25**RIN:** 3150-AG24**4138. RISK-INFORMED CATEGORIZATION AND TREATMENT OF STRUCTURES, SYSTEMS AND COMPONENTS FOR NUCLEAR POWER REACTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**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. The staff resolved public comments and provided the final rule to the Commission on June 30, 2004.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/00	65 FR 11488
ANPRM Comment	05/17/00	
Period End		
NPRM	05/16/03	68 FR 26511
NPRM Comment	07/30/03	68 FR 44672
Period Extended		
Final Rule	11/00/04	

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

Agency Contact: Tim Reed, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-1462
Email: tar@nrc.gov

RIN: 3150-AG42**4139. CHANGES TO EMERGENCY ACTION LEVELS AND EXERCISE REQUIREMENTS FOR CO-LOCATED LICENSEES—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

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regarding NRC approval of nuclear power plant licensee-initiated changes to emergency action levels (EALs). The proposed rule would allow licensees to make minor changes to EALs without prior NRC approval. The proposed rule would also establish emergency planning exercise requirements for co-located licensees.

Timetable:

Action	Date	FR Cite
NPRM	07/24/03	68 FR 43673
NPRM Comment Period End	10/07/03	
Final Rule	11/00/04	

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

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-3224
Email: mtj1@nrc.gov

RIN: 3150-AH00**4140. 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 Period End	10/15/03	
Final Rule	12/00/04	

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
Phone: 301 415-6319
Email: lwc1@nrc.gov

RIN: 3150-AH06**4141. 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.

Timetable:

Action	Date	FR Cite
NPRM	04/27/04	69 FR 22737
NPRM Comment Period End	07/12/04	
Final Rule	03/00/05	

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

Agency Contact: Carole Ann Reed, Nuclear Regulatory Commission, Office of the Chief Information Officer, Washington, DC 20555
Phone: 301 415-7169
Email: car2@nrc.gov

RIN: 3150-AH12**4142. 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	12/09/03	68 FR 68549
NPRM Comment Period End	02/23/04	
Final Rule	11/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State

Agency Contact: Roger W. Broseus, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-7608
Email: rwb@nrc.gov

RIN: 3150-AH19

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Final Rule Stage

4143. INCORPORATION BY REFERENCE OF ASME BPV CODE CASES**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 incorporate by reference the latest revisions of two previously incorporated regulatory guides which address NRC review and approval of Code cases published by the American Society of Mechanical Engineers (ASME). The Code cases listed in these regulatory guides have been reviewed by the NRC and found to be acceptable for use as alternatives to requirements in the ASME Boiler and Pressure Vessel Code pertaining to the construction and inservice inspection of nuclear power plant components.

Timetable:

Action	Date	FR Cite
NPRM	08/03/04	69 FR 46452
NPRM Comment Period End	10/18/04	
Final Rule	01/00/05	

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

Agency Contact: Harry S. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555
Phone: 301 415-3092
Email: hst@nrc.gov

RIN: 3150-AH35**4144. • ADDRESS CHANGE OF NRC REGION III OFFICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 1; 10 CFR 20; 10 CFR 30; 10 CFR 40; 10**Legal Deadline:** None

Abstract: The final rule amends the Commission's regulations to reflect the change of address for the NRC Region III Office in Lisle, Illinois.

Timetable:

Action	Date	FR Cite
Final Rule	11/00/04	

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

Agency Contact: Michael K Williamson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-6234
Email: mkw1@nrc.gov

RIN: 3150-AH49**4145. • EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL: NUCLEAR GRADE GRAPHITE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 110**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/00/04	

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

Agency Contact: Suzanne Schuyler-Hayes, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555-0001
Phone: 301 415-2333
Email: ssh@nrc.gov

RIN: 3150-AH51

Nuclear Regulatory Commission (NRC)

Long-Term Actions

4146. 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

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undertaken. For section 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 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

Agency Contact: Stewart Schneider, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555
Phone: 301 415-4123
Email: sxx4@nrc.gov

RIN: 3150-AA31

4147. 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

Agency Contact: Charlotte Abrams, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-7293
Email: cea2@nrc.gov

RIN: 3150-AE90

4148. 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 and establish threshold for the control of working hours at nuclear power plants to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process (per SRM-COMSECY-04-0014, dated May 25, 2004, directing combination of RIN-3150-AF12 and RIN-3150-AG99). Because of the issues raised in response to the earlier affirmed (FFD) rule, a new proposed rule will be published,

including provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and a petition for rulemaking submitted by Barry Quigley (PRM-26-2) related to worker fatigue.

Timetable:

Action	Date	FR Cite
NPRM	05/09/96	61 FR 21105
NPRM Comment Period End	08/07/96	
Second NPRM	12/00/05	
Final Rule	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rebecca L. Karas, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-3711
Email: rlk@nrc.gov

Related RIN: Related to 3150-AG62

RIN: 3150-AF12

4149. 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 advance notice of proposed rulemaking (ANPRM) invited early input from affected parties and the public on the issues associated with the advance notification of Indian tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian tribes with notification of spent fuel shipments. NRC's current

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regulations do not address notification of Indian tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

Timetable:

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

Agency Contact: Roger W. Broseus, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-7608

Email: rwb@nrc.gov

RIN: 3150-AG41**4150. 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 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).

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

Additional Information: 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.

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Material Safety and

Safeguards, Washington, DC

20555-0001

Phone: 301 415-6233

Email: ant@nrc.gov

RIN: 3150-AG47**4151. 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 incorporate the Commission actions taken as a result of September 11, 2001. The proposed rulemaking would (1) require power reactor licensees to conduct drills and exercises to evaluate their protective strategy against a simulated design basis threat (DBT) of radiological sabotage; (2) incorporate requirements of Commission Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; (3) require the development and implementation of an integrated response plan; (4) consider appropriate information obtained as a result of on-going vulnerability assessments; (5) consider appropriate aspects of access authorization program changes; (6) codify the applicable requirements from the Commission Orders (and revisions to section 73.55) as part of the licensing and design regulations applicable to future/new reactor applications/designs (part 50) (SRM to SECY-03-0157); and (7) codify the applicable requirements from the Commission Orders as part of the licensing and design regulations applicable to Early Site Permits (ESPs). In conjunction with this rulemaking effort, all associated regulatory guidance documents such as regulatory guides, NUREGs, Information notices, etc., would require review and revisions as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

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Agency Contact: Scott A. Norris, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555
Phone: 301 415-7083
Email: sam1@nrc.gov
RIN: 3150-AG63

4152. 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 of 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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gary Comfort, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-8106
Email: gcc1@nrc.gov
RIN: 3150-AG64

4153. 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 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

Agency Contact: Patricia Eng, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-7206
Email: ple@nrc.gov
RIN: 3150-AG89

4154. 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

Agency Contact: Matthew Mitchell, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-3303
Email: mam4@nrc.gov
RIN: 3150-AG98

4155. 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

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persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in 10 CFR 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and organization of Agreement States.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State

Agency Contact: Gary Comfort, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-8106
Email: gcc1@nrc.gov

RIN: 3150-AH15**4156. ACCEPTABLE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER NUCLEAR POWER REACTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations in section 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. The proposed amendment would eliminate the agency's practice of approving the use of M5, a zirconium-niobium alloy, by exemptions. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy

Institute (PRM-50-71). This action is intended to increase NRC's effectiveness and efficiency and to reduce unnecessary regulatory burden for licensees without adversely affecting public health and safety.

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	
Final Rule	03/00/07	

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

Agency Contact: Peter C. Wen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-2832
Email: pxw@nrc.gov

RIN: 3150-AH22**4157. IMPLEMENT US-IAEA SAFEGUARDS AGREEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61, 1**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

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

Agency Contact: Mary Adams, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-7249
Email: mta@nrc.gov

RIN: 3150-AH38**4158. EXEMPTIONS FROM LICENSING AND DISTRIBUTION OF BYPRODUCT MATERIAL; LICENSING AND REPORTING REQUIREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 30; 10 CFR 31; 10 CFR 32**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-6264
Email: crm@nrc.gov

RIN: 3150-AH41**4159. PERFORMANCE-BASED ECCS ACCEPTANCE CRITERIA****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 section 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. Existing provisions of section 50.46 applicable to certain zirconium-based cladding materials would be supplemented by

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performance-based standards for maximum peak cladding temperature and oxidation limit. The supplementary performance standard would allow licensees to use alternative cladding materials, without seeking an exemption, provided that (1) testing demonstrated that adequate ductility would be maintained, and (2) ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking would also address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71).

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	

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

Agency Contact: Peter C. Wen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-2832
Email: pxw@nrc.gov

RIN: 3150-AH42**4160. DECOUPLING OF ASSUMED LOSS OF OFFSITE POWER FROM LOSS-OF-COOLANT ACCIDENTS (LOCA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

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

for rulemaking submitted by Bob Christie Performance Technology) (PRM-50-77).

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

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

Agency Contact: Peter C. Wen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-2832
Email: pxw@nrc.gov

RIN: 3150-AH43**4161. • REDUCE THE LIKELIHOOD OF FUNDING SHORTFALLS FOR DECOMMISSIONING UNDER THE LICENSE TERMINATION RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 70; 1**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

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

Agency Contact: Mark Delligatti, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555

Phone: 301 415-8518
Email: msd@nrc.gov

RIN: 3150-AH45**4162. • CERTIFICATION THAT PROCEDURES UNDER 10 CFR PARTS 25 AND 95 FOR ACCESS AUTHORIZATION AND FACILITY SECURITY CLEARANCE ARE AVAILABLE IN CONNECTION WITH ACTIVITIES UNDER PARTS 60 AND 63****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 41 USC 5841**CFR Citation:** 10 CFR 25; 10 CFR 95**Legal Deadline:** None

Abstract: The direct final rule amends the Commission's regulations to clarify that persons who need access to classified information in connection with activities under 10 CFR parts 60 and 63 are included within the scope of part 25 and may apply for the necessary security clearances. The NRC is also amending its regulations to clarify that persons who have a need to use, process, store, reproduce, transmit, transport, or handle NRC classified information at any location in connection with NRC-related activities under parts 60 and 63 are included within the scope of part 95 and may request an NRC facility security clearance.

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: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-6233
Email: ant@nrc.gov

RIN: 3150-AH52

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4163. PERFORMANCE-BASED, RISK-INFORMED FIRE PROTECTION**Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 50**Completed:**

Reason	Date	FR Cite
Final Rule	06/16/04	69 FR 33536
Final Rule Effective	07/16/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Joseph L. Birmingham

Phone: 301 415-2829

Email: jlb4@nrc.gov

RIN: 3150-AG48**4164. NUCLEAR POWER PLANT WORKER FATIGUE****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 26**Completed:**

Reason	Date	FR Cite
Subsumed into RIN 3150-AF12	07/30/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Desaulniers

Phone: 301 415-1043

Email: drd@nrc.gov

RIN: 3150-AG99**4165. INDUSTRY CODES AND STANDARDS; AMENDED REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 50**Completed:**

Reason	Date	FR Cite
Final Rule	10/01/04	69 FR 58804
Final Rule Effective	11/01/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stephen A. Tingen

Phone: 301 415-1280

Email: sgt@nrc.gov

RIN: 3150-AH24**4166. 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**CFR Citation:** 10 CFR 2**Completed:**

Reason	Date	FR Cite
Final Rule	06/14/04	69 FR 32836
Final Rule Effective	07/14/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Francis X. Cameron

Phone: 301 415-1642

Email: fxc@nrc.gov

RIN: 3150-AH31**4167. MEDICAL USE OF BYPRODUCT MATERIAL; MINOR AMENDMENTS; EXTENDING EXPIRATION DATE FOR SUBPART J****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 35**Legal Deadline:** None**Abstract:** The final rule revises the Commission's regulations to extend the expiration date for training and experience requirements to be superceded for 1 year, from October 24, 2004, to October 24, 2005.**Timetable:**

Action	Date	FR Cite
Final Rule	09/16/04	69 FR 55736
Final Rule Effective	10/22/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6233

Email: ant@nrc.gov

RIN: 3150-AH47**4168. LIST OF APPROVED SPENT FUEL STORAGE CASKS: NAC-UMS REVISION (AMENDMENT 4)****Priority:** Substantive, Nonsignificant**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 NAC International Inc., NAC-UMS cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 4 to Certificate of Compliance Number 1025. Amendment No. 4 modifies the present cask system design to incorporate vacuum drying enhancements under a general license. Specifically, the amendment increases vacuum drying time limits, delete canister removal from concrete cask requirements, revises surface contamination removal time limits, and revises allowable contents fuel assembly limits.**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50089
Direct Final Rule	08/13/04	69 FR 50053
Confirmation of Effective Date	10/24/04	69 FR 61592
Direct Final Rule Effective	10/27/04	

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

Email: jmm2@nrc.gov

RIN: 3150-AH50**4169. CRIMINAL HISTORY CHECK: ASSESSMENT OF APPLICATION FEE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 73**Legal Deadline:** None**Abstract:** The final rule amends the Commission's regulations to reflect an

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administrative change in the method of calculating the agency's application fee for criminal history checks requested by licensees. The amendment establishes the application fee amount as the sum of the user fee charged by the Federal Bureau of Investigation for performing criminal history checks on fingerprint records and an NRC handling charge assessed to ensure full recovery of NRC's administrative costs related to fingerprint record processing. The amendment also provides for the NRC to publish its current criminal history check fee on the NRC public website, and notify licensees by e-mail whenever the application fee is adjusted.

Timetable:

Action	Date	FR Cite
Final Rule	10/01/04	69 FR 58820
Final Rule Effective	10/01/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Patricia A. Smith, Nuclear Regulatory Commission, Office

of Administration, Washington, DC 20555

Phone: 301 415-7739

Email: pas5@nrc.gov

RIN: 3150-AH53**4170. • ADJUSTMENT OF CIVIL PENALTIES FOR INFLATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 2**Legal Deadline:** None

Abstract: The final rule amends the Commission's regulations to adjust the maximum Civil Monetary Penalties (CMPs) it can assess under statutes in NRC's jurisdiction. These changes are mandated by Congress in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended the the Debt Collection Improvement Act of 1996. The NRC's Rules of Practice are amended by adjusting the maximum CMP for a violation of the Atomic Energy Act of 1954, as amended (AEA), or any regulation or order issued under the AEA from \$120,000 to \$130,000 per violation per day.

Timetable:

Action	Date	FR Cite
Final Rule	10/26/04	69 FR 62393
Final Rule Effective	11/26/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Shelly D Cole, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001

Phone: 301 415-2549

Email: sdc1@nrc.gov

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