



# Federal Register

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**Monday,  
May 16, 2005**

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**Part LIX**

## **Nuclear Regulatory Commission**

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**Semiannual Regulatory Agenda**

**NUCLEAR REGULATORY COMMISSION (NRC)**

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Ch. I**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354, The Regulatory Flexibility Act, and Executive Order 12866, Regulatory Planning and Review. The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on December 13, 2004 (69 FR 74244).

**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 13, 2004 (69 FR 74244). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through March 18, 2005. The date for the next scheduled action under the heading Timetable is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

The NRC agenda lists all open rulemaking actions. Four rules affect small entities.

Dated at Rockville, Maryland, this 18th day of March 2005.

For the Nuclear Regulatory Commission.

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

**Nuclear Regulatory Commission—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3970	Fitness for Duty Programs .....	3150-AF12
3971	Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants .....	3150-AG24
3972	Reevaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage .....	3150-AG63
3973	Controlling the Disposition of Solid Materials .....	3150-AH18
3974	Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition .....	3150-AH29
3975	Elimination of Requirement To Submit Annual Financial Report .....	3150-AH39
3976	Collection, Reporting, or Posting of Information .....	3150-AH40
3977	National Source Tracking .....	3150-AH48
3978	Broadening Scope of Access Authorization and Facility Security Clearance Regulations .....	3150-AH52
3979	Post-Fire Operator Manual Actions .....	3150-AH54
3980	AP1000 Design Certification .....	3150-AH56
3981	Clarification of NRC Civil Penalty Authority Over Non-Licensees .....	3150-AH59
3982	Design Basis Treat .....	3150-AH60
3983	Incorporation by Reference of ASME Code Cases .....	3150-AH65
3984	Implementation of a Dose Standard Beyond 10,000 Years .....	3150-AH68

## NRC

## Nuclear Regulatory Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3985	Public Records .....	3150-AH12
3986	Incorporation by Reference of ASME BPV Code Cases .....	3150-AH35
3987	Export and Import of Nuclear Equipment and Materials .....	3150-AH44
3988	Administrative Changes .....	3150-AH49
3989	Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite .....	3150-AH51
3990	Protection of Safeguards Information .....	3150-AH57
3991	Revision of Fee Schedules; Fee Recovery, FY 2005 .....	3150-AH61
3992	Conforming Administrative Changes .....	3150-AH62
3993	List of Approved Spent Fuel Storage Casks: NUHOMS-24PT4 Revision, Amendment 2 .....	3150-AH63
3994	List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision, Amendment 2 .....	3150-AH64
3995	Charges for Duplicating Records .....	3150-AH66
3996	Export and Import of Nuclear Equipment and Material; Exports to Syria Embargoed .....	3150-AH67

## Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3997	Update Fuel Performance Considerations and Other Fuel Cycle Issues .....	3150-AA31
3998	Disposal by Release Into Sanitary Sewerage .....	3150-AE90
3999	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste .....	3150-AG41
4000	Integrated Rulemaking for Decommissioning Nuclear Power Reactors .....	3150-AG47
4001	Transfers of Certain Source Materials by Specific Licensees .....	3150-AG64
4002	Entombment Options for Power Reactors .....	3150-AG89
4003	Modifications to Pressure-Temperature Limits .....	3150-AG98
4004	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License .....	3150-AH15
4005	Implement US-IAEA Safeguards Agreement .....	3150-AH38
4006	Exemptions From Licensing and Distribution of Byproduct Material; Licensing and Reporting Requirements .....	3150-AH41
4007	Performance-Based ECCS Acceptance Criteria .....	3150-AH42
4008	Decoupling of Assumed Loss of Offsite Power from Loss-of-Coolant Accidents (LOCA) .....	3150-AH43
4009	Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule .....	3150-AH45

## Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4010	Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors .....	3150-AG42
4011	Emergency Planning and Preparedness for Production and Utilization Facilities .....	3150-AH00
4012	Security Requirements for Portable Gauges Containing Byproduct Material .....	3150-AH06
4013	Medical Use of Byproduct Material—Recognition of Specialty Boards .....	3150-AH19
4014	Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors .....	3150-AH22
4015	Codification of EA-03-009 RPV Head and Penetration Inspection Requirements .....	3150-AH46
4016	Minor Correction Amendments for FY2004 .....	3150-AH58

## Nuclear Regulatory Commission (NRC)

## Proposed Rule Stage

**3970. FITNESS FOR DUTY PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 26**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to ensure compatibility with the Department of Health and Human Services guidelines, eliminate or modify unnecessary requirements in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency and establish threshold for the control of working hours at nuclear power plants to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. Because of the issues raised in response to the earlier affirmed (fitness for duty) rule, a new proposed rule will be published, including provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This new proposed rule is scheduled to be provided to the Commission by June 1, 2005. This proposed rule subsumes the proposed rule "Nuclear Power Plant Worker Fatigue (RIN 3150-AG99)." This rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and a petition for rulemaking submitted by Barry Quigley (PRM-26-2) related to worker fatigue.

**Timetable:**

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

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

**Agency Contact:** Rebecca L. Karas, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**Related RIN:** Related to 3150-AG62**RIN:** 3150-AF12**3971. EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 2; 10 CFR 20; 10 CFR 50; 10 CFR 51**Legal Deadline:** None

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

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

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

**Timetable:**

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

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

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

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**Related RIN:** Merged with 3150-AE25**RIN:** 3150-AG24**3972. REEVALUATION OF POWER REACTOR PHYSICAL PROTECTION REGULATIONS AND POSITION ON A DEFINITION OF RADIOLOGICAL SABOTAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 73**Legal Deadline:** None

## NRC

## Proposed Rule Stage

**Abstract:** The proposed rule would amend the Commission's regulations to require each power reactor licensee to establish and maintain an onsite security program and organization with the objective of providing high assurance that licensed activities do not constitute an unreasonable risk to public health and safety as a result of radiological sabotage by design basis threat (DBT). To achieve the general objective, the regulation requires that onsite security programs and security organizations be designed to prevent core damage and/or spent fuel damage. The rulemaking uses risk insights to determine which plant systems need protection.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/06	

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

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

**RIN:** 3150-AG63**3973. 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 proposed rule would amend the Commission's regulations to evaluate alternatives for controlling the disposition of solid materials with very low, or no levels of radioactivity. Current practice is to, on a case-by-case basis, either apply Regulatory Guide 1.86 surface contamination values or determine that there is no detectable activity using environmental measurements methods. In addition, there are no current release levels established generally for volumetrically contaminated materials. An examination of approaches to the control of disposition of solid materials would help the NRC staff evaluate the cost effectiveness of means to handle requests for clearance of materials

during both operation and decommissioning.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

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

**Agency Contact:** Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AH18**3974. LARGE BREAK LOSS-OF-COOLANT ACCIDENT (LB-LOCA) REDEFINITION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to allow for a risk-informed alternative to the present maximum loss-of-coolant accident (LOCA) break size. This rulemaking would also address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-75).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

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

**Agency Contact:** Richard F. Dudley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH29**3975. ELIMINATION OF REQUIREMENT TO SUBMIT ANNUAL FINANCIAL REPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to eliminate the reporting requirement in 10 CFR 50.71(b), which requires that licensees for production and utilization facilities submit annual financial reports, including certified financial statements, to the Commission.

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

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

**Agency Contact:** William D. Reckley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH39**3976. COLLECTION, REPORTING, OR POSTING OF INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 19; 10 CFR 20; 10 CFR 50**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to clarify or revise the regulations such

## NRC

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William D. Reckley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH40

**3977. NATIONAL SOURCE TRACKING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 20; 10 CFR 32; 10 CFR 150

**Legal Deadline:** None

**Abstract:** The proposed rulemaking would amend the Commission's regulations to establish the regulatory foundation for a new national source tracking system for high-risk sealed sources, as designated in the IAEA Code of Conduct (Category 1 and 2 sources). The tracking system is intended to track the high-risk sources

from cradle to grave. Licensees will be required to report manufacture of new sources, transfer of sources, receipt of sources and end-points for sources (e.g. export, and disposal).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Merri Horn, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-8126  
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**RIN:** 3150-AH48

**3978. BROADENING SCOPE OF ACCESS AUTHORIZATION AND FACILITY SECURITY CLEARANCE REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2201; 41 USC 5841

**CFR Citation:** 10 CFR 25; 10 CFR 95

**Legal Deadline:** None

**Abstract:** The direct final rule would have amended the Commission's regulations to broaden the scope of the regulations applicable to persons who may require access to classified information, to include persons who may need access in connection with licensing and regulatory activities under the regulations that govern the disposal of high-level radioactive waste in geologic repositories, and persons who may need access in connection with other activities as the Commission may determine, such as vendors of advanced reactor designs. The Commission would have also amended its regulations to broaden the scope of the regulations applicable to procedures for obtaining facility security clearances, to include persons who may need to use, process, store, reproduce, transmit, transport, or handle NRC classified information in connection with the above-identified activities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/04	69 FR 75007

Action	Date	FR Cite
Direct Final Rule	12/15/04	69 FR 74949
Direct Final Rule Effective	02/28/05	
Direct Final Rule Withdrawal	02/24/05	70 FR 8921
NPRM	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

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**RIN:** 3150-AH52

**3979. POST-FIRE OPERATOR MANUAL ACTIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations revising fire protection requirements in appendix R to 10 CFR part 50, along with associated guidance, to allow manual actions when those actions meet appropriate acceptance criteria. The staff developed an interim enforcement policy to deal with compliance issues until the rulemaking is complete and final revisions to the regulations and the guidance are effective (January 14, 2005; 70 FR 2577).

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/05	70 FR 10901
NPRM Comment Period End	05/23/05	
Review of Comments	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

## NRC

## Proposed Rule Stage

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RIN: 3150-AH54

### 3980. • AP1000 DESIGN CERTIFICATION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 52

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to provide for certification of the AP1000 design. Design certification rules are initiated by an applicant for design certification pursuant to subpart B of part 52.

#### Timetable:

Action	Date	FR Cite
NPRM	04/18/05	70 FR 20062
NPRM Comment Period End	07/05/05	
Final Action	To Be Determined	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Lauren

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RIN: 3150-AH56

### 3981. • CLARIFICATION OF NRC CIVIL PENALTY AUTHORITY OVER NON-LICENSEES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71

**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	To Be Determined	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Doug Starkey, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555-0001

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RIN: 3150-AH59

### 3982. • DESIGN BASIS TREAT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 73

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to revise its design basis threat requirements to consolidate the supplemental requirements put in place by orders following the September 11, 2001, terrorist attacks with the existing DBT requirements in section 73.1.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Tim Reed, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-1462

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RIN: 3150-AH60

### 3983. • INCORPORATION BY REFERENCE OF 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.

#### Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Harry S. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

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RIN: 3150-AH65

### 3984. • IMPLEMENTATION OF A DOSE STANDARD BEYOND 10,000 YEARS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 70

**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 (EPA).

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

## NRC

## Proposed Rule Stage

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RIN: 3150-AH68

## Nuclear Regulatory Commission (NRC)

## Final Rule Stage

**3985. PUBLIC RECORDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 9

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/04	69 FR 22737
NPRM Comment Period End	07/12/04	
Final Rule	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AH12

**3986. INCORPORATION BY REFERENCE OF ASME BPV CODE CASES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to incorporate by reference the latest revisions of two previously incorporated regulatory guides which address NRC review and approval of Code cases published by the American Society of Mechanical Engineers (ASME). The Code cases listed in these regulatory guides have been reviewed by the NRC and found to be acceptable for use as alternatives to requirements in the ASME Boiler and Pressure Vessel Code pertaining to the construction and inservice inspection of nuclear power plant components.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Harry S. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH35

**3987. EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIALS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 110

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to require specific export and import licenses for high-risk radioactive material. The final rule is necessary to reflect recent

changes to the nuclear material security policies of the Commission and the Executive Branch.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

**RIN:** 3150-AH44

**3988. ADMINISTRATIVE CHANGES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 1; 10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 73

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to reflect the change of address for the NRC Region III Office in Lisle, Illinois. The final rule also updates the list of non-Agreement States and informs the public of the consolidation of the Region I and Region II materials programs.

**Timetable:**

Action	Date	FR Cite
Final Rule	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined



NRC

Final Rule Stage

**Agency Contact:** Michael K Williamson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AH49

### 3989. EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL: NUCLEAR GRADE GRAPHITE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 110

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

**RIN:** 3150-AH51

### 3990. • 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 be consistent with recent Commission practices reflected in Orders and Threat Advisories, and Confirmatory Action Letters issued since September 11, 2001. The amendments also would provide the flexibility afforded the Commission for the protection of such information by the Atomic Energy Act of 1954, as amended (AEA). The proposed amendments would affect certain licensees, information, and materials not currently specified in the regulations, but which are within the scope of the AEA. The proposed amendments are intended to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Marjorie Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001  
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**RIN:** 3150-AH57

### 3991. • REVISION OF FEE SCHEDULES; FEE RECOVERY, FY 2005

**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, 2005, Omnibus Budget Reconciliation Act of 1990, as amended.

**Abstract:** The proposed rule would amend the Commission's 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 90 percent of the NRC's budget authority for Fiscal Year 2005, 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 two 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 2005 is approximately \$540.7 million. OBRA-90, as amended, requires that the fees for FY 2005 be collected by September 30, 2005.

#### Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8678
NPRM Comment Period End	03/24/05	
Final Rule	06/00/05	

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

**Agency Contact:** Tammy D. Croot, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001

## NRC

## Final Rule Stage

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RIN: 3150-AH61

### 3992. • CONFORMING ADMINISTRATIVE CHANGES

**Priority:** Substantive, Nonsignificant

**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	05/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Michael K Williamson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6234

Email: mkw1@nrc.gov

RIN: 3150-AH62

### 3993. • LIST OF APPROVED SENT FUEL STORAGE CASKS: NUHOMS-24PT4 REVISION, AMENDMENT 2

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 72

**Legal Deadline:** None

**Abstract:** The direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Transnuclear, Inc., Standardized NUHOMS cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to Certificate of Compliance Number 1029. Amendment No. 1 will add another Dry Shielded Canister, designated NUHOMS-24PT4, to the authorized contents of the

Standardized Advanced NUHOMS System. Also, the rule will be amended to correct a typographical error that incorrectly states the expiration date of the CoC.

#### Timetable:

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9548
NPRM Comment Period End	03/30/05	
Direct Final Rule Effective	02/28/05	70 FR 9501
Direct Final Rule Effective Date	05/16/05	
Confirmation of Effective Date	05/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

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RIN: 3150-AH63

### 3994. • LIST OF APPROVED SENT FUEL STORAGE CASKS: HI-STORM 100 REVISION, AMENDMENT 2

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 72

**Legal Deadline:** None

**Abstract:** The direct final rule amends the Commission's regulations that apply to storage of spent fuel by revising the Holtec International HI-STORM 100 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 2 to Certificate of Compliance Number 1014. Amendment No. 2 will modify the present cask system design to include changes to materials used in construction, changes to the types of fuel that can be loaded, changes to shielding and confinement methodologies and assumptions, revisions to various temperature limits, changes in allowable fuel enrichments, and other changes to reflect current NRC staff guidance and use of industry codes, under a general license.

#### Timetable:

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9550
Direct Final Rule	02/28/05	70 FR 9504
Direct Final Rule Comment Period End	03/30/05	
Direct Final Rule Effective	05/16/05	
Confirmation of Effective Date	05/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

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RIN: 3150-AH64

### 3995. • CHARGES FOR DUPLICATING RECORDS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 9

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to permit its contractor to increase the charges for copying publicly available documents at the NRC's Public Document Room (PDR). The increases are necessary to adjust for inflation and a decrease in the projected volume of copying by the NRC contractor.

#### Timetable:

Action	Date	FR Cite
Final Rule	06/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

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RIN: 3150-AH66

## NRC

## Final Rule Stage

**3996. • EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; EXPORTS TO SYRIA EMBARGOED****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 pertaining to the export and import of nuclear equipment and radioactive materials.

The amendments implement Executive Order 13336 (May 11, 2004) by removing Syria from the list of restricted destinations in 10 CFR 110.29 and adding it to the list of embargoed destinations in 10 CFR 110.28. This amendment effectively prevents the export of nuclear material or equipment to Syria under a general license, and is necessary to conform the NRC's regulations to U.S. foreign policy.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Kirk R. Foggie, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555-0001

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Email: kxf@nrc.gov

**RIN:** 3150-AH67

## Nuclear Regulatory Commission (NRC)

## Long-Term Actions

**3997. 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 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 reestimated to reflect the use of more highly enriched fuel and

discharge of more highly irradiated fuels from a reactor, as well as many changes needed to update fuel cycle process and technologies.

This rulemaking would result in current and more accurate estimates of the environmental impact of licensing a new plant, and would eliminate the requirement to review the contribution to environmental impacts from radon-222 and technetium-99 in individual plant reviews. This rule is being reissued as a proposed rule, and would update the initial rulemaking effort to address newly emerging issues and research.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stewart Schneider, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

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**RIN:** 3150-AA31**3998. DISPOSAL BY RELEASE INTO SANITARY SEWERAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**  
**Required:** No

**NRC**

**Long-Term Actions**

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lydia Chang, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-6319  
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**RIN:** 3150-AE90

**3999. ADVANCE NOTIFICATION TO NATIVE AMERICAN TRIBES OF TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR WASTE**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The advance notice of proposed rulemaking (ANPRM) invited early input from affected parties and the public on the issues associated with the advance notification of Indian tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Roger W. Broseus, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
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**RIN:** 3150-AG41

**4000. INTEGRATED RULEMAKING FOR DECOMMISSIONING NUCLEAR POWER REACTORS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

**Abstract:** A staff requirements memorandum dated June 23, 1999, directed the NRC staff to consider an integrated, risk-informed decommissioning rule rather than individual rulemakings to address emergency preparedness, insurance, safeguards, operator staffing, and backfit for nuclear power plants that are being decommissioned. SECY-99-168, dated June 30, 1999, recommended that the integrated approach be approved and outlined staff plans for pursuing such a rulemaking. Accordingly, the staff has subsumed previous rulemaking activities in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit into one integrated rulemaking effort. This rulemaking would apply to licensees who certified, pursuant to 10 CFR 50.82(a), that they have permanently ceased facility operation(s) and have permanently removed fuel from the reactor vessel. The Commission approved this approach in an SRM dated December 21, 1999. This rulemaking also would address a petition for rulemaking submitted by the North Carolina Public Utility Commission (PRM-50-57).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** In SECY-00-0145, dated June 28, 2000, the NRC

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

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**RIN:** 3150-AG47

**4001. 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

## NRC

## Long-Term Actions

materials containing low concentrations of source material are adequate to protect public health and safety. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 301 415-8106

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**RIN:** 3150-AG64

**4002. 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 plans to issue an Interim Research Report in mid-2005.

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

**Agency Contact:** Kevin R. O'Sullivan, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

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**RIN:** 3150-AG89

**4003. MODIFICATIONS TO PRESSURE-TEMPERATURE LIMITS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Matthew Mitchell, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

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**RIN:** 3150-AG98

**4004. DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT PERSONS AND GENERAL LICENSEES AND REVISION OF 10 CFR 40.22 GENERAL LICENSE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 40

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in 10 CFR 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and Organization of Agreement States.

## NRC

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

**Agency Contact:** Gary Comfort, Jr., Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-8106  
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**RIN:** 3150-AH15**4005. 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 of America.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

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

**Agency Contact:** Naiem S. Tanius, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-6103  
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**RIN:** 3150-AH38**4006. EXEMPTIONS FROM LICENSING 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**Legal Deadline:** None

**Abstract:** The proposed rule would use the results of the reevaluation of exemptions to make parts 30, 31, and 32 more risk-informed and less prescriptive and to better ensure safety. The proposed rule would eliminate unnecessary restrictions and obsolete provisions currently in the regulations. Improvements to distributor reporting requirements are also being considered. This rulemaking subsumes RM 526, "Use of Exempt Sources in Devices, 10 CFR 30.18."

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

**Agency Contact:** Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-6264  
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**RIN:** 3150-AH41**4007. 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 (1) testing demonstrated that adequate ductility would be maintained, and (2) ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking would also address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/07	

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

**Agency Contact:** Richard F. Dudley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH42**4008. DECOUPLING OF ASSUMED LOSS OF OFFSITE POWER FROM LOSS-OF-COOLANT ACCIDENTS (LOCA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to eliminate, based upon appropriate risk considerations, the assumption of a coincident loss of offsite power for postulated large-break (low frequency) loss-of-coolant accidents (LB-LOCA) in General Design Criterion (GDC) 35. The proposed rule would provide a voluntary alternative to existing requirements where specified acceptance criteria are satisfied, and also would address a petition for rulemaking submitted by Bob Christie Performance Technology (PRM-50-77).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No

## NRC

## Long-Term Actions

**Government Levels Affected:** None

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**RIN:** 3150-AH43

**4009. 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 (1) financial assurance and (2) licensee monitoring, reporting, and remediation to reduce the potential for sites that could have funding shortfalls or contamination that would complicate future decommissioning (i.e., create a future legacy site).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3150-AH45

## Nuclear Regulatory Commission (NRC)

## Completed Actions

**4010. RISK-INFORMED CATEGORIZATION AND TREATMENT OF STRUCTURES, SYSTEMS AND COMPONENTS FOR NUCLEAR POWER REACTORS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 50

**Completed:**

Reason	Date	FR Cite
Final Rule	11/22/04	69 FR 68008
Final Rule Effective	12/22/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tim Reed  
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**RIN:** 3150-AG42

**4011. EMERGENCY PLANNING AND PREPAREDNESS FOR PRODUCTION AND UTILIZATION FACILITIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 50

**Completed:**

Reason	Date	FR Cite
Final Rule	01/26/05	70 FR 3591
Final Rule Effective	04/26/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael T. Jamgochian  
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**RIN:** 3150-AH00

**4012. SECURITY REQUIREMENTS FOR PORTABLE GAUGES CONTAINING BYPRODUCT MATERIAL**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 30

**Completed:**

Reason	Date	FR Cite
Final Rule	01/12/05	70 FR 2001
Final Rule Effective	07/11/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lydia Chang  
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**RIN:** 3150-AH06

**4013. MEDICAL USE OF BYPRODUCT MATERIAL—RECOGNITION OF SPECIALTY BOARDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 35

**Completed:**

Reason	Date	FR Cite
Final Rule	03/30/05	70 FR 16336
Final Rule Effective	04/29/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** Roger W. Broseus  
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**RIN:** 3150-AH19

**4014. ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER NUCLEAR POWER REACTORS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 50

**Completed:**

Reason	Date	FR Cite
Subsumed Into RIN 3150-AH42	01/14/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard F. Dudley  
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**RIN:** 3150-AH22

**4015. CODIFICATION OF EA-03-009 RPV HEAD AND PENETRATION INSPECTION REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 50

## NRC

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Subsumed Into RIN 3150-AH24	10/01/04	69 FR 58804

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

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**RIN:** 3150-AH46**4016. • MINOR CORRECTION AMENDMENTS FOR FY2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 19; 10 CFR 34; 10 CFR 40; 10 CFR 55; 10 CFR 60**Legal Deadline:** None**Abstract:** The final rule amends the Commission's regulations to correct several miscellaneous errors in the NRC Rules and Regulations. This document is necessary to inform the public of these corrective changes.**Timetable:**

Action	Date	FR Cite
Final Rule	12/22/04	69 FR 76599
Final Rule Effective	12/22/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Alzonia Sheppard, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20855-0001

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**RIN:** 3150-AH58

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