



# Federal Register

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**Monday,  
June 28, 2004**

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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 22, 2003 (68 FR 74000).

**ADDRESSES:** You may submit comments on any rule in the agenda by any one of the following methods. Please include the RIN (Regulation Identifier Number) in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including personal information such as social security numbers and birth dates in your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking

web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; e-mail [cag@nrc.gov](mailto:cag@nrc.gov). Comments can also be submitted via the Federal eRulemaking Portal <http://www.regulations.gov>.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to the rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1?F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**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](mailto: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 22, 2003 (68 FR 74000). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through May 10, 2004. The date for the next scheduled action under the heading "Timetable" is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

The NRC agenda lists all open rulemaking actions. Four 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 7th day of May 2004.

For the Nuclear Regulatory Commission.

**Michael T. Lesar,**

*Chief, Rules and Directives Branch,  
Division of Administrative Services,  
Office of Administration*

**Nuclear Regulatory Commission—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
4194	Nuclear Power Plant Worker Fatigue .....	3150-AG99
4195	Control of Solid Material .....	3150-AH18
4196	Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition .....	3150-AH29
4197	Incorporation by Reference of ASME BPV Code Cases .....	3150-AH35

## NRC

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

Sequence Number	Title	Regulation Identifier Number
4198	Elimination of Requirement To Submit Annual Financial Report .....	3150-AH39
4199	Collection, Reporting, or Posting of Information .....	3150-AH40

## Nuclear Regulatory Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4200	Fitness for Duty Programs .....	3150-AF12
4201	Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants .....	3150-AG24
4202	Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors .....	3150-AG42
4203	Performance-Based, Risk-Informed Fire Protection .....	3150-AG48
4204	Changes to Emergency Action Levels - Appendix E .....	3150-AH00
4205	Security Requirements for Portable Gauges Containing Byproduct Material .....	3150-AH06
4206	Public Records .....	3150-AH12
4207	Options for Addressing Training and Experience Issues Associated With Recognition of Specialty Boards by NRC .....	3150-AH19
4208	Industry Codes and Standards; Amended Requirements .....	3150-AH24
4209	Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Submissions to the Electronic Docket .....	3150-AH31

## Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4210	Update Fuel Performance Considerations and Other Fuel Cycle Issues .....	3150-AA31
4211	Disposal by Release Into Sanitary Sewerage .....	3150-AE90
4212	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste .....	3150-AG41
4213	Integrated Rulemaking for Decommissioning Nuclear Power Reactors .....	3150-AG47
4214	Reevaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage .....	3150-AG63
4215	Transfers of Certain Source Materials by Specific Licensees .....	3150-AG64
4216	Entombment Options for Power Reactors .....	3150-AG89
4217	Modifications to Pressure-Temperature Limits .....	3150-AG98
4218	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License .....	3150-AH15
4219	Acceptable Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors .....	3150-AH22
4220	Implement US-IAEA Safeguards Agreement .....	3150-AH38
4221	Exemptions from Licensing and Distribution of Byproduct Material; Licensing and Reporting Requirement .....	3150-AH41
4222	Performance-Based ECCS Acceptance Criteria .....	3150-AH42
4223	Decoupling of Assumed Loss of Offsite Power from Loss-of-Coolant Accidents (LOCA) .....	3150-AH43

## Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4224	Changes to Adjudicatory Process .....	3150-AG49
4225	Compatibility With IAEA Transportation Safety Standards .....	3150-AG71
4226	Financial Information Requirements for Applications To Renew or Extend the Term of an Operating License for a Power Reactor .....	3150-AG84
4227	Electronic Submission of Fingerprint Records .....	3150-AH16
4228	List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (Amendment 3) .....	3150-AH25
4229	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision (Amendment 5) .....	3150-AH26
4230	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, -61BT, -32PT, and -24PHB Revision (Amendment 6) .....	3150-AH27

NRC

Nuclear Regulatory Commission—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4231	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision (Amendment 7) .....	3150-AH28
4232	Minor Changes to Decommissioning Trust Fund Provisions .....	3150-AH32
4233	Minor Correction Amendments .....	3150-AH34
4234	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, and -61BT Revision (Amendment 5) .....	3150-AH36
4235	Revision of Fee Schedules; Fee Recovery, FY 2004 .....	3150-AH37

Nuclear Regulatory Commission (NRC)

Proposed Rule Stage

**4194. 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 affect the operational safety of nuclear power plants. This rulemaking also would address a petition for rulemaking submitted by Barry Quigley (PRM-26-02).

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**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  
Email: drd@nrc.gov

**RIN:** 3150-AG99

**4195. 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 the control of solid materials would help the NRC staff evaluate the cost effectiveness of means to handle requests for clearance of materials during both operations and decommissioning.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Agency Contact:** Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-6185  
Email: fpc@nrc.gov

**RIN:** 3150-AH18

**4196. LARGE BREAK LOSS-OF-COOLANT ACCIDENT (LB-LOCA) REDEFINITION**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Eileen McKenna, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-2189  
Email: emm@nrc.gov

**RIN:** 3150-AH29

**4197. INCORPORATION BY REFERENCE OF ASME BPV CODE CASES**

**Priority:** Substantive, Nonsignificant

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

## NRC

## Proposed Rule Stage

**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations in § 50.55a 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
Proposed Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3150-AH35

**4198. • 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
Proposed Rule	06/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William D. Reckley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-1323  
Email: wdr@nrc.gov

**RIN:** 3150-AH39

**4199. • COLLECTION, REPORTING, OR POSTING OF INFORMATION**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Rule	06/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William D. Reckley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-1323  
Email: wdr@nrc.gov

**RIN:** 3150-AH40

## Nuclear Regulatory Commission (NRC)

## Final Rule Stage

**4200. 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. This

rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1). Because of the issues raised in response to the earlier affirmed rule, a new proposed rule will be published.

## NRC

## Final Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Garmon West Jr., Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555  
Phone: 301 415-0211  
Email: fitnessforduty@nrc.gov

Mark C. Nolan, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555  
Phone: 301 415-8171  
Email: fitnessforduty@nrc.gov

Related RIN: Related to 3150-AG62  
RIN: 3150-AF12

**4201. 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	
Final Rule	08/00/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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

Nanette Giles, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-1180

Email: nvg@nrc.gov

Related RIN: Merged with 3150-AE25

RIN: 3150-AG24

**4202. RISK-INFORMED CATEGORIZATION AND TREATMENT OF STRUCTURES, SYSTEMS AND COMPONENTS FOR NUCLEAR POWER REACTORS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

**Abstract:** The proposed rule would provide an alternative, risk-informed approach for special treatment requirements in the current regulations. Special treatment requirements are requirements imposed on structures, systems, and components (SSCs) that provide additional confidence that these SSCs are capable of meeting design basis functional requirements. The contemplated risk-informed approach would categorize SSCs and vary the associated regulatory treatment based on the SSC's safety significance. This action is a result of the Commission's continuing efforts to risk-inform its regulations. The staff provided the Commission the proposed rule package on September 30, 2002. In a Staff Requirements Memorandum for SECY-02-0176, dated March 28, 2003, the Commission directed the staff to publish the proposed rule in the Federal Register for public comment.

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Tim Reed, Nuclear Regulatory Commission, Office of

## NRC

## Final Rule Stage

Nuclear Reactor Regulation,  
Washington, DC 20555-0001  
Phone: 301 415-1462  
Email: tar@nrc.gov  
**RIN:** 3150-AG42

**4203. 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." Draft rule language was posted for public comment on the NRC Rulemaking Forum website on December 20, 2001; April 2, 2002, and May 30, 2002. The proposed rule package was provided to the Commission on July 15, 2002 (SECY-02-132). Public comments have been incorporated and a final rule package was prepared. The draft final rule was presented to the ACRS on December 4, 2003, and the ACRS gave its general approval of the rule in a letter to the Chairman on December 12, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/02	67 FR 66578
NPRM Comment Period End	01/15/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Joseph L. Birmingham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-2829  
Email: jlb4@nrc.gov  
**RIN:** 3150-AG48

**4204. CHANGES TO EMERGENCY ACTION LEVELS – APPENDIX E**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 2201; 42 USC 5841  
**CFR Citation:** 10 CFR 50

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/03	68 FR 43673
NPRM Comment Period End	10/07/03	
Final Rule	08/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
Phone: 301 415-3224  
Email: mtj1@nrc.gov  
**RIN:** 3150-AH00

**4205. SECURITY REQUIREMENTS FOR PORTABLE GAUGES CONTAINING BYPRODUCT MATERIAL**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 2201; 42 USC 5841

**CFR Citation:** 10 CFR 30

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations governing the use of byproduct material in specifically licensed portable gauges. The proposed rule would require a licensee to provide a minimum of two independent physical controls that form tangible barriers to secure the gauge from unauthorized removal whenever the portable gauges are not under the control and constant surveillance of the licensee.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/03	68 FR 45172
NPRM Comment Period End	10/15/03	
Final Rule	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lydia Chang, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001  
Phone: 301 415-6319  
Email: lwc1@nrc.gov  
**RIN:** 3150-AH06

**4206. 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
Proposed Rule	04/27/04	69 FR 22737
Comment Period End	07/12/04	
Final Rule	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

## NRC

## Final Rule Stage

Phone: 301 415-7169  
Email: car2@nrc.gov

RIN: 3150-AH12

**4207. OPTIONS FOR ADDRESSING TRAINING AND EXPERIENCE ISSUES ASSOCIATED WITH RECOGNITION OF SPECIALTY BOARDS BY NRC**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 35

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations modifying the training and experience requirements based on recommendations submitted by the Advisory Committee on the Medical Uses of Isotopes (ACMUI), contained in SECY-02-0194 (October 30, 2002, "Staff Requirements - SECY-02-0194 - Options for Addressing Part 35 Training and Experience Issues Associated with Recognition of Specialty Boards by NRC" (February 12, 2003). The Commission approved an option that includes posting on the NRC's web site the names of boards whose certifications are recognized as meeting revised criteria for training and experience rather than including the names in regulations. The Commission directed that the staff develop the proposed rule based on the ACMUI's recommendations, with certain qualifications in SRM-02-0194, including clarifications about the meaning of terms in preceptor statements - the retention of which was required by the Commission.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	12/09/03	68 FR 68549
Comment Period End	02/23/04	
Final Rule	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

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

Phone: 301 415-7608

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RIN: 3150-AH19

**4208. INDUSTRY CODES AND STANDARDS; AMENDED REQUIREMENTS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**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 2001 Edition and 2002 Addenda of Division 1 rules in section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME BPV Code); the 2001 Edition and 2002 Addenda of Division 1 rules in section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME BPV Code; and the 2001 edition and 2002 addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code).

**Timetable:**

Action	Date	FR Cite
Proposed Rule	01/07/04	69 FR 879
Comment Period End	03/22/04	
Final Rule	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Stephen A. Tingen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

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RIN: 3150-AH24

**4209. LICENSING PROCEEDINGS FOR THE RECEIPT OF HIGH-LEVEL RADIOACTIVE WASTE AT A GEOLOGIC REPOSITORY: LICENSING SUPPORT NETWORK, SUBMISSIONS TO THE ELECTRONIC DOCKET**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 5841; 42 USC 5842; 42 USC 5846

**CFR Citation:** 10 CFR 2

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations that govern Rules of Practice applicable to the use of the Licensing Support Network (LSN) for the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW licensing proceeding). The proposed amendments would establish the basic requirements and standards for the submission of adjudicatory materials to the electronic docket by parties to the HLW licensing proceeding. The proposed amendments would also address the issue of reducing the unnecessary loading of duplicate documents on individual LSN participant websites.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	11/26/03	68 FR 66372
Comment Period End	01/12/04	
Final Rule	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 3150-AH31



## Nuclear Regulatory Commission (NRC)

## Long-Term Actions

**4210. UPDATE FUEL PERFORMANCE CONSIDERATIONS AND OTHER FUEL CYCLE ISSUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842**CFR Citation:** 10 CFR 51**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations by addressing uranium fuel cycle environmental data (Table S-3) and the environmental effects of transportation of fuel and waste data (Table S-4). In section 51.51, the environmental data would be re-estimated and reflect changes in the structure and activities of the fuel cycle and the availability of better data. Estimates of releases of Radon-222 and Technetium-99 would be added to Table S-3. The addition of a specific value for Radon-222 would address the outstanding portion of petition for rulemaking PRM-51-1, submitted by the New England Coalition on Nuclear Pollution. To provide immediate relief to the petitioners' request, the Commission published a final rule on March 14, 1977 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it became subject to case-specific litigation. It was anticipated that the Commission would add a specific value for Radon-222, but the Commission deferred action until a general updating of Table S-3 is undertaken. For section 51.52, the environmental impact estimates would be re-estimated to reflect the use of more highly enriched fuel and discharge of more highly irradiated fuels from a reactor; as well as many changes needed to update fuel cycle process and technologies.

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154

Action	Date	FR Cite
NPRM Comment	05/04/81	
Period End		
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**4211. DISPOSAL BY RELEASE INTO SANITARY SEWERAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20**Legal Deadline:** None

**Abstract:** The advance notice of proposed rulemaking (ANPRM) was published to request public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies, the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. The Interagency Steering Committee on Radiation Standards (ISCORS), the NRC and the Environmental Protection Agency conducted a joint survey of sewage treatment plants. The need for and the extent of a rulemaking will be evaluated pending the result of the survey and the associated dose assessment. This rulemaking would also address a petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22).

**Timetable:**

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

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

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**RIN:** 3150-AE90**4212. 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	07/05/00	65 FR 18010
Period End		
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

## NRC

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AG41

#### 4213. 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

#### 4214. REEVALUATION OF POWER REACTOR PHYSICAL PROTECTION REGULATIONS AND POSITION ON A DEFINITION OF RADIOLOGICAL SABOTAGE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 73

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the Commission's regulations to incorporate the Commission actions taken as a result of September 11, 2001. The proposed rulemaking would (1) require power reactor licensees to

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AG63

#### 4215. 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

## NRC

## Long-Term Actions

licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

**Timetable:**

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

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

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**RIN:** 3150-AG64

**4216. ENTOMBMENT OPTIONS FOR POWER REACTORS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 20; 10 CFR 50

**Legal Deadline:** None

**Abstract:** The advance notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02-0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory Research has conducted research to develop a sound technical basis for an entombment option, estimated in 2005. The Commission, in a Staff Requirements Memorandum dated November 26, 2002, did not object to staff's proposal, and requested information regarding the scope and type of research needed to support any entombment option. This information was provided to the Commission on May 14, 2003.

**Timetable:**

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

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

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**RIN:** 3150-AG89

**4217. 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

**4218. 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

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**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

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**RIN:** 3150-AH15**4219. ACCEPTABLE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER NUCLEAR POWER REACTORS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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

**CFR Citation:** 10 CFR 50**Legal Deadline:** None

**Abstract:** The proposed amendment would eliminate the agency's practice of approving the use of M5, a zirconium-niobium alloy, by exemptions. This action is intended to increase NRC's effectiveness and efficiency and to reduce unnecessary regulatory burden for licensees without adversely affecting public health and safety.

**Timetable:**

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

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

**Agency Contact:** Merilee Banic, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555  
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**RIN:** 3150-AH22**4220. • IMPLEMENT US-IAEA SAFEGUARDS AGREEMENT****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61, 1

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

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

**Agency Contact:** David Tiktinsky, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001  
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**RIN:** 3150-AH38**4221. • EXEMPTIONS FROM LICENSING AND DISTRIBUTION OF BYPRODUCT MATERIAL; LICENSING AND REPORTING REQUIREMENT****Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Rule	To Be	Determined

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

**Agency Contact:** Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

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**RIN:** 3150-AH41**4222. • 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 the Commission's regulations to § 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. Existing provisions of § 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. The proposed rulemaking would also grant PRM-50-71, a petition for rulemaking submitted by the Nuclear Energy Institute.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	03/00/06	

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

**Agency Contact:** Peter C. Wen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

## NRC

## Long-Term Actions

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RIN: 3150-AH42

#### 4223. • 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 Part 50, Appendix A, to eliminate—based upon appropriate risk considerations—the assumption of a coincident loss of offsite power (LOOP) for postulated large-break (low frequency) loss-of-coolant accidents (LB-LOCA) in General Design Criterion (GDC) 35. The proposed rule would provide a voluntary alternative to existing requirements where specified acceptance criteria are satisfied, and would grant, in part, PRM-50-77, a petition for rulemaking submitted by Bob Christie (Performance Technology).

#### Timetable:

Action	Date	FR Cite
Proposed Rule	To Be	Determined

#### Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AH43

## Nuclear Regulatory Commission (NRC)

## Completed Actions

#### 4224. CHANGES TO ADJUDICATORY PROCESS

Priority: Substantive, Nonsignificant

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

#### Completed:

Reason	Date	FR Cite
Final Rule	01/14/04	69 FR 2182
Final Rule Effective	02/13/04	

#### Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AG49

**Agency Contact:** Naiem S. Tanious  
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RIN: 3150-AG71

#### 4226. FINANCIAL INFORMATION REQUIREMENTS FOR APPLICATIONS TO RENEW OR EXTEND THE TERM OF AN OPERATING LICENSE FOR A POWER REACTOR

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 50

#### Completed:

Reason	Date	FR Cite
Final Rule	01/30/04	69 FR 4439
Final Rule Effective	03/01/04	

#### Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** George J. Mencinsky  
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RIN: 3150-AG84

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Cheryl Stone  
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RIN: 3150-AH16

#### 4228. LIST OF APPROVED SPENT FUEL STORAGE CASKS: NAC-UMS REVISION (AMENDMENT 3)

Priority: Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.

CFR Citation: 10 CFR 72

#### Completed:

Reason	Date	FR Cite
Direct Final Rule	01/16/04	69 FR 2497
Direct Final Rule Effective	03/31/04	
Proposed Rule	01/16/04	69 FR 2528
Confirmation of Effective Date	03/31/04	69 FR 16769

#### Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Jayne M. McCausland  
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RIN: 3150-AH25

#### 4225. COMPATIBILITY WITH IAEA TRANSPORTATION SAFETY STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 71

#### Completed:

Reason	Date	FR Cite
Final Rule	01/26/04	69 FR 3698
Final Rule Effective	10/01/04	
Portions of Sections 71.19 and 71.20	10/01/08	

#### Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

#### 4227. ELECTRONIC SUBMISSION OF FINGERPRINT RECORDS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 73

#### Completed:

Reason	Date	FR Cite
Subsumed into RIN 3150-AH33	10/10/03	68 FR 58791

Regulatory Flexibility Analysis Required: No

## NRC

## Completed Actions

**4229. LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS SYSTEM REVISION (AMENDMENT 5)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 10 CFR 72

**Completed:**

Reason	Date	FR Cite
Direct Final Rule Effective	11/03/03	
Withdrawal of Direct Final Rule	10/30/03	68 FR 61734

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jayne M. McCausland  
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**RIN:** 3150-AH26

**4230. LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS -24P, -52B, -61BT, -32PT, AND -24PHB REVISION (AMENDMENT 6)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 10 CFR 72

**Completed:**

Reason	Date	FR Cite
Proposed Rule	10/07/03	68 FR 57839
Direct Final Rule	10/07/03	68 FR 57785
Confirmation of Effective Date	12/17/03	68 FR 71021
Direct Final Rule Effective	12/22/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AH27

**4231. LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARIZED NUHOMS SYSTEM REVISION (AMENDMENT 7)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 10 CFR 72

**Completed:**

Reason	Date	FR Cite
Proposed Rule	12/18/03	68 FR 70463
Direct Final Rule	12/18/03	68 FR 70423
Confirmation of Effective Date Published	02/27/04	69 FR 9199
Final Rule Effective	03/02/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AH28

**4232. MINOR CHANGES TO DECOMMISSIONING TRUST FUND PROVISIONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 10 CFR 50

**Completed:**

Reason	Date	FR Cite
Proposed Rule	11/20/03	68 FR 65415
Comment Period End	12/22/03	
Direct Final Rule	11/20/03	68 FR 65386
Direct Final Rule Effective	12/24/03	
Confirmation of Effective Date	02/04/04	69 FR 5267

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AH32

**4233. • MINOR CORRECTION AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 1; 10 CFR 4; 10 CFR 19; 10 CFR 35; 10 CFR 39; 10 CFR 40; 10 CFR 50

**Legal Deadline:** None

**Abstract:** The final rule amends the Commission's regulations to correct several miscellaneous errors in the Code of Federal Regulations (CFR). This document is necessary to inform the public of these corrective changes to NRC regulations.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/31/03	68 FR 75388
Final Rule Effective	12/31/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3150-AH34

**4234. • LIST OF APPROVED SENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS -24P, -52B, AND -61BT REVISION (AMENDMENT 5)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 72

**Legal Deadline:** None

**Abstract:** The 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. 5 to Certificate of Compliance Number 1004. This amendment will add another dry shielded canister (DSC), designated NUHOMS -32PT DSC, to the authorized contents of the Standardized NUHOMS -24P, -52B, and -61BT cask system. This canister is designed to accommodate 32

## NRC

## Completed Actions

pressurized water reactor assemblies with or without Burnable Poison Rod assemblies. It is designed for use with existing NUHOMS horizontal Storage Module and NUHOMS Transfer Cask under a general license. A significant adverse comment was received on the direct final rule, therefore the direct final rule was withdrawn on October 30, 2003; 68 FR 61734 (see RIN AH26).

**Timetable:**

Action	Date	FR Cite
Final Rule	01/07/04	69 FR 849
Final Rule Effective	01/07/04	

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

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**RIN:** 3150-AH36**4235. • REVISION OF FEE SCHEDULES; FEE RECOVERY, FY 2004****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:** None

**Abstract:** The final rule amends 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 92 percent of the NRC's budget authority for Fiscal Year 2004, less the amounts appropriated from the Nuclear Waste 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 2004 is approximately \$545.6 million. OBRA-90, as amended, requires that the fees for FY 2004 be collected by September 30, 2004.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	02/02/04	69 FR 4865
Comment Period End	03/03/04	
Final Rule	04/26/04	69 FR 22663
Final Rule Effective	06/25/04	

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

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**RIN:** 3150-AH37

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