



# Federal Register

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**Monday,  
October 31, 2005**

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**Part LIX**

## **Nuclear Regulatory Commission**

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**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 16, 2005 (70 FR 27986).

**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 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 16, 2005 (70 FR 27986). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through September 2, 2005. 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 2nd day of September 2005.

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 |
|-----------------|--|------------------------------|
| 4110            | Fitness-for-Duty Programs .....  | 3150-AF12                    |
| 4111            | Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants .....                               | 3150-AG24                    |
| 4112            | Reevaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage .....              | 3150-AG63                    |
| 4113            | Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition .....  | 3150-AH29                    |
| 4114            | Collection, Reporting, or Posting of Information .....   | 3150-AH40                    |
| 4115            | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material; Licensing and Reporting Requirements .....        | 3150-AH41                    |
| 4116            | National Source Tracking of Sealed Sources .....   | 3150-AH48                    |
| 4117            | Clarification of NRC Civil Penalty Authority Over Non-Licensees .....  | 3150-AH59                    |
| 4118            | Design Basis Treat (DBT) .....   | 3150-AH60                    |
| 4119            | Implementation of a Dose Standard Beyond 10,000 Years .....  | 3150-AH68                    |
| 4120            | Use of Electronic Submissions in Agency Hearings .....   | 3150-AH74                    |
| 4121            | Industry Codes and Standards; Amended Requirements .....   | 3150-AH76                    |
| 4122            | List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, and 24PTH Revision, Amendment 8 ..... | 3150-AH77                    |

## NRC

## Nuclear Regulatory Commission—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4123            | Elimination of Requirement To Submit Annual Financial Report ..... | 3150-AH39                    |
| 4124            | Administrative Changes .....                                       | 3150-AH49                    |
| 4125            | Post-Fire Operator Manual Actions .....                            | 3150-AH54                    |
| 4126            | AP1000 Design Certification .....                                  | 3150-AH56                    |
| 4127            | Protection of Safeguards Information .....                         | 3150-AH57                    |
| 4128            | Conforming Administrative Changes .....                            | 3150-AH62                    |
| 4129            | Charges for Duplicating Records .....                              | 3150-AH66                    |

## Nuclear Regulatory Commission—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4130            | Update Fuel Performance Considerations and Other Fuel Cycle Issues .....   | 3150-AA31                    |
| 4131            | Disposal by Release Into Sanitary Sewerage .....   | 3150-AE90                    |
| 4132            | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste .....                   | 3150-AG41                    |
| 4133            | Integrated Rulemaking for Decommissioning Nuclear Power Reactors .....   | 3150-AG47                    |
| 4134            | Transfers of Certain Source Materials by Specific Licensees .....  | 3150-AG64                    |
| 4135            | Entombment Options for Power Reactors .....  | 3150-AG89                    |
| 4136            | Modifications to Pressure-Temperature Limits .....   | 3150-AG98                    |
| 4137            | Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License ..... | 3150-AH15                    |
| 4138            | Controlling the Disposition of Solid Materials .....   | 3150-AH18                    |
| 4139            | Implement US-IAEA Safeguards Agreement .....   | 3150-AH38                    |
| 4140            | Performance-Based ECCS Acceptance Criteria .....   | 3150-AH42                    |
| 4141            | Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accidents (LOCA) .....                                    | 3150-AH43                    |
| 4142            | Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule .....                   | 3150-AH45                    |

## Nuclear Regulatory Commission—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4143            | Public Records .....   | 3150-AH12                    |
| 4144            | Incorporation by Reference of ASME BPV Code Cases .....  | 3150-AH35                    |
| 4145            | Export and Import of Nuclear Equipment and Materials .....   | 3150-AH44                    |
| 4146            | Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite .....  | 3150-AH51                    |
| 4147            | Broadening Scope of Access Authorization and Facility Security Clearance Regulations .....   | 3150-AH52                    |
| 4148            | Revision of Fee Schedules; Fee Recovery, FY 2005 .....   | 3150-AH61                    |
| 4149            | List of Approved Spent Fuel Storage Casks: NUHOMS-24PT4 Revision, Amendment 1 .....  | 3150-AH63                    |
| 4150            | List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision, Amendment 2 .....  | 3150-AH64                    |
| 4151            | Incorporation by Reference of ASME Code Cases .....  | 3150-AH65                    |
| 4152            | Export and Import of Nuclear Equipment and Material; Exports to Syria Embargoed .....  | 3150-AH67                    |
| 4153            | Delegation Changes .....   | 3150-AH69                    |
| 4154            | List of Approved Spent Fuel Storage Casks: VSC-24, Revision, Amendment 5 .....   | 3150-AH70                    |
| 4155            | Model Milestones for NRC Adjudicatory Proceedings .....  | 3150-AH71                    |
| 4156            | List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, and 24PTH Revision, Amendment 8 ..... | 3150-AH72                    |
| 4157            | List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -32PT and -24PHB Revision, Amendment 9 .....                            | 3150-AH73                    |
| 4158            | List of Approved Spent Fuel Storage Casks: NAC-UMS Revision, Amendment 4 .....   | 3150-AH75                    |

## Nuclear Regulatory Commission (NRC)

## Proposed Rule Stage

**4110. 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, eliminate or modify unnecessary requirements 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. Because of the issues raised in response to the earlier affirmed (Fitness-for-Duty) 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 new proposed rule was provided to the Commission in SECY-05-0074, dated April 28, 2005. In a memorandum dated June 30, 2005, the Commission approved publication of the proposed rule for public comment. This proposed rule subsumes the proposed rule "Nuclear Power Plant Worker Fatigue" (RIN 3150-AG99). 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                    | 08/26/05 | 70 FR 50441 |
| Second NPRM Comment Period End | 12/27/05 |             |
| Final Rule                     | 05/00/07 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy A. Reed, Nuclear Regulatory Commission, Officeof Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-1462  
Email: tar@nrc.gov**Related RIN:** Related to 3150-AG62**RIN:** 3150-AF12**4111. 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; 10 CFR 52; 10 CFR 72; 10 CFR 73; 10 CFR 140; 10 CFR 171**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 licensing processes currently described in 10 CFR part 52 (early site permits, early site reviews, standard design certification, standard design approvals, combined licenses, and manufacturing licenses). The purpose of this reorganization would be to clarify that each licensing process has equal standing. In addition, several subparts would be reserved for future licensing processes. No substantive changes are intended by the incorporation of current Appendices M, N, O, and Q into the new subparts in 10 CFR part 52.

The NRC is also proposing to retitle 10 CFR part 52 as "Additional Licensing Processes for Nuclear Power Plants," to clarify that the licensing processes in 10 CFR part 52 are in

addition to and supplement the two-step licensing process in 10 CFR part 50 and the license renewal process in 10 CFR part 54 and are not limited to the early site permit, standard design certification, and combined license processes as the current title implies.

The proposed rule would amend section 52.1 to clarify that all 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. As a result of the comments received and a number of other factors, the Commission decided that a substantial rewrite and expansion of the original rulemaking would be necessary to ensure that the entire body of NRC regulations is able to support the Agency's licensing and regulation of future nuclear power facilities under part 52.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 07/03/03 | 68 FR 40025 |
| NPRM Comment Period End | 09/16/03 |             |
| NPRM                    | 11/00/05 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jerry N. Wilson, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-3145  
Email: jnw@nrc.govNanette Giles, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-1180  
Email: nvg@nrc.gov

## NRC

## Proposed Rule Stage

Harry S. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-3092  
Email: hst@nrc.gov

**Related RIN:** Merged with 3150-AE25

**RIN:** 3150-AG24

#### 4112. 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 each power reactor licensee to establish and maintain an onsite security program and organization with the objective of providing high assurance that licensed activities do not constitute an unreasonable risk to public health and safety as a result of radiological sabotage by design basis threat (DBT). To achieve the general objective, the proposed rule would require that onsite security programs and security organizations be designed to prevent core damage and/or spent fuel damage. The rulemaking uses risk insights to determine which plant systems need protection. This rule also addresses the remaining portion of PRM-50-80.

##### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Scott A. Morris, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001  
Phone: 301 415-7083  
Email: sam1@nrc.gov

**RIN:** 3150-AG63

#### 4113. 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 loss-of-coolant accident (LOCA) break size. This rulemaking would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-75). The proposed rule was provided to the Commission in SECY-05-0052 dated March 28, 2005.

##### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 10/00/05 |         |

**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

#### 4114. 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 section 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 section 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 section 20.1003 "Definitions," to clarify the definition of total effective dose equivalent.

##### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/05 |         |

**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 20555-0001  
Phone: 301 415-4123  
Email: ssx4@nrc.gov

**RIN:** 3150-AH40

#### 4115. EXEMPTIONS FROM LICENSING, GENERAL LICENSES, AND DISTRIBUTION OF BYPRODUCT MATERIAL; LICENSING AND REPORTING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 150

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations in parts 30, 31, 32, and 150. The results of the reevaluation of exemptions are being used to improve effectiveness and efficiency and better ensure safety. The proposed rule would eliminate obsolete provisions and their associated distributor requirements currently in the regulations. Improvements to distributor reporting requirements are also being considered. Minor changes to general licenses may be included. This rulemaking has subsumed RM 526 "Use of Exempt Sources in Devices."

## NRC

## Proposed Rule Stage

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/05 |         |

**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**4116. NATIONAL SOURCE TRACKING OF SEALED SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20; 10 CFR 32; 10 CFR 150**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 sealed 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 manufacture of new sources, transfer of sources, receipt of sources and end-points for sources (e.g. export, and disposal).**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/28/05 | 70 FR 43646 |
| NPRM Comment<br>Period End | 10/11/05 |             |
| Final Rule                 | 05/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Merri L. 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**4117. CLARIFICATION OF NRC CIVIL PENALTY AUTHORITY OVER NON-LICENSEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 63; 10 CFR 70; 10 CFR 71; 10 CFR 72; 10 CFR 76**Legal Deadline:** None**Abstract:** The proposed rule would amend the Commission's regulations to enable NRC to impose civil penalties upon non-licensee contractors and subcontractors who discriminate against employees engaged in protected activities.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Doug Starkey, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555-0001

Phone: 301 415-3456

Email: drs@nrc.gov

**RIN:** 3150-AH59**4118. DESIGN BASIS TREAT (DBT)****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 revise its design basis threat (DBT) requirements to consolidate the supplemental requirements put in place by orders following the September 11, 2001, terrorist attacks with the existing DBT requirements in section 73.1. The proposed rule was provided to the Commission in SECY-05-0106, dated June 14, 2005.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 10/00/05 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Timothy A. Reed, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-1462

Email: tar@nrc.gov

**RIN:** 3150-AH60**4119. IMPLEMENTATION OF A DOSE STANDARD BEYOND 10,000 YEARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 63**Legal Deadline:** None**Abstract:** The proposed rule would amend the Commission's regulations to revise existing regulations on technical criteria for disposal of high-level radioactive waste in a geologic repository at Yucca Mountain, Nevada, to be consistent with the environmental standards developed by the U.S. Environmental Protection Agency.**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 09/08/05 | 70 FR 53313 |
| NPRM Comment<br>Period End | 11/09/05 |             |
| Final Action               | 03/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**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-AH68**4120. • USE OF ELECTRONIC SUBMISSIONS IN AGENCY HEARINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 1; 10 CFR 2; 10 CFR 13; 10 CFR 110**Legal Deadline:** None**Abstract:** The proposed rule would amend the Commission's regulations on

## NRC

## Proposed Rule Stage

the use of electronic submissions in all agency hearings except for those conducted on a high-level radioactive waste repository application. The amendments would require the electronic transmission of electronic documents in filing and service. Although exceptions to these requirements would be established to allow paper filings, the NRC would maintain a strong preference for fully electronic filing and service. The proposed rule builds upon prior NRC rules and developments in the Federal courts regarding the use of electronic submissions. The Commission is also seeking comment on draft guidance on how to submit hearing documents to the NRC electronically.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 10/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Shana C. Zipkin, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001

Phone: 301 415-3947

Email: scz@nrc.gov

**RIN:** 3150-AH74

#### 4121. • INDUSTRY CODES AND STANDARDS; AMENDED 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 incorporate by reference the 2004 Edition of Division 1 rules in Section

III "Rules for Construction of Nuclear Power Plant Components" of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME BPV Code); the 2004 Edition of Division 1 rules in Section XI "Rules for Inservice Inspection of Nuclear Power Plant Components" of the ASME BPV Code; and the 2004 Edition of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code).

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Merrilee J. Banic, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555

Phone: 301 415-2771

Email: mjb@nrc.gov

**Related RIN:** Related to 3150-AH65

**RIN:** 3150-AH76

#### 4122. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, AND 24PTH REVISION, AMENDMENT 8

**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 Transnuclear, Inc., Standardized NUHOMS System listing within the "List of Approved Spent Fuel Storage Casks" to include

Amendment No. 8 to Certificate of Compliance (CoC) Number 1004. Amendment No. 8 to the Standardized NUHOMS System CoC will modify the cask system by adding a new spent fuel storage and transfer system, designated the NUHOMS -24PTH System. The NUHOMS -24PTH System consists of new or modified components: The -24PTH dry shielded canister (DSC); a new -24PTH DSC basket design; a modified horizontal storage module (HSM), designated the HSM-H; and a modified transfer cask (TC) designated OS 197FC TC. The NUHOMS -24PTH System is designed to store fuel with a maximum average burnup of up to 62 gigawatts-day/metric ton of uranium; maximum average initial enrichment of 5.0 weight percent; minimum cooling time of 3.0 years; and maximum heat load of 40.8 kilowatts per DSC, under a general license. This rule was originally published under RIN 3150-AH72.

**Timetable:**

| Action                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| NPRM                           | 09/20/05 | 70 FR 55036 |
| Direct Final Rule              | 09/20/05 | 70 FR 55023 |
| NPRM Comment Period End        | 10/21/05 |             |
| Direct Final Rule Effective    | 12/15/05 |             |
| Confirmation of Effective Date | 11/00/05 |             |

**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-AH77

## Nuclear Regulatory Commission (NRC)

## Final Rule Stage

**4123. ELIMINATION OF REQUIREMENT TO SUBMIT ANNUAL FINANCIAL REPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50; 10 CFR 72**Legal Deadline:** None

**Abstract:** The direct final rule will amend the Commission's regulations to eliminate the reporting requirement in sections 50.71(b) and 72.80, which requires that licensees for production and utilization facilities submit annual financial reports, including certified financial statements, to the Commission.

The direct final rule will 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 |
|-------------------|----------|---------|
| Direct Final Rule | 12/00/05 |         |

**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-AH39**4124. ADMINISTRATIVE CHANGES****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 CFR 55; 10 CFR 70; 10 CFR 73**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. The final rule also updates the list of non-Agreement States.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 10/00/05 |         |

**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**4125. 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 is currently evaluating comments for incorporation into the final rule.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/07/05 | 70 FR 10901 |
| NPRM Comment Period End | 05/23/05 |             |
| Final Rule              | 02/00/06 |             |

**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**4126. AP1000 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 regulations to provide for certification of the AP1000 design. Design certification rules are initiated by an applicant for design certification under subpart B of part 52.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 04/18/05 | 70 FR 20062 |
| NPRM Comment Period End | 07/05/05 |             |
| Final Action            | 12/00/05 |             |

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

**Agency Contact:** Lauren Quinones-Navarro, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-2007

Email: lnq@nrc.gov

**RIN:** 3150-AH56**4127. PROTECTION OF SAFEGUARDS INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 2, 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 52; 10 CFR 63; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 76; 10 CFR 150**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations for the protection of Safeguards Information (SGI) to reflect recent Commission practices reflected in Orders and Threat Advisories, and Confirmatory Action Letters issued since September 11, 2001. The amendments also would provide the flexibility afforded the Commission for the protection of such information by the Atomic Energy Act of 1954, as amended (AEA). The proposed amendments would affect certain licensees, information, and materials



## NRC

## Final Rule Stage

not currently specified in the regulations but which are within the scope of the AEA. The proposed amendments are intended to protect SGI from inadvertent release and unauthorized disclosure, which might compromise the security of nuclear facilities and materials.

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 02/11/05 | 70 FR 7196 |
| NPRM Comment<br>Period End | 03/28/05 |            |
| Final Rule                 | 01/00/06 |            |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Marjorie Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001

Phone: 301 415-1633

Email: mur@nrc.gov

**RIN:** 3150-AH57

**4128. CONFORMING ADMINISTRATIVE CHANGES**

**Priority:** Info./Admin./Other

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

**CFR Citation:** 10 CFF 70

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations in 10 CFR part 70 to make conforming changes to citations in the regulatory text. These changes update and correct cross-references within part 70.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 10/00/05 |         |

**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-AH62

**4129. CHARGES FOR DUPLICATING RECORDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 9

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations by revising its charges for copying publicly available documents by the copy service at the NRC's Public Document Room. These fees are being removed from title 10 of the Code of Federal Regulations and will be posted on NRC's Web site.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 10/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Thomas E. Smith, Nuclear Regulatory Commission, Office of Information Services, Washington, DC 20555-0001

Phone: 301 415-2950

Email: tes@nrc.gov

**RIN:** 3150-AH66

## Nuclear Regulatory Commission (NRC)

## Long-Term Actions

**4130. 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 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<br>Period End | 05/04/81 |             |
| Second NPRM                | To Be    | Determined  |

**NRC**

**Long-Term Actions**

**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 20555-0001  
 Phone: 301 415-4123  
 Email: sxx4@nrc.gov

**RIN:** 3150-AA31

**4131. 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. By incorporating current sewer treatment technologies, the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. Through the Interagency Steering Committee on Radiation Standards (ISCORS), the NRC and the Environmental Protection Agency conducted a joint survey of sewage treatment plants. The results of the final report of the joint survey were considered in the Commission's denial of the petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22). A notice denying the petition was published in the Federal Register on January 27, 2005 (70 FR 3898). The staff is considering public comments and whether to continue with rulemaking.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Charlotte E. 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

**4132. 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 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:** James R. Firth, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
 Phone: 301 415-6628  
 Email: jrf2@nrc.gov

**RIN:** 3150-AG41

**4133. 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 under section 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

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## Long-Term Actions

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

**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

#### 4134. 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<br>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 C. Comfort, Jr., 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

#### 4135. 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. The Office of Nuclear Regulatory Research conducted research in 2004 and 2005 and plans to issue an Interim Research Report in October 2005, evaluating concrete

entombment as a decommissioning alternative for commercial power reactors. The staff is continuing to defer this rulemaking activity.

**Timetable:**

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

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

**Agency Contact:** Kevin R. O'Sullivan, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC

20555-0001

Phone: 301 415-8112

Email: kro2@nrc.gov

**RIN:** 3150-AG89

#### 4136. 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: 301 415-1467

## NRC

## Long-Term Actions

Email: mam4@nrc.gov

RIN: 3150-AG98

**4137. 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 section 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 C. Comfort, Jr., 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

**4138. CONTROLLING THE DISPOSITION OF SOLID MATERIALS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 20

**Legal Deadline:** None

**Abstract:** The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005. The Commission has disapproved publication of the draft proposed rule package. The Commission's decision is based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. As such, the Commission is deferring this rulemaking for the time being.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Agency Contact:** Frank P. 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

**4139. 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; 10 CFR 63; 10 CFR 70; 10 CFR 72; 10 CFR 75; 10 CFR 76; 10 CFR 150

**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.

**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:** Naiem S. Taniou, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6103

Email: nst@nrc.gov

RIN: 3150-AH38

**4140. 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 performance-based standards for maximum peak cladding temperature

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

**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-AH42**4141. 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 rule 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 also 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:** 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-AH43**4142. 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; 10 CFR 72**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations by examining the addition and revision of requirements for financial assurance, and 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**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Leslie S. Kerr, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-6272  
Email: lsk@nrc.gov

**RIN:** 3150-AH45

## Nuclear Regulatory Commission (NRC)

## Completed Actions

**4143. PUBLIC RECORDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 9**Completed:**

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 06/14/05 | 70 FR 34303 |
| Final Rule Effective | 07/14/05 |             |

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

**Agency Contact:** Donnie H. Grimsley  
Phone: 301 415-7043

Email: dhg@nrc.gov

**RIN:** 3150-AH12**4144. INCORPORATION BY REFERENCE OF ASME BPV CODE CASES****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 50**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 09/29/05 | 70 FR 56809 |
| Final Action Effective | 10/31/05 |             |

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

**Agency Contact:** Harry S. Tovmassian  
Phone: 301 415-3092  
Email: hst@nrc.gov

**RIN:** 3150-AH35**4145. EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIALS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 110

## NRC

## Completed Actions

**Completed:**

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 07/01/05 | 70 FR 37985 |
| Final Rule Effective | 12/28/05 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

**Agency Contact:** Suzanne

Schuyler-Hayes

Phone: 301 415-2333

Email: ssh@nrc.gov

RIN: 3150-AH44

**4146. EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL: NUCLEAR GRADE GRAPHITE**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 110

**Completed:**

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 07/21/05 | 70 FR 41937 |
| Final Rule Effective | 07/21/05 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

**Agency Contact:** Suzanne

Schuyler-Hayes

Phone: 301 415-2333

Email: ssh@nrc.gov

RIN: 3150-AH51

**4147. BROADENING SCOPE OF ACCESS AUTHORIZATION AND FACILITY SECURITY CLEARANCE REGULATIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 25; 10 CFR 95

**Completed:**

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 06/02/05 | 70 FR 32224 |
| Final Rule Effective | 07/05/05 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Anthony N. Tse

Phone: 301 415-6233

Email: ant@nrc.gov

RIN: 3150-AH52

**4148. REVISION OF FEE SCHEDULES; FEE RECOVERY, FY 2005**

Priority: Economically Significant.

Major under 5 USC 801.

CFR Citation: 10 CFR 170; 10 CFR 171

**Completed:**

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 05/26/05 | 70 FR 30526 |
| Final Rule Effective | 07/25/05 |             |

**Regulatory Flexibility Analysis**

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Federalism: Undetermined

**Agency Contact:** Tammy D. Croote

Phone: 301 415-6041

Email: txc1@nrc.gov

RIN: 3150-AH61

**4149. LIST OF APPROVED SPENT FUEL STORAGE CASKS: NUHOMS-24PT4 REVISION, AMENDMENT 1**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 72

**Completed:**

| Reason                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| Direct Final Rule Effective    | 05/16/05 |             |
| Confirmation of Effective Date | 05/13/05 | 70 FR 22781 |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

**Agency Contact:** Jayne M. McCausland

Phone: 301 415-6219

Email: jmm2@nrc.gov

RIN: 3150-AH63

**4150. LIST OF APPROVED SPENT FUEL STORAGE CASKS: HI-STORM 100 REVISION, AMENDMENT 2**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 72

**Completed:**

| Reason                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| Direct Final Rule Effective | 05/16/05 |             |
| Direct Final Rule Withdrawn | 05/12/05 | 70 FR 24936 |
| Final Rule                  | 06/07/05 | 70 FR 32977 |
| Final Rule Effective        | 06/07/05 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

**Agency Contact:** Jayne M. McCausland

Phone: 301 415-6219

Email: jmm2@nrc.gov

RIN: 3150-AH64

**4151. INCORPORATION BY REFERENCE OF ASME CODE CASES**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 50

**Completed:**

| Reason                 | Date     | FR Cite |
|------------------------|----------|---------|
| Subsumed into RIN-AH76 | 08/29/05 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

**Agency Contact:** Merrilee J. Banic

Phone: 301 415-2771

Email: mjb@nrc.gov

Related RIN: Related to 3150-AH76

RIN: 3150-AH65

**4152. EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; EXPORTS TO SYRIA EMBARGOED**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 110

**Completed:**

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 05/25/05 | 70 FR 29934 |
| Final Rule Effective | 05/25/05 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

## NRC

## Completed Actions

**Agency Contact:** Kirk R. Foggie  
Phone: 301 415-2238  
Email: kxf@nrc.gov  
**RIN:** 3150-AH67

**4153. • DELEGATION CHANGES**

**Priority:** Info./Admin./Other

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

**CFR Citation:** 10 CFR 10

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to change the references from Deputy Executive Director for Management Services to Deputy Executive Director for Information Services and Administration and Chief Information Officer. The revision is necessary to reflect a recent realignment in the Office of the Executive Director for Operations. This final rule is necessary to inform the public of organizational changes within the NRC.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 05/31/05 | 70 FR 30896 |
| Final Rule Effective | 05/31/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Alzonja Sheppard, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20855-0001

Phone: 301 415-6863  
Email: aws1@nrc.gov

**RIN:** 3150-AH69

**4154. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: VSC-24, REVISION, AMENDMENT 5**

**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 BNFL Fuel Solutions Corporation Ventilated Storage Cask (VSC-24) cask system listing within the

"List of Approved Spent Fuel Storage Casks" to include Amendment No. 5 to Certificate of Compliance Number 1007. Amendment No. 5 will change the certificate holder's name from Pacific Sierra Nuclear Associates to BNFL Fuel Solutions Corporation. No changes were required to be made to the VSC-24 Final Safety Analysis Report or Technical Specifications.

**Timetable:**

| Action                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| NPRM                           | 06/30/05 | 70 FR 37714 |
| NPRM Comment Period End        | 08/01/05 |             |
| Direct Final Rule              | 06/30/05 | 70 FR 37647 |
| Direct Final Rule Effective    | 09/13/05 |             |
| Confirmation of Effective Date | 08/29/05 | 70 FR 50957 |

**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-AH70

**4155. • MODEL MILESTONES FOR NRC ADJUDICATORY PROCEEDINGS**

**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 adopt model milestones for the conduct of NRC adjudicatory proceedings, to require a presiding officer to refer to the model milestones as a starting point for establishing a hearing schedule in an adjudicatory proceeding, and to manage the case in accordance with that schedule.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 04/20/05 | 70 FR 20457 |
| Final Rule Effective | 05/20/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Geary S. Mizuno, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001

Phone: 301 415-1639  
Email: gsm@nrc.gov

**RIN:** 3150-AH71

**4156. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, AND 24PTH REVISION, AMENDMENT 8**

**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 Transnuclear, Inc., Standardized NUHOMS System listing within the "List of approved spent fuel storage casks" to include Amendment No. 8 to Certificate of Compliance Number (CoC No.) 1004. Amendment No. 8 to the Standardized NUHOMS System CoC will modify the cask system by adding a new spent fuel storage and transfer system, designated the NUHOMS -24PTH System. The NUHOMS -24PTH System consists of new or modified components: the -24PTH dry shielded canister (DSC); a new -24PTH DSC basket design; a modified horizontal storage module (HSM), designated the HSM-H; and a modified transfer cask (TC) designated OS 197FC TC. The NUHOMS -24PTH System is designed to store fuel with a maximum average burnup of up to 62 gigawatts-day/metric ton of uranium; maximum average initial enrichment of 5.0 weight percent; minimum cooling time of 3.0 years; and maximum heat load of 40.8 kilowatts per DSC, under a general license.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| NPRM                        | 05/25/05 | 70 FR 30015 |
| NPRM Comment Period End     | 06/24/05 |             |
| NPRM Withdrawn              | 07/15/05 | 70 FR 40924 |
| Direct Final Rule           | 05/25/05 | 70 FR 29931 |
| Direct Final Rule Withdrawn | 07/15/05 | 70 FR 40879 |

## NRC

## Completed Actions

**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-AH72**4157. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS -32PT AND -24PHB REVISION, AMENDMENT 9****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 72**Legal Deadline:** None

**Abstract:** The direct final rule would have amended the Commission's regulations that apply to storage of spent fuel by revising the Transnuclear, Inc., Standardized NUHOMS System listing within the "List of approved spent fuel storage casks" to include Amendment No. 9 to Certificate of Compliance (CoC) Number 1004. Amendment No. 9 to the Standardized NUHOMS System modifies the NUHOMS -32PT dry cask storage (DCS) system to expand the Fuel Specification and Fuel Qualification Tables to include low enrichment and reconstituted fuel, and revise the dry shielded canister (DSC) Fuel Specification Tables to show minimum soluble boron loading concentration. The NUHOMS -24PHB DCS system will be modified to expand the authorized contents requirements. Modifications would have been made to Technical

Specifications (TS) 1.2.10 and 1.2.13 to revise the Transfer Cask/DSC handling and lifting height specifications and TS 1.2.12 to clarify DSC surface contamination actions. This rule has been subsumed into the Direct Final Rule: List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, and 24PTH Revision, Amendment 8" (RIN 3150-AH72), which has been withdrawn and will now be addressed in RIN 3150-AH77.

**Timetable:**

| Action                      | Date     | FR Cite |
|-----------------------------|----------|---------|
| Subsumed into RIN 3150-AH77 | 07/15/05 |         |

**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-AH73**4158. • 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 by revising the NAC International, Inc., NAC-UMS Universal Storage System listing within the list of approved spent fuel storage casks to include

Amendment No. 4 to Certificate of Compliance (CoC) Number 1015. Amendment No. 4 to the NAC-UMS CoC will modify the cask design by replacing the specific term "Zacaloy" with the more generic term "Zirconium alloy"; revising the definitions of operable and site specific fuel; revising vacuum drying pressure and time limits; revising short-term temperature limits and completion times for the heat removal system; clarifying the surface dose rate surveillance; adding a dissolved boron concentration option; deleting a redundant boron concentration administrative control; adding an alternate site-specific design basis earthquake analysis; and incorporating editorial and administrative changes.

**Timetable:**

| Action                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| NPRM                           | 07/25/05 | 70 FR 42513 |
| Direct Final Rule              | 07/25/05 | 70 FR 42485 |
| NPRM Comment Period End        | 08/24/05 |             |
| Direct Final Rule Effective    | 10/11/05 |             |
| Confirmation of Effective Date | 09/22/05 | 70 FR 55513 |

**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-AH75

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