



# Federal Register

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**Monday,  
April 30, 2007**

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**Part LVIII**

## **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 December 11, 2006 (71 FR 74288).

**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, Rulemaking, Directives, and Editing 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 December 11, 2006 (71 FR 74288). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through March 2, 2007. 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 March 2007.

For the Nuclear Regulatory Commission.

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

**Nuclear Regulatory Commission—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3686	Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule .....	3150-AH45
3687	Industry Codes and Standards; Amended Requirements .....	3150-AH76
3688	Regulatory Improvements to Nuclear Materials Management and Safeguards System Database .....	3150-AH85
3689	Security Assessment Requirements for New Nuclear Power Reactor Designs .....	3150-AH92
3690	Amend Fracture Toughness Requirements Against Pressurized Thermal Shock Event .....	3150-AI01
3691	Security Requirements for Geological Repository Operations Area (GROA) .....	3150-AI06
3692	License and Certificate of Compliance Terms .....	3150-AI09
3693	Review of Emergency Preparedness and Guidance .....	3150-AI10

**Nuclear Regulatory Commission—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3694	Fitness-for-Duty Programs .....	3150-AF12
3695	Licenses, Certifications, and Approvals for Nuclear Power Plants .....	3150-AG24
3696	Power Reactor Security Requirements .....	3150-AG63
3697	Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent .....	3150-AH40
3698	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material; Licensing and Reporting Requirements .....	3150-AH41

## NRC

## Nuclear Regulatory Commission—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3699	Protection of Safeguards Information .....	3150-AH57
3700	Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities .....	3150-AH59
3701	Use of Electronic Submissions in Agency Hearings .....	3150-AH74
3702	Incorporation by Reference of NRC Regulatory Guides Listing Approved ASME Code Cases .....	3150-AH80
3703	Requirements for Expanded Definition of Byproduct Material .....	3150-AH84
3704	List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision, Amendment 3 .....	3150-AH98
3705	Revision of Fee Schedules; Fee Recovery for FY 2007 .....	3150-AI00
3706	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision; Amendment 9 .....	3150-AI03
3707	Limited Work Authorizations for Nuclear Power Plants .....	3150-AI05
3708	List of Approved Spent Fuel Storage Casks—NAC-MPC, Revision; Amendment 5 .....	3150-AI13
3709	Medical Use of Byproduct Material—Minor Corrections and Clarifications .....	3150-AI14

## Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3710	Update Fuel Performance Considerations and Other Fuel Cycle Issues .....	3150-AA31
3711	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste .....	3150-AG41
3712	Integrated Rulemaking for Decommissioning Nuclear Power Reactors .....	3150-AG47
3713	Transfers of Certain Source Materials by Specific Licensees .....	3150-AG64
3714	Entombment Options for Power Reactors .....	3150-AG89
3715	Modifications to Pressure-Temperature Limits .....	3150-AG98
3716	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License .....	3150-AH15
3717	Controlling the Disposition of Solid Materials .....	3150-AH18
3718	Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition .....	3150-AH29
3719	Implement US-IAEA Safeguards Agreement .....	3150-AH38
3720	Performance-Based ECCS Acceptance Criteria .....	3150-AH42
3721	Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accidents (LOCA) .....	3150-AH43
3722	Administrative Changes .....	3150-AH49
3723	Conforming Administrative Changes .....	3150-AH62
3724	Implementation of a Dose Standard Beyond 10,000 Years .....	3150-AH68
3725	Approach to Risk-Inform, Performance-Base Requirement for Nuclear Power Plants .....	3150-AH81
3726	Requirements for Distribution of Byproduct Material and Exemptions From Licensing .....	3150-AH91
3727	Uranium in Drinking Water .....	3150-AH97
3728	Amendment of Access Authorization Fees .....	3150-AH99
3729	Statement of Reorganization and General Information; Minor Amendments .....	3150-AI07
3730	Interlocutory Review of Rulings on Requests by Potential Parties for Access to Non-Public Sensitive Unclassified Information .....	3150-AI08
3731	IAEA and DOT Compatibility .....	3150-AI11
3732	Requirements for Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material and Other Property .....	3150-AI12
3733	Update NRC Size Standards .....	3150-AI15

## Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3734	Design Basis Treat (DBT) .....	3150-AH60
3735	Secure Transport of Nuclear Materials .....	3150-AH90
3736	List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition .....	3150-AH93
3737	Criticality Control of Spent Fuel Within Dry Storage or Transportation Packages in a Spent Fuel Pool .....	3150-AH95
3738	Facility Change Process Involving Items Relied On for Safety .....	3150-AH96
3739	Export and Import of Nuclear Material; Exports to Libya Restricted .....	3150-AI02

NRC

Nuclear Regulatory Commission—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3740	Relief From Fingerprinting and Criminal History Records Checks .....	3150-AI04

Nuclear Regulatory Commission (NRC)

Proposed Rule Stage

**3686. 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	04/00/07	

**Regulatory Flexibility Analysis**

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

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 Phone: 301 415-8112  
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**RIN:** 3150-AH45

**3687. 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	04/05/07	72 FR 16731
NPRM Comment Period End	06/19/07	
Final Rule	12/00/07	

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

**RIN:** 3150-AH76

**3688. REGULATORY IMPROVEMENTS TO NUCLEAR MATERIALS MANAGEMENT AND SAFEGUARDS SYSTEM DATABASE**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 2201; 42 USC 5841  
**CFR Citation:** 10 CFR 40; 10 CFR 72; 10 CFR 74; 10 CFR 150  
**Legal Deadline:** None

**Abstract:** The proposed rulemaking would amend the Commission’s regulations in 10 CFR parts 40, 72, 74, and 150 related to current reporting requirements for certain NRC-licensed and Agreement State facilities related to the Nuclear Materials Management and Safeguards System (NMMSS) database. The proposed amendments would provide improvements to NMMSS database in maintaining the accuracy of licensee inventory records in the NMMSS database.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/07	72 FR 5348
NPRM Comment Period End	04/23/07	
Final Rule	12/00/07	

**Regulatory Flexibility Analysis**

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

**Agency Contact:** Neelam Bhalla, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
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**RIN:** 3150-AH85

**3689. SECURITY ASSESSMENT REQUIREMENTS FOR NEW NUCLEAR POWER REACTOR DESIGNS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 2201; 42 USC 5841  
**CFR Citation:** 10 CFR 50; 10 CFR 52; 10 CFR 73  
**Legal Deadline:** None  
**Abstract:** The proposed rule would amend the Commission’s regulations by adding security design assessment requirements for future applicants for

## NRC

## Proposed Rule Stage

a construction permit, operating license, standard design approval, design certification, manufacturing license, or combined license. The proposed amendments would require applicants to assess specific security design features that would be incorporated into the facility design (including site layout) to support enhanced security effectiveness.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Stewart Schneider, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH92

### 3690. ● AMEND FRACTURE TOUGHNESS REQUIREMENTS AGAINST PRESSURIZED THERMAL SHOCK EVENT

**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 that protect against brittle fracture of reactor vessels during severe cooldown events. The existing regulations establish screening limits that were developed based on what NRC believed to be a conservative probabilistic fracture mechanics analysis. Several licensees will exceed the screening limits in the current rule during their license renewal periods. The staff proposes to revise the screening limits to reflect the updated technical basis in the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** George M. Tartal, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
Phone: 301 415-0016  
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**RIN:** 3150-AI01

### 3691. ● SECURITY REQUIREMENTS FOR GEOLOGICAL REPOSITORY OPERATIONS AREA (GROA)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 60; 10 CFR 63; 10 CFR 72; 10 CFR 73; 10 CFR 74

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations that would establish post September 11, 2001, security and material control and accounting requirements for a geologic repository operations area (GROA) to reflect the current threat environment.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**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 Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
Phone: 301 415-8126  
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**RIN:** 3150-AI06

### 3692. ● LICENSE AND CERTIFICATE OF COMPLIANCE TERMS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 72

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations by seeking to improve regulatory efficiency by clarifying the scope, applicability,

and terminology of 10 CFR part 72 Certificates of Compliance (CoC) and general license regulations to better align them with each other. In addition, it also seeks to provide consistency between the general license requirements and the site-specific independent spent fuel storage installation license requirements within 10 CFR part 72.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Keith McDaniel, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
Phone: 301 415-5252  
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**RIN:** 3150-AI09

### 3693. ● REVIEW OF EMERGENCY PREPAREDNESS AND GUIDANCE

**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 ensure that adequate protection is preserved as demographics and/or infrastructure near a plant change. The proposed rulemaking would also enhance the Emergency Preparedness regulations to address concerns post September 11, 2001, events, as well as improve the EP process.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Kathryn M. Brock, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001

## NRC

## Proposed Rule Stage

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RIN: 3150-AI10

## Nuclear Regulatory Commission (NRC)

## Final Rule Stage

**3694. 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. The proposed rule was published in August 2005, and includes provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This proposed rule subsumes the proposed rule "Nuclear Power Plant Worker Fatigue" (RIN 3150-AG99). This rulemaking would address the petitions for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and 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	04/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David T. Diec, Nuclear Regulatory Commission, Office

of Nuclear Reactor Regulation, Washington, DC 20555-0001

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**Related RIN:** Related to 3150-AG62**RIN:** 3150-AF12**3695. LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 1; 10 CFR 2; 10 CFR 10; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 25; 10 CFR 26; 10 CFR 50; 10 CFR 51; 10 CFR 52; 10 CFR 54; 10 CFR 55; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 95; 10 CFR 140; 10 CFR 170**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's requirements for early site permits, standard design certifications, 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 and O into the new subparts in 10 CFR part 52.

The NRC is also proposing to retitle 10 CFR part 52 as "Licenses, Certifications and Approvals 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 and O would also become new sections of the revised part. 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	
Second NPRM	03/13/06	71 FR 12781

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## Final Rule Stage

Action	Date	FR Cite
Second NPRM Comment Period End	05/30/06	
Supplemental NPRM Comment Period End	10/17/06	71 FR 61330
Supplemental NPRM Comment Period End	11/16/06	
Final Action	04/00/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Nanette Giles, Nuclear Regulatory Commission, Office of New Reactors, Washington, DC 20555-0001  
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Related RIN: Merged with 3150-AE25

RIN: 3150-AG24

**3696. POWER REACTOR SECURITY REQUIREMENTS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50; 10 CFR 72; 10 CFR 73

Legal Deadline: None

**Abstract:** The proposed rulemaking would amend the regulations in part 73 to reflect the requirements mandated by the power reactor security orders and to provide alignment through conforming changes to other rules. Specifically, the proposed rule would amend requirements in sections 73.55, 73.56, 73.57, and appendices B, C, and G to part 73. Following the events of September 11, 2001, and in accordance with an SRM dated October 30, 2001, SECY-01-101 was withdrawn to allow the staff to consider whether revision of the proposed rule would be required, and to await Commission direction. The SRM on COMSECY-04-0047, dated August 23, 2004, directed the staff to (1) draft a schedule for completing the rulemaking effort and (2) consult the Commissioners' Assistants on the development of communications and other strategies related to the rulemaking. The proposed Safety and security requirements would address, in part, a petition for rulemaking (PRM-50-80) that requested the establishment of regulations governing proposed changes to facilities which could

adversely affect the protection against radiological sabotage.

**Timetable:**

Action	Date	FR Cite
NPRM	10/26/06	71 FR 62664
NPRM Comment Period End	01/09/07	
NPRM Comment Period Extended	01/05/07	72 FR 480
NPRM Extension of Comment Period End	02/23/07	
NPRM Comment Period Reopened	02/28/07	72 FR 8951
Second NPRM Comment Period End	03/26/07	
Final Rule	12/00/07	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Timothy A. Reed, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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Email: tar@nrc.gov

RIN: 3150-AG63

**3697. OCCUPATIONAL DOSE RECORDS, LABELING CONTAINERS, AND THE TOTAL EFFECTIVE DOSE EQUIVALENT**

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 1 mSv (100 mrem); (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	09/22/06	71 FR 55382
NPRM Comment Period End	12/06/06	
Final Action	09/00/07	

**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  
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RIN: 3150-AH40

**3698. 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 final rule amends 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 final rule eliminates obsolete provisions and associated distributor requirements currently in the regulations. Improvements to distributor reporting requirements are also included. A minor change to a general license is also included. This rulemaking has subsumed RMt 526, "Use of Exempt Sources in Devices."

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/06	71 FR 275

## NRC

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	03/20/06	
Final Rule	05/00/07	

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

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RIN: 3150-AH41

**3699. 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 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 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. The Commission directed that this rule be republished as a proposed rule to allow comments on proposed changes to rule text in response to public and Commission comment, as well as to reflect amendments to the AEA in the Energy Policy Act of 2005, and orders issued to licensees authorized to possess and transfer items containing

certain quantities of radioactive material.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/05	70 FR 7196
NPRM Comment Period End	03/28/05	
NPRM Republished	10/31/06	71 FR 64004
NPRM Comment Period End	01/02/07	
Final Action	12/00/07	

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

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RIN: 3150-AH57

**3700. CLARIFICATION OF NRC CIVIL PENALTY AUTHORITY OVER CONTRACTORS AND SUBCONTRACTORS WHO DISCRIMINATE AGAINST EMPLOYEES FOR ENGAGING IN PROTECTED ACTIVITIES****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	01/31/06	71 FR 5015
NPRM Comment Period End	04/17/06	
Final Rule	05/00/07	

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

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RIN: 3150-AH59

**3701. 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 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	12/16/05	70 FR 74949
NPRM Comment Period End	03/01/06	
Final Rule	06/00/07	

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

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RIN: 3150-AH74

## NRC

## Final Rule Stage

**3702. INCORPORATION BY REFERENCE OF NRC REGULATORY GUIDES LISTING APPROVED ASME 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 recent revisions of Regulatory Guides listing NRC-approved American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code Cases pertaining to in-service inspection (DG-1134) and design, fabrication, and materials (DG-1133) in nuclear power reactors. The proposed rule identifies the 2004 Editions of the ASME BPV Code and the ASME Operations and Maintenance (OM) Code as the editions that nuclear facilities will be required to use, subject to certain limitations and modifications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/27/06	71 62942
NPRM Comment Period End	01/10/07	
Final Action	09/00/07	

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

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**RIN:** 3150-AH80**3703. REQUIREMENTS FOR EXPANDED DEFINITION OF BYPRODUCT MATERIAL****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841

**CFR Citation:** 10 CFR 20; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 33; 10 CFR 35; 10 CFR 50; 10 CFR 61; 10 CFR 62; 10 CFR 72; 10 CFR 110; 10 CFR 150; 10 CFR 170; 10 CFR 171

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to include certain radium sources, accelerator-produced radioactive materials, and certain naturally occurring radioactive material, as required by section 651(e) of the Energy Policy Act of 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	07/28/06	71 FR 42951
NPRM Comment Period End	09/11/06	
Final Rule	07/00/07	

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

**Agency Contact:** Lydia Chang, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
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**RIN:** 3150-AH84**3704. • LIST OF APPROVED SENT FUEL STORAGE CASKS: HI-STORM 100 REVISION, AMENDMENT 3****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 Holtec International HI-STORM 100 cask design listing to include Amendment No. 3 to Certificate of Compliance 1014. This amendment will: (1) Revise technical specifications related to cooling of the Multi-Purpose Canister cavity; (2) revise definitions of fuel debris, damaged fuel assembly, and non-fuel hardware; (3) revise technical specifications related to storage of pressurized water reactor fuel assembly; and (4) make changes to incorporate minor editorial corrections.

**Timetable:**

Action	Date	FR Cite
NPRM	10/16/06	71 FR 60672
Direct Final Rule	10/16/06	71 FR 60669
NPRM Comment Period End	11/15/06	

Action	Date	FR Cite
Direct Final Rule Withdrawn	12/27/06	71 FR 77586
Final Action	04/00/07	

**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 Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
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**RIN:** 3150-AH98

**3705. • REVISION OF FEE SCHEDULES; FEE RECOVERY FOR FY 2007****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 170; 10 CFR 171

**Legal Deadline:** Other, Statutory, September 30, 2007, OBRA-90, as amended, requires that the fees for FY 2007 be collected by September 30, 2007.

OBRA-90, as amended, requires that the fees for FY 2007 be collected by September 30, 2007.

**Abstract:** The proposed rule would amend the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. The amendments would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2007, less the amounts appropriated from the Nuclear Waste Fund, and for Waste Incidental to Reprocessing and generic homeland security activities.

Based on the FY 2007 Energy and Water Development Appropriations Bill (H.R. 5427), passed by the U.S. House of Representatives, the NRC's required fee recovery amount for the FY 2007 budget is approximately \$663.7 million. After accounting for carryover and billing adjustments, the total amount to be recovered through fees is approximately \$664.9 million. OBRA-

NRC

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90, as amended, requires that the fees for FY 2007 be collected by September 30, 2007.

**Timetable:**

Action	Date	FR Cite
NPRM	02/02/07	72 FR 5108
NPRM Comment Period End	03/05/07	
Final Rule	05/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Federalism:** Undetermined**Agency Contact:** Renu Suri, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001

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**RIN:** 3150-AI00**3706. • LIST OF APPROVED SENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS SYSTEM 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 amends the Commission's regulations 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 will modify the CoC by revising Technical Specifications 1.2.1 and 1.2.14 to add the Framatome-ANP, Version 9.9-2, fuel assemblies as approved contents for storage in the NUHOMS-61BT dry shielded canister under the general license provisions of 10 CFR part 72.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/07	72 FR 4660
Direct Final Rule	02/01/07	72 FR 4615
NPRM Comment Period End	03/05/07	
Direct Final Rule Effective	04/17/07	

Action	Date	FR Cite
Confirmation of Effective Date	04/00/07	

**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 Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001

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**RIN:** 3150-AI03**3707. • LIMITED WORK AUTHORIZATIONS FOR NUCLEAR POWER PLANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 2; 10 CFR 50; 10 CFR 51; 10 CFR 52**Legal Deadline:** None

**Abstract:** The final rule will amend the Commission's regulations allowing certain construction activities on nuclear power plants to commence before a construction permit or combined license is issued. This final rule modifies the scope of activities that are considered construction for which a construction permit, combined license, or LWA is necessary; specifies the scope of construction activities that may be performed under a LWA; and changes the review and approval process for LWA requests. The NRC is adopting these changes to enhance the efficiency of its licensing and approval process for new nuclear reactors.

**Timetable:**

Action	Date	FR Cite
Final Rule	04/00/07	

**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

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**RIN:** 3150-AI05**3708. • LIST OF APPROVED SPENT FUEL STORAGE CASKS—NAC-MPC, 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 will amend the Commission's regulations to revise the NAC-MPC listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance (CoC) Number 1025. Amendment No. 5 will modify the CoC by revising technical specifications to incorporate changes to the reporting and monitoring requirements to allow for visual inspection of the air inlet and outlet vents in lieu of thermal monitoring. The amendment will also incorporate guidance from NRC Interim Staff Guidance (ISG)-22 and replace all references to backfilling with inert gas. In addition, the amendment will revise the CoC description to remove the requirement for tamper-indicating devices on the Vertical Concrete Casks and make several editorial changes to improve the clarity of the documents associated with eh MPC system.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/07	

**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 Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001

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**RIN:** 3150-AI13

## NRC

## Final Rule Stage

**3709. • MEDICAL USE OF BYPRODUCT MATERIAL—MINOR CORRECTIONS AND CLARIFICATIONS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 32; 10 CFR 35**Legal Deadline:** None**Abstract:** The direct final rule will amend the Commission's regulations to

make several minor corrections and clarifications to parts 32 and 35

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	08/00/07	

**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 Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001

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**RIN:** 3150-AI14

## Nuclear Regulatory Commission (NRC)

## Long-Term Actions

**3710. 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 Period End	05/04/81	
Second NPRM	To Be Determined	

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

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**RIN:** 3150-AA31**3711. 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. The schedule was revised in 2006.

**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

## NRC

## Long-Term Actions

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**RIN:** 3150-AG41

### 3712. 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 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

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**RIN:** 3150-AG47

### 3713. TRANSFERS OF CERTAIN SOURCE MATERIALS BY SPECIFIC LICENSEES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 40

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to require NRC approval for transfers from licensees of unimportant quantities of source material (less than 0.05 percent by weight) to persons exempt from licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety.

Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

#### Timetable:

Action	Date	FR Cite
NPRM	08/28/02	67 FR 55175
NPRM Comment Period End	11/12/02	
Final Action	To Be	Determined

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AG64

### 3714. 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 a research information letter summarizing the results of prior work; e.g., concrete used in engineered backfills and radionuclide isolation in

## NRC

## Long-Term Actions

concrete. The staff is continuing to defer this rulemaking activity.

**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

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**RIN:** 3150-AG89

**3715. 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

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**RIN:** 3150-AG98

**3716. 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:** Philip Liotta, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
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**RIN:** 3150-AH15

**3717. 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

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## NRC

## Long-Term Actions

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RIN: 3150-AH18

### 3718. 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 (NEI) (PRM-50-75). A draft final rule was provided to the ACRS on October 16, 2006. The staff is now working to address the policy and technical recommendations made by the ACRS. The staff will prepare a Commission paper to inform the Commission of the impact of the ACRS recommendations before a new schedule is determined.

**Timetable:**

Action	Date	FR Cite
NPRM	11/07/05	70 FR 67597
NPRM Comment Period End	02/06/06	
NPRM Comment Period Extended	01/25/06	71 FR 4061
NPRM Comment Period End	03/08/06	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 3150-AH29

### 3719. 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. Tanious, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001

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RIN: 3150-AH38

### 3720. 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 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). The NRC is performing research activities to develop a technical basis for initiating rulemaking on this item,

and is expected to be developed by early CY-2007.

**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

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Email: rfd@nrc.gov

RIN: 3150-AH42

### 3721. 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 in situations where specified acceptance criteria are satisfied, and also would address a petition for rulemaking submitted by Bob Christie (Performance Technology) (PRM-50-77). On December 2, 2005, the NRC requested additional information from the BWR Owners Group (BWROG) in order to continue its review. The BWROG responded by submitting a revised topical report on August 25, 2006. The staff review is ongoing.

**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

## NRC

## Long-Term Actions

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Washington, DC 20555-0001  
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Email: rfd@nrc.gov

**RIN:** 3150-AH43

**3722. ADMINISTRATIVE CHANGES**

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

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

**CFR Citation:** 10 CFR 40; 10 CFR 73

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to update the list of Non-Agreement States.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**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 Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
Phone: 301 415-6234  
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**RIN:** 3150-AH49

**3723. CONFORMING ADMINISTRATIVE CHANGES**

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

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

**CFR Citation:** 10 CFR 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	To Be	Determined

**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 Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
Phone: 301 415-6234  
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**RIN:** 3150-AH62

**3724. 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	11/07/05	
Period End		
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Frank P. Cardile, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
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**RIN:** 3150-AH68

**3725. APPROACH TO RISK-INFORM, PERFORMANCE-BASE REQUIREMENT FOR NUCLEAR POWER PLANTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50; 10 CFR 53

**Legal Deadline:** None

**Abstract:** The advanced notice of proposed rulemaking would obtain public comment on a proposed approach to risk-inform the requirements for power reactors including developing an alternative set of new risk-informed requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/04/06	71 FR 26267
ANPRM Comment	12/29/06	
Period End		
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Joseph L. Birmingham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH81

**3726. REQUIREMENTS FOR DISTRIBUTION OF BYPRODUCT MATERIAL AND EXEMPTIONS FROM LICENSING**

**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 by making the requirements for distributors of byproduct material more explicit, less prescriptive, and more risk-informed; improve safety criteria for approving products through licensing actions; and redefine categories of devices to be used under exemption.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

## NRC

## Long-Term Actions

**Agency Contact:** Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
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**RIN:** 3150-AH91

### 3727. • URANIUM IN DRINKING WATER

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 40

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to include a new general license for a community water system (CWS) that, during the treatment of drinking water, may accumulate and concentrate naturally occurring uranium in media, effluents, and other residuals above 0.05 percent by weight.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Gary C. Comfort, Jr., Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
Phone: 301 415-8106  
Email: gcc1@nrc.gov

**RIN:** 3150-AH97

### 3728. • AMENDMENT OF ACCESS AUTHORIZATION FEES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 11; 10 CFR 25

**Legal Deadline:** None

**Abstract:** The final rule will amend the Commission's regulations to the Agency access authorization fees charged to licensees for work performed under the Material Access Authorization Program (MAAP) and the Information Access

Authority Program (IAAP). The amended cost is due to an increase of the review time for each application for access authorization.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Emily R. Banks, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555-0001  
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**RIN:** 3150-AH99

### 3729. • STATEMENT OF REORGANIZATION AND GENERAL INFORMATION; MINOR AMENDMENTS

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

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

**CFR Citation:** 10 CFR 1; 10 CFR 20; 10 CFR 30; 10 CFR 32

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to reflect the administrative changes to the Agency due to the reorganization of the Office of Nuclear Material Safety and Safeguards and the creation of the Office of Federal and State Materials and Environmental Management Programs, and the reorganization of the Office of Nuclear Reactor Regulation and the creation of the Office of New Reactors.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Carina A. Clark, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555-0001  
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**RIN:** 3150-AI07

### 3730. • INTERLOCUTORY REVIEW OF RULINGS ON REQUESTS BY POTENTIAL PARTIES FOR ACCESS TO NON-PUBLIC SENSITIVE UNCLASSIFIED INFORMATION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 2

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to provide for interlocutory review by the Commission of orders of a presiding officer or Atomic Safety and Licensing Board on requests by potential parties for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) or Safeguards Information (SGI).

**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:** Marjorie Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001  
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Email: mur@nrc.gov

**RIN:** 3150-AI08

### 3731. • IAEA AND DOT COMPATIBILITY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 71

**Legal Deadline:** None

**Abstract:** The proposed would amend the Commission's regulations to make part 71 compatible with the 2005 edition of the IAEA Transportation Safety Standards TS-R-1 and the Department of Transportation regulations on transport safety, and to incorporate NRC-initiated changes on QA.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

## NRC

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Naiem S. Tanius, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
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**RIN:** 3150-AI11

**3732. • REQUIREMENTS FOR FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECKS FOR UNESCORTED ACCESS TO RADIOACTIVE MATERIAL AND OTHER PROPERTY**

**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 implement requirements for fingerprinting and criminal history record checks for unescorted access to

radioactive material and other property as required by section 652 of the Energy Policy Act (EPA) of 2005, signed into law on August 8, 2005.

**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:** Frank P. Cardile, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001  
Phone: 301 415-6185  
Email: fpc@nrc.gov

**RIN:** 3150-AI12

**3733. • UPDATE NRC SIZE STANDARDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 2; 10 CFR 21

**Legal Deadline:** None

**Abstract:** The direct final rule will amend the Commission's regulations to implement updated NRC size standards for qualifying an NRC licensee as a small entity under the Regulatory Flexibility Act. This action is necessary to conform NRC's size standards with recent changes to the Small Business Administration's size standards.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Agency Contact:** Michael T. Lesar, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555-0001  
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**RIN:** 3150-AI15

## Nuclear Regulatory Commission (NRC)

## Completed Actions

**3734. DESIGN BASIS TREAT (DBT)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 73

**Completed:**

Reason	Date	FR Cite
Final Rule	03/19/07	72 FR 12705
Final Rule Effective	04/18/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Manash K Bagchi  
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**RIN:** 3150-AH60

**3735. SECURE TRANSPORT OF NUCLEAR MATERIALS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 73

**Completed:**

Reason	Date	FR Cite
Final Rule	01/24/07	72 FR 3025
Final Rule Effective	02/23/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Frank P. Cardile  
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Email: fpc@nrc.gov

**RIN:** 3150-AH90

**3736. LIST OF APPROVED SPENT FUEL STORAGE CASKS: NUHOMS HD ADDITION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 72

**Completed:**

Reason	Date	FR Cite
Final Rule	12/11/06	71 FR 74163
Final Rule Effective	01/10/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Jayne M. McCausland  
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**RIN:** 3150-AH93

**3737. CRITICALITY CONTROL OF SPENT FUEL WITHIN DRY STORAGE OR TRANSPORTATION PACKAGES IN A SPENT FUEL POOL**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 50

## NRC

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	11/16/06	71 FR 66648
Direct Final Rule Effective	01/30/07	
NPRM	11/16/06	71 FR 66705
Confirmation of Effective Date	01/26/07	72 FR 3705

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

**Agency Contact:** George M. Tartal  
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**RIN:** 3150-AH95**3738. FACILITY CHANGE PROCESS INVOLVING ITEMS RELIED ON FOR SAFETY****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 70**Completed:**

Reason	Date	FR Cite
Direct Final Rule Effective	12/11/06	
Confirmation of Effective Date	12/01/06	71 FR 69430

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

**Agency Contact:** Anthony N. Tse  
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**RIN:** 3150-AH96**3739. • EXPORT AND IMPORT OF NUCLEAR MATERIAL; EXPORTS TO LIBYA RESTRICTED****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 conform NRC's export/import regulations with current U.S. Government law and policy on Libya. The executive branch rescinded Libya's designation as a State Sponsor of Terrorism (status held since 1979). The executive branch recommended that, in light of this change, the NRC revise its regulations by moving Libya from the embargoed to the restricted destinations list.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/12/07	72 FR 1426
Final Rule Effective	01/12/07	

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

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**RIN:** 3150-AI02**3740. • RELIEF FROM FINGERPRINTING AND CRIMINAL HISTORY RECORDS CHECKS****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 relieve certain categories of individuals from the requirement to undergo fingerprinting, identification, and criminal history records checks under section 149 of the Atomic Energy Act of 1954 (AEA), as amended, before being permitted unescorted access to radioactive materials or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant such checks.

**Timetable:**

Action	Date	FR Cite
Final Rule	02/02/07	72 FR 4945
Final Rule Effective	02/02/07	

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

**Agency Contact:** Jered K. Heck,  
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**RIN:** 3150-AI04

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