



# Federal Register

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**Tuesday,  
May 27, 2003**

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**Part LXI**

## **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 9, 2002 (67 FR 75632).

**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 December 9, 2002 (67 FR 75632). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through March 21, 2003. The date for the next scheduled action under the heading "Timetable" is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

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

Dated at Rockville, Maryland, this 21st day of March 2003.

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 Identification Number
4117	Fitness for Duty Programs .....	3150-AF12
4118	Lessons Learned From Design Certification .....	3150-AG24
4119	Nuclear Power Plant Worker Fatigue .....	3150-AG99
4120	Clarification of Co-located Licensee Exercise Requirements and NRC Approval of Revisions to Emergency Action Levels .....	3150-AH00
4121	Security Requirements for Portable Gauges Containing Byproduct Material (Part 30) .....	3150-AH06
4122	Public Records (Part 9) .....	3150-AH12
4123	Revision of Fee Schedules; Fee Recovery, FY 2003 (Parts 170 and 171) .....	3150-AH14
4124	Control of Solid Material .....	3150-AH18
4125	Training and Experience Requirements Associated With Recognition of Specialty Boards by NRC Under 10 CFR Part 35 "Medical Use of Byproduct Material" .....	3150-AH19

**Nuclear Regulatory Commission—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
4126	Performance-Based, Risk-Informed Fire Protection .....	3150-AG48
4127	Transfers of Certain Source Materials by Specific Licensees .....	3150-AG64

## NRC

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

Sequence Number	Title	Regulation Identification Number
4128	Nondiscrimination on the Basis of Race, Color, National Origin; Basis of Handicap; Basis of Age in Programs or Activities Receiving Federal Financial Assistance .....	3150-AG65
4129	Compatibility With IAEA Transportation Safety Standards .....	3150-AG71
4130	Financial Information Requirements for Applications To Renew or Extend the Term of an Operating License for a Power Reactor .....	3150-AG84
4131	Financial Assurance Amendments for Materials Licenses .....	3150-AG85
4132	Incorporation by Reference of ASME BPV and OM Code Cases .....	3150-AG86
4133	Event Notification Requirements .....	3150-AG90
4134	Geological and Seismological Characteristics of Spent Fuel Storage Systems .....	3150-AG93
4135	Electronic Submission of Fingerprint Records .....	3150-AH16
4136	Facility Security Clearance and Safeguarding of National Security Information and Restricted Data-Minor Changes .....	3150-AH17

## Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4137	Update Fuel Performance Considerations and Other Fuel Cycle Issues .....	3150-AA31
4138	Disposal by Release Into Sanitary Sewerage .....	3150-AE90
4139	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste .....	3150-AG41
4140	Risk-Informing Special Treatment Requirements .....	3150-AG42
4141	Integrated Rulemaking for Decommissioning Nuclear Power Reactors .....	3150-AG47
4142	Changes to Adjudicatory Process .....	3150-AG49
4143	Reevaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage .....	3150-AG63
4144	Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors .....	3150-AG76
4145	Entombment Options for Power Reactors .....	3150-AG89
4146	Modifications to Pressure-Temperature Limits .....	3150-AG98
4147	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License .....	3150-AH15
4148	List of Approved Spent Fuel Storage Casks: NAC-UMS Revision .....	3150-AH20

## Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4149	Availability of Official Records .....	3150-AC07
4150	Decommissioning Trust Provisions .....	3150-AG52
4151	Releasing Part of a Power Reactor Site or Facility for Unrestricted Use .....	3150-AG56
4152	Material Control and Accounting .....	3150-AG69
4153	List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1 Addition .....	3150-AG74
4154	Notification Requirement .....	3150-AG81
4155	NRC Public Document Room Address Change and Corrections to Information Collection Provisions .....	3150-AH01
4156	Federal Advisory Committee Act Regulations .....	3150-AH02
4157	List of Approved Spent Fuel Storage Casks: VSC-24 Revision (Amendment No. 4) (Part 72) .....	3150-AH05
4158	Radiation Exposure Reports: Minor Filing Amendment (Part 20) .....	3150-AH07
4159	Medical Use of Byproduct Material: Clarifying and Minor Amendments (Part 35) .....	3150-AH08
4160	Filing and Notification Requirements for the Shipment of Certain Radioactive Materials (Parts 70, 71, and 73) .....	3150-AH09
4161	Source Material Reporting Under International Agreements (Parts 40 and 150) .....	3150-AH10
4162	Minor Errors in Regulatory Text; Correction (Parts 1, 19, 20, 21, 32, 34, 39, 51, 55, 73, and 81) .....	3150-AH11
4163	List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System Revision (Amendment No. 3) (Part 72) ...	3150-AH13

## Nuclear Regulatory Commission (NRC)

## Proposed Rule Stage

**4117. FITNESS FOR DUTY PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 26**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	05/09/96 61 FR 21105
NPRM Comment Period End	08/07/96
Second NPRM	06/00/03
Final Rule	11/00/04

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

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**Related RIN:** Related To 3150-AG62**RIN:** 3150-AF12**4118. LESSONS LEARNED FROM DESIGN CERTIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 52**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's requirements for early site permits, standard design certifications, and combined licensees for nuclear power plants, and for other licensing processes. The amendments are based on the NRC staff's experience with the previous design certification reviews and on discussions with stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants. The rulemaking also would make conforming clarifications and corrections to the NRC's regulations.

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

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

The proposed rule would amend section 52.1 to clarify that all seven licensing processes are within the scope of 10 CFR part 52. Sections within current appendices M, N, O, and

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

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	10/00/03

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

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**Related RIN:** Merged With 3150-AE25**RIN:** 3150-AG24**4119. NUCLEAR POWER PLANT WORKER FATIGUE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 26**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to establish thresholds for the control of working hours to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. This rule would provide significantly greater assurance that worker fatigue does not adversely

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## Proposed Rule Stage

affect the operational safety of nuclear power plants. This rulemaking would also address a petition for rulemaking submitted by Barry Quigley (PRM-26-02).

**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** David Desaulniers, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-1043  
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**RIN:** 3150-AG99

#### 4120. CLARIFICATION OF CO-LOCATED LICENSEE EXERCISE REQUIREMENTS AND NRC APPROVAL OF REVISIONS TO EMERGENCY ACTION LEVELS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	05/00/03
Final Rule	02/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH00

#### 4121. • SECURITY REQUIREMENTS FOR PORTABLE GAUGES CONTAINING BYPRODUCT MATERIAL (PART 30)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 30

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations governing the use of byproduct material in specifically licensed portable gauges. The proposed rule would require a licensee to provide a minimum of two independent physical controls that form tangible barriers to secure the gauge from unauthorized removal whenever the portable gauge is being stored, transported on public thoroughfares, or stored incidental to transportation.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lydia Chang, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AH06

#### 4122. • PUBLIC RECORDS (PART 9)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 9

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to reflect changes in officials who initially deny access to records or deny access to records whose initial denial has been appealed, and to reflect a change in an appellate official due to a reorganization. The amendment would allow the Executive Assistant to the Secretary of the Commission, rather than the Assistant Secretary, to make the initial determination to deny NRC records in whole or in part under the Commission's regulations. Also, an

appeal of a denial of a request for a waiver or reduction of fees, or denial of a request for expedited processing would be appealed to the Executive Director for Operations rather than the Secretary of the Commission.

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carole Ann Reed, Nuclear Regulatory Commission, Office of the Chief Information Officer, Washington, DC 20555-0001  
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**RIN:** 3150-AH12

#### 4123. • REVISION OF FEE SCHEDULES; FEE RECOVERY, FY 2003 (PARTS 170 AND 171)

**Priority:** Economically Significant

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

**CFR Citation:** 10 CFR 170; 10 CFR 171

**Legal Deadline:** Other, Statutory, September 30, 2003, Omnibus Budget Reconciliation Act of 1990, as amended.

**Abstract:** The proposed rule would amend the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 94 percent of the NRC's budget authority for FY 2003, less the amounts appropriated from the Nuclear Waste Fund and General Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

The FY 2001 Energy and Water Development Appropriations Act amended OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent for FY 2005. The purpose of this amendment is to address the fairness and equity concerns related to charging NRC license holders for agency expenses that do not provide a direct benefit to the licensee. The dollar amount to be recovered for FY 2003

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is approximately \$526.5 million. OBRA-90, as amended, requires that the fees for FY 2003 be collected by September 30, 2003.

**Timetable:**

Action	Date
NPRM	04/03/03 68 FR 16373
NPRM Comment Period End	05/03/03
Final Rule	09/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** State, Local

**Agency Contact:** Ann Norris, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001  
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**RIN:** 3150-AH14

**4124. • CONTROL OF SOLID MATERIAL**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 20

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to evaluate alternatives for the control of

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

**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Federal

**Agency Contact:** Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AH18

**4125. • TRAINING AND EXPERIENCE REQUIREMENTS ASSOCIATED WITH RECOGNITION OF SPECIALTY BOARDS BY NRC UNDER 10 CFR PART 35 "MEDICAL USE OF BYPRODUCT MATERIAL"**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 35

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations modifying the training and experience requirements based on recommendations submitted by the Advisory Committee on the Medical Uses of Isotopes (ACMUI).

**Timetable:**

Action	Date
NPRM	10/00/03

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** Roger W. Broseus, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AH19

## Nuclear Regulatory Commission (NRC)

## Final Rule Stage

**4126. PERFORMANCE-BASED, RISK-INFORMED FIRE PROTECTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

**Abstract:** The proposed rule would address the Commission's direction provided in the staff requirements memorandum dated April 1, 1999, to establish a performance-based, risk-informed alternative to the NRC's existing reactor fire protection requirements through the adoption of an industry consensus standard: NFPA

805, Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants. The rulemaking plan had been on hold until fall 2001, at which time the Nuclear Energy Institute endorsed the rulemaking effort. The schedule was reinitiated through an EDO memorandum to the Commission dated October 9, 2001. Draft rule language was posted for public comment on the NRC Rulemaking Forum Web site on December 20, 2001. Draft proposed rule language was posted on the NRC Rulemaking Forum Web site on April 2, 2002, and again on May 30, 2002, for public information. The proposed rule package was provided to the

Commission on July 15, 2002 (SECY-02-132). In a Staff Requirements Memorandum for SEC-02-0132, dated October 3, 2002, the Commission directed the staff to publish the proposed rule in the Federal Register.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

NRC

Final Rule Stage

**Agency Contact:** Joseph L. Birmingham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AG48

#### 4127. 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.

#### **Timetable:**

Action	Date
NPRM	08/28/02 67 FR 55175
NPRM Comment Period End	11/12/02
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gary Comfort, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AG64

#### 4128. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN; BASIS OF HANDICAP; BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 4

**Legal Deadline:** None

**Abstract:** The proposed rule would incorporate the Civil Rights Restoration Act's definitions of "program or activity" and "program" into title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1972, and the Age Discrimination Act of 1975, and would promote consistent and adequate enforcement of these statutes.

#### **Timetable:**

Action	Date
NPRM	12/06/00 65 FR 76460
NPRM Comment Period End	01/05/01
Final Action	09/00/03
Final Action Effective	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marva C. Gary, Nuclear Regulatory Commission, Office of Small Business and Civil Rights, Washington, DC 20555-0001  
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**RIN:** 3150-AG65

#### 4129. COMPATIBILITY WITH IAEA TRANSPORTATION SAFETY STANDARDS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 71

**Legal Deadline:** None

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

related to a corresponding Department of Transportation proposed rule to amend transportation regulations (April 30, 2002; 67 FR 21328). NRC's final rule is scheduled to be published concurrently with the DOT's final rule. Therefore, the publication date is also dependent on DOT's schedule.

#### **Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Naiem S. Taniou, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
 Phone: 301 415-6103  
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**RIN:** 3150-AG71

#### 4130. FINANCIAL INFORMATION REQUIREMENTS FOR APPLICATIONS TO RENEW OR EXTEND THE TERM OF AN OPERATING LICENSE FOR A POWER REACTOR

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

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

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## Final Rule Stage

**Timetable:**

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

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

**Agency Contact:** George J. Mencinsky, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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Email: gjm@nrc.gov

**RIN:** 3150-AG84**4131. FINANCIAL ASSURANCE AMENDMENTS FOR MATERIALS LICENSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 30; 10 CFR 40; 10 CFR 70**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's financial assurance regulations for certain materials licenses to bring the amount of financial assurance required more in line with current decommissioning cost. The proposed amendment would maintain adequate financial assurance so that timely decommissioning can be carried out following shutdown of a licensed facility.

**Timetable:**

Action	Date
NPRM	10/07/02 67 FR 62403
NPRM Comment Period End	12/23/02
Final Rule	09/00/03

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None

**Agency Contact:** Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AG85**4132. INCORPORATION BY REFERENCE OF ASME BPV AND OM CODE CASES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

**Abstract:** New editions of the ASME BPV and OM Codes are issued every three years and addenda to the editions are issued annually. It has been the Commission's policy to update 10 CFR 50.55a to incorporate by reference the ASME Code editions and addenda. The ASME publishes code cases for Section III and Section XI quarterly, and code cases for the OM Code annually. Code cases are generally alternatives to the requirements of the ASME BPV Code and the OM Code. It has been the NRC staff's practice to review these code cases and find them either acceptable, conditionally acceptable, or unacceptable for use by NRC licensees. These code cases are then listed in periodically revised regulatory guides (RGs), together with information on their acceptability. Footnote 6 to 10 CFR 50.55a refers to the RGs listing code cases determined by the NRC staff to be "suitable for use." No specific data or revision of the RGs is indicated in footnote 6 to 10 CFR 50.55a. In the past, these RGs have not been approved by the Office of the Federal Register for incorporation by reference in the Code of Federal Regulations. To address this matter, the staff is proposing that the use of ASME Code Cases be approved through a rulemaking incorporating by reference the applicable RGs. Thus, NRC-approved code cases would be accorded the same legal status as the corresponding requirements in the ASME BPV Code and OM Code which are already incorporated by reference in the NRC's regulations.

**Timetable:**

Action	Date
NPRM	03/19/02 67 FR 12488
NPRM Comment Period End	06/03/02
Final Action	05/00/03

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

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

**RIN:** 3150-AG86**4133. EVENT NOTIFICATION REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 72; 10 CFR 73**Legal Deadline:** None

**Abstract:** The proposed rule would change several event notification and security reporting requirements to conform, where appropriate, to the independent spent fuel storage installation (ISFSI) and monitored retrievable storage (MRS) facility licenses to more closely align them with those of nuclear reactor facilities. In addition, the proposed rule would change the requirements for when written follow-up reports on safeguards events must be submitted. This change would affect power reactors, ISFSI's and several other categories of facilities that produce, possess, or transport spent fuel or special nuclear material. The changes would reduce, consolidate, and remove some licensee reporting notifications and lengthen the reporting period for other notifications. Some new requirements would also be added to permit NRC to effectively carry out its regulatory responsibilities and respond to public and media inquiries during emergencies. Overall, the proposed rule would help the NRC and its licensees to better focus their efforts on the most safety-significant issues and to communicate timely information on recent and ongoing events.

**Timetable:**

Action	Date
NPRM	08/22/02 67 FR 54360
NPRM Comment Period End	11/05/02
Final Action	06/00/03

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

**Agency Contact:** Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Material Safety and



## NRC

## Final Rule Stage

Safeguards, Washington, DC 20555-0001

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RIN: 3150-AG90

#### 4134. GEOLOGICAL AND SEISMOLOGICAL CHARACTERISTICS OF SPENT FUEL STORAGE SYSTEMS

**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 concerning geological and seismological criteria to require the use of a risk-informed, performance-based regulatory approach. This revision would use a methodology that is consistent with the approach taken in 10 CFR part 50 and the recent revision to part 100. The proposed rule would also clarify the need for a general licensee to design cask storage pads and areas to adequately support both static and dynamic loads of the stored casks.

##### Timetable:

Action	Date
NPRM	07/22/02 67 FR 47745
NPRM Comment Period End	10/22/02 67 FR 56876
Final Action	09/00/03

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Duplicate of 3150-AG16

RIN: 3150-AG93

#### 4135. • ELECTRONIC SUBMISSION OF FINGERPRINT RECORDS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 73

**Legal Deadline:** None

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

##### Timetable:

Action	Date
Final Rule	05/00/03

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Cheryl Stone, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555-0001

Phone: 301 415-7404

Email: cms2@nrc.gov

RIN: 3150-AH16

#### 4136. • FACILITY SECURITY CLEARANCE AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA-MINOR CHANGES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 95

**Legal Deadline:** None

**Abstract:** The final rule will amend the Commission's regulations to reflect organizational changes resulting from the creation of the new Office of Nuclear Security and Incident Response. This final rule is necessary to inform the public of these organizational changes to NRC regulations.

##### Timetable:

Action	Date
Final Rule	05/00/03

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** J. Keith Everly, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001

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RIN: 3150-AH17

### Nuclear Regulatory Commission (NRC)

### Long-Term Actions

#### 4137. 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 reestimated 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 petitioner's request, the Commission published a final rule on March 14, 1997 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it then 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 reestimated to reflect the use of

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## Long-Term Actions

more highly enriched fuel and discharge of more highly irradiated fuel from a reactor; longer onsite storage; and changes in transportation modes, transport to retrievable storage sites and a permanent repository rather than reprocessing facilities, packaging technology, and regulatory standards. The reestimates would incorporate current research information and computer codes.

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
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

**4138. DISPOSAL BY RELEASE INTO SANITARY SEWERAGE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 20

**Legal Deadline:** None

**Abstract:** The advance notice of proposed rulemaking (ANPRM) was published to request public comment, information, and recommendations on

contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. The NRC and the Environmental Protection Agency are conducting a joint survey of sewage treatment plants to evaluate the extent of reconcentration due to release of radioactive material into sewage systems. The need for and the extent of a rulemaking will be evaluated pending the result of the survey and the associated dose assessment. This rulemaking would also address a petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22).

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lydia Chang, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AE90

**4139. ADVANCE NOTIFICATION TO NATIVE AMERICAN TRIBES OF TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR WASTE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 71; 10 CFR 73

**Legal Deadline:** None

**Abstract:** The NRC has issued an advance notice of proposed rulemaking (ANPRM) to invite early input from affected parties and the public on the issues associated with the advance notification of Indian tribes of spent fuel shipments. The Department of

Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE already has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than governors' designees is not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 2, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

**Timetable:**

Action	Date
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

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**RIN:** 3150-AG41

**4140. RISK-INFORMING SPECIAL TREATMENT REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The advance notice of proposed rulemaking (ANPRM) invited comments, advice, and recommendations from interested parties on the contemplated rulemaking

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that would provide an alternative, risk-informed approach for special treatment requirements in the current regulations. Special treatment requirements are requirements imposed on structures, systems, and components (SSCs) that provide additional confidence that these SSCs are capable of meeting design basis functional requirements. The contemplated risk-informed approach would categorize SSCs and vary the associated regulatory treatment based on the SSC's safety significance. This action is a result of the Commission's continuing efforts to risk-inform its regulations. The staff provided the Commission the proposed rule package on September 30, 2002, and is currently awaiting Commission action on the package.

**Timetable:**

Action	Date
ANPRM	03/03/00 65 FR 11488
ANPRM Comment	05/17/00
Period End	
NPRM	To Be Determined

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

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

**RIN:** 3150-AG42**4141. INTEGRATED RULEMAKING FOR DECOMMISSIONING NUCLEAR POWER REACTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

**Abstract:** A staff requirements memorandum dated June 23, 1999, directed the NRC staff to consider an integrated, risk-informed decommissioning rule rather than individual rulemakings to address emergency preparedness, insurance, safeguards, operator staffing, and backfit for nuclear power plants that are being decommissioned. SECY-99-168 dated June 30, 1999, recommended that the integrated approach be approved and outlined staff plans for

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

In SECY-00-145, 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 a 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
NPRM	To Be Determined

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

**Agency Contact:** George J. Mencinsky, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-3093  
Email: gjm@nrc.gov  
**RIN:** 3150-AG47

**4142. CHANGES TO ADJUDICATORY PROCESS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 1; 10 CFR 2; 10 CFR 50; 10 CFR 51; 10 CFR 52; 10 CFR 54; 10 CFR 60; 10 CFR 70; 10 CFR 73; 10 CFR 75; 10 CFR 76; 10 CFR 110**Legal Deadline:** None

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

**Timetable:**

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

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

**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-AG49

**4143. 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

## NRC

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**CFR Citation:** 10 CFR 73

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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Phone: 301 415-1596  
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**RIN:** 3150-AG63

**4144. STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEM IN LIGHT-WATER-COOLED POWER REACTORS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to improve safety by better focusing on the risk-significant challenges from combustible gases; ensure combustible gas control during all risk-significant events; and eliminate those aspects of current requirements that provide no

safety benefit. A staff requirement memorandum dated January 19, 2001, directed the staff to proceed expeditiously with rulemakings on the risk-informed alternative of section 50.44, including completion of outstanding technical work (e.g., development of combustible gas source terms) and necessary regulatory analyses. This rulemaking also addresses the petition for rulemaking submitted by Bob Christie (PRM-50-68), and partially addresses the petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). Draft rule language was posted for public comment on the NRC Ruleforum website on November 14, 2001. The proposed rule was submitted to the Commission on May 13, 2002. Comments are being categorized and evaluated.

**Timetable:**

Action	Date
NPRM	08/02/02 67 FR 50374
NPRM Comment	10/16/02
Period End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Anthony W. Markley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-3165  
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**RIN:** 3150-AG76

**4145. 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 as 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.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patricia Eng, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AG89

**4146. 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
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3150-AG98

## NRC

## Long-Term Actions

**4147. • 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 would also 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. It will also resolve the petitions for rulemaking PRM-40-27 and PRM-40-28, which relate, respectively, to safety concerning the general license in 10 CFR 40.22 and concerns about disposal of depleted uranium counterweights. Source material is used under general license and under various exemptions from licensing requirements in part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and

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

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State**Agency Contact:** Gary Comfort, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

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**RIN:** 3150-AH15**4148. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: NAC-UMS REVISION****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 by revising the NAC-UMS cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1015. Amendment No. 3 modifies the present cask system design to add the 100-ton transfer cask design, adds an alternate poison material, revises fuel assembly dimensions, revises thermal analyses, increases Boiling Water Reactor fuel assembly weight, and incorporates Interim Staff Guidance-11 revision provisions. The amendment will also reorganize Section 6.5 of the Safety Evaluation Report, revise Technical Specification A.5.5, and request several editorial and administrative changes.

**Timetable:**

Action	Date
Direct Final Rule	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jayne M. McCausland, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6219

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**RIN:** 3150-AH20

## Nuclear Regulatory Commission (NRC)

## Completed Actions

**4149. AVAILABILITY OF OFFICIAL RECORDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 2**Completed:**

Reason	Date
Final Rule	04/17/03 68 FR 18836
Final Rule Effective	06/16/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Catherine M. Holzle

Phone: 301 415-1560

Email: cmh@nrc.gov

**RIN:** 3150-AC07**4150. DECOMMISSIONING TRUST PROVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 50; 10 CFR 72**Completed:**

Reason	Date
Final Rule	12/24/02 67 FR 78332
Final Rule Effective	12/24/03

## NRC

## Completed Actions

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Brian J. Richter

Phone: 301 415-1978

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RIN: 3150-AG52

**4151. RELEASING PART OF A POWER REACTOR SITE OR FACILITY FOR UNRESTRICTED USE****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 2; 10 CFR 20; 10 CFR 50**Completed:**

Reason	Date
Final Rule	04/22/03 68 FR 19711
Final Rule Effective for All Other Sections	05/22/03
Final Rule Effective for Section 50.75g	11/18/03

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Harry S. Tovmassian

Phone: 301 415-3092

Email: hst@nrc.gov

RIN: 3150-AG56

**4152. MATERIAL CONTROL AND ACCOUNTING****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 51; 10 CFR 61; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 74; 10 CFR 75; 10 CFR 76; 10 CFR 150**Completed:**

Reason	Date
Final Rule	12/23/02 67 FR 78130
Final Rule Effective	03/24/03

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Merri Horn

Phone: 301 415-8126

Email: mlh1@nrc.gov

RIN: 3150-AG69

**4153. LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED ADVANCED NUHOMS-24PT1 ADDITION****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 72**Completed:**

Reason	Date
Final Rule	01/06/03 68 FR 463
Final Rule Effective	02/05/03

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Jayne M. McCausland

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Email: jmm2@nrc.gov

RIN: 3150-AG74

**4154. NOTIFICATION REQUIREMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 35**Completed:**

Reason	Date
Terminated	08/27/02

**Regulatory Flexibility Analysis**

Required: Yes

**Government Levels Affected:** None**Agency Contact:** Charlotte Abrams

Phone: 301 415-7293

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RIN: 3150-AG81

**4155. NRC PUBLIC DOCUMENT ROOM ADDRESS CHANGE AND CORRECTIONS TO INFORMATION COLLECTION PROVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 1; 10 CFR 2; 10 CFR 7; 10 CFR 9; 10 CFR 19; 10 CFR 20; 10 CFR 26; 10 CFR 30; 10 CFR 31; 10 CFR 33; 10 CFR 39; 10 CFR 50; 10 CFR 51; 10 CFR 52; 10 CFR 54; 10 CFR 55; 10 CFR 71; 10 CFR 75; 10 CFR 100; 10 CFR 110**Completed:**

Reason	Date
Final Rule	11/04/02 67 FR 67096
Final Rule Effective	11/04/02

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Alzonnia W. Shepard

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RIN: 3150-AH01

**4156. FEDERAL ADVISORY COMMITTEE ACT REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 7**Completed:**

Reason	Date
Final Rule	12/31/02 67 FR 79837
Final Rule Effective	01/30/03

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** John Szabo

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RIN: 3150-AH02

**4157. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: VSC-24 REVISION (AMENDMENT NO. 4) (PART 72)****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 Pacific Sierra Nuclear Associates VSC-24 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of Compliance No. 1007. Amendment No. 4 modifies the present cask system design to permit the storage of different specific fuel control elements as integral components to fuel assemblies under a general license. Technical Specifications (TS) 1.1.1 has also been amended to change the flood condition velocity from 25 fps to 17.1 fps; TS 1.2.1, 1.2.4, and 1.2.6 have been amended to address the additional fuel control elements approved for storage, and TS 1.2.10 has been deleted to eliminate redundant requirements for controlling moderator density.

**Timetable:**

Action	Date
Final Rule	11/20/02 67 FR 69987
Final Rule Effective	02/03/03

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

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## NRC

## Completed Actions

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RIN: 3150-AH05

#### 4158. • RADIATION EXPOSURE REPORTS: MINOR FILING AMENDMENT (PART 20)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 20

**Legal Deadline:** None

**Abstract:** The final rule will amend the Commission's requirements for filing written Event Reports submitted to the NRC concerning individuals occupationally overexposed to radiation and radioactive materials. Licensees will be required to clearly label any section of the event report containing personal information "Privacy Act Information: Not for Public Disclosure." This action is necessary to ensure that personal information filed with the NCR is segregated from the Event Report and maintained in a separate, non-public document.

**Timetable:**

Action	Date
Direct Final Rule	03/25/03 68 FR 14307
Direct Final Rule Effective	06/09/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 3150-AH07

#### 4159. • MEDICAL USE OF BYPRODUCT MATERIAL; CLARIFYING AND MINOR AMENDMENTS (PART 35)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 35

**Legal Deadline:** None

**Abstract:** The direct final rule will amend the Commission's regulations regarding the medical use of byproduct material. The amendment will clarify the definitions of authorized users,

authorized medical physicists, authorized nuclear pharmacists, and radiation safety officers; clarify the notification requirements if the patient is a medical emergency or dies; clarify the recordkeeping requirements for calibration of brachytherapy sources; and eliminate a restriction that training for ophthalmic use of strontium-90 can only be conducted in medical institutions. These amendments are necessary to clarify certain inconsistencies within the regulations and to allow training in ophthalmic treatment to be conducted in eye clinics or private practices, in addition to medical institutions.

**Timetable:**

Action	Date
Direct Final Rule	04/21/03 68 FR 19321
Direct Final Rule Effective	07/07/03

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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RIN: 3150-AH08

#### 4160. • FILING AND NOTIFICATION REQUIREMENTS FOR THE SHIPMENT OF CERTAIN RADIOACTIVE MATERIALS (PARTS 70, 71, AND 73)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 70; 10 CFR 71; 10 CFR 73

**Legal Deadline:** None

**Abstract:** The final rule will amend the Commission's regulations to revise filing and advance notification requirements for the shipments of certain radioactive materials. These amendments are necessary to reflect the recent organizational and administrative changes within NRC and to inform the public and licensees of these changes.

**Timetable:**

Action	Date
Direct Final Rule Effective	03/26/03
Direct Final Rule	03/26/03 68 FR 14528

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 3150-AH09

#### 4161. • SOURCE MATERIAL REPORTING UNDER INTERNATIONAL AGREEMENTS (PARTS 40 AND 150)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 40; 10 CFR 150

**Legal Deadline:** None

**Abstract:** The direct final rule will amend the Commission's regulations which require licensees to report their holdings of source material (uranium and thorium) to the NRC. Currently, licensees are required to file a report with the NRC whenever they receive or transfer uranium or thorium mined outside the U.S. The amendment will require licensees to report the receipt or transfer of source material controlled under any of the various international Agreements for Peaceful Nuclear Cooperation. This change will enable the U.S. Government to maintain the comprehensive national inventory of nuclear materials required under these agreements. This rule will also allow licensees additional flexibility in submitting their annual source material inventory statements. The amended regulations will permit licensees to submit these statements along with their Material Balance Reports for special nuclear material.

**Timetable:**

Action	Date
Direct Final Rule	03/05/03 68 FR 10362
Direct Final Rule Effective	10/01/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**NRC**

**Completed Actions**

**Government Levels Affected:** None  
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**RIN:** 3150-AH10

**4162. • MINOR ERRORS IN REGULATORY TEXT; CORRECTION (PARTS 1, 19, 20, 21, 32, 34, 39, 51, 55, 73, AND 81)**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 2201; 42 USC 5841  
**CFR Citation:** 10 CFR 1; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 32; 10 CFR 34; 10 CFR 39; 10 CFR 51; 10 CFR 55; 10 CFR 73; 10 CFR 81

**Legal Deadline:** None

**Abstract:** The final rule makes a number of minor correction to the Commission's regulations. This rule is necessary to correct omissions, typographical errors, and erroneous citations and references that appear in the NRC's regulations.

**Timetable:**

Action	Date
Final Rule	12/19/02 67 FR 77651
Final Rule Effective	12/19/02

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
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**RIN:** 3150-AH11

**4163. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: FUELSOLUTIONS CASK SYSTEM REVISION (AMENDMENT NO. 3) (PART 72)**

**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 revising the BNFL Fuel Solutions (FuelSolutions) cask system listing within the list of approved spent fuel storage casks to include Amendment 3 to Certificate of Compliance Number 1026. Amendment 3 will modify the Technical Specifications to provide an alternative to returning the canister to

the spent fuel building by returning it to the transfer cask. Specifically, Technical Specifications 3.3.2 and 3.3.3 will require returning the W-21 canister to the transfer cask while restoring normal storage conditions. The amendment will also include several editorial changes to Technical Specifications 3.1.1, 3.3.2, and 3.3.3.

**Timetable:**

Action	Date
Direct Final Rule	02/21/03 68 FR 8445
Direct Final Rule Effective	05/07/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AH13

[FR Doc. 03-7445 Filed 05/16/03; 8:45 am]

**BILLING CODE 7590-01-S**