



Federal Register

**Monday,
December 11, 2006**

Part LVIII

Nuclear Regulatory Commission

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 April 24, 2006 (71 FR 23698).

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 April 24, 2006 (71 FR 23698). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through September 1, 2006. The date for the next scheduled action under the heading “Timetable” is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

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

Dated at Rockville, Maryland, this 1st day of September 2006.

For the Nuclear Regulatory Commission.

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

Nuclear Regulatory Commission—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4079	Approach to Risk-Inform, Performance-Base Requirement for Nuclear Power Plants	3150-AH81

Nuclear Regulatory Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4080	Power Reactor Security Requirements	3150-AG63
4081	Collection, Reporting, or Posting of Information	3150-AH40
4082	Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule	3150-AH45
4083	Protection of Safeguards Information	3150-AH57
4084	Incorporation by Reference of NRC Regulatory Guides Listing Approved ASME Code Cases	3150-AH80
4085	Regulatory Improvements to Nuclear Materials Management and Safeguards System Database	3150-AH85
4086	Security Assessment Requirements for New Light-Water Reactors	3150-AH92

NRC

Nuclear Regulatory Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4087	Fitness-for-Duty Programs	3150-AF12
4088	Licenses, Certifications, and Approvals for Nuclear Power Plants	3150-AG24
4089	Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition	3150-AH29
4090	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material; Licensing and Reporting Requirements	3150-AH41
4091	Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities	3150-AH59
4092	Design Basis Treat (DBT)	3150-AH60
4093	Use of Electronic Submissions in Agency Hearings	3150-AH74
4094	Requirements for Expanded Definition of Byproduct Material	3150-AH84
4095	Secure Transport of Nuclear Materials	3150-AH90
4096	List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition	3150-AH93
4097	Reactivity Control of Spent Fuel Within Dry Storage and/or Transport Casks or Containers	3150-AH95
4098	Facility Change Process Involving Items Relied On For Safety	3150-AH96

Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4099	Update Fuel Performance Considerations and Other Fuel Cycle Issues	3150-AA31
4100	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste	3150-AG41
4101	Integrated Rulemaking for Decommissioning Nuclear Power Reactors	3150-AG47
4102	Transfers of Certain Source Materials by Specific Licensees	3150-AG64
4103	Entombment Options for Power Reactors	3150-AG89
4104	Modifications to Pressure-Temperature Limits	3150-AG98
4105	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License	3150-AH15
4106	Controlling the Disposition of Solid Materials	3150-AH18
4107	Implement US-IAEA Safeguards Agreement	3150-AH38
4108	Performance-Based ECCS Acceptance Criteria	3150-AH42
4109	Decoupling of Assumed Loss of Offsite Power From Loss-of-Coolant Accidents (LOCA)	3150-AH43
4110	List of Non-Agreement States	3150-AH49
4111	Conforming Administrative Changes	3150-AH62
4112	Implementation of a Dose Standard Beyond 10,000 Years	3150-AH68
4113	Industry Codes and Standards; Amended Requirements	3150-AH76
4114	Requirements for Distribution of Byproduct Material and Exemptions From Licensing	3150-AH91

Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4115	Elimination of Requirement To Submit Annual Financial Report	3150-AH39
4116	National Source Tracking of Sealed Sources	3150-AH48
4117	Charges for Duplicating Records	3150-AH66
4118	Revision of Fee Schedules; Fee Recovery for FY 2006	3150-AH83
4119	List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System, Revision, Amendment 4	3150-AH86
4120	List of Approved Spent Fuel Storage Casks: VSC-24 Revision, Amendment 6	3150-AH87
4121	Implementation of the Energy Policy Act of 2005	3150-AH88
4122	Revision of NRC Form 7, Application of NRC Export/Import License, Amendment, or Renewal	3150-AH89
4123	Relief From Fingerprinting and Criminal History Records Check for Designated Categories of Individuals	3150-AH94

Nuclear Regulatory Commission (NRC)

Prerule Stage

4079. APPROACH TO RISK-INFORM, PERFORMANCE-BASE REQUIREMENT FOR NUCLEAR POWER PLANTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50; 10 CFR 53**Legal Deadline:** None**Abstract:** The advanced notice of proposed rulemaking would obtain public comment on a proposed

approach to risk-inform the requirements for power reactors including developing an alternative set of new risk-informed requirements.

Timetable:

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Joseph L. Birmingham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-2829
Email: jlb4@nrc.gov**RIN:** 3150-AH81

Nuclear Regulatory Commission (NRC)

Proposed Rule Stage

4080. POWER REACTOR SECURITY REQUIREMENTS**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 by adding new security requirements pertaining to nuclear power reactors to include new security requirements for Category I strategic special nuclear material (SSNM) facilities for access to enhanced weapons and firearms background checks. The proposed rulemaking would: (1) Make generically applicable security requirements imposed by Commission orders issued after the terrorist attacks of September 11, 2001, based upon experience and insights gained by the Commission during implementation, (2) fulfill certain provisions of the Energy Policy Act of 2005, (3) add several new requirements that resulted from insights from implementation of the security orders, review of site security plans, and implementation of the enhanced baseline inspection program and force-on-force exercises, (4) update the regulatory framework in preparation for receiving license applications for new reactors, and (5) impose requirements to assess and manage site activities that can adversely affect safety and security. The proposed safety and security requirements would address, in part, a Petition for Rulemaking (PRM 50-80) that requested the establishment of regulations governing proposed changes to facilities which could adversely

affect the protection against radiological sabotage.

Timetable:

Action	Date	FR Cite
NPRM	10/26/06	71 FR 62664
NPRM Comment Period End	01/09/07	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard A. Rasmussen, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001
Phone: 301 415-0610
Email: rar@nrc.gov**RIN:** 3150-AG63**4081. 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 1 mSv (100 mrem); (2) licensees for production and utilization facilities

governed by 10 CFR part 50 would not need to label containers in accordance with section 20.1904 "Labeling containers" if the containers met conditions such as being clearly identifiable as containing radioactive materials, being accessible only to trained individuals, and being located in an area posted pursuant to section 20.1902 "Posting requirements;" and (3) licensees would no longer need to attempt to obtain records of a worker's cumulative radiation dose unless the worker was to be involved in a planned special exposure. In addition, the staff is considering using this opportunity to propose a change to section 20.1003 "Definitions" to clarify the definition of total effective dose equivalent.

Timetable:

Action	Date	FR Cite
NPRM	09/22/06	71 FR 55382
NPRM Comment Period End	12/06/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stewart Schneider, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-4123
Email: sss4@nrc.gov**RIN:** 3150-AH40

NRC

Proposed Rule Stage

4082. REDUCE THE LIKELIHOOD OF FUNDING SHORTFALLS FOR DECOMMISSIONING UNDER THE LICENSE TERMINATION RULE**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 70; 10 CFR 72**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations by examining the addition and revision of requirements for financial assurance, and licensee monitoring, reporting, and remediation, to reduce the potential for sites that could have funding shortfalls or contamination that would complicate future decommissioning (i.e., create a future legacy site).

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

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

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

Phone: 301 415-8112

Email: kro2@nrc.gov

RIN: 3150-AH45

4083. PROTECTION OF SAFEGUARDS INFORMATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 2, 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 52; 10 CFR 63; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 76; 10 CFR 150**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations for the protection of Safeguards Information (SGI) to reflect recent Commission practices reflected in Orders and Threat Advisories, and Confirmatory Action Letters issued since September 11, 2001. The amendments also provide the flexibility

afforded the Commission for the protection of such information by the Atomic Energy Act of 1954, as amended (AEA). The proposed amendments would affect certain licensees, information, and materials not currently specified in the regulations, but which are within the scope of the AEA. The proposed amendments are intended to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. The Commission directed that this rule be republished as a proposed rule to allow comments on proposed changes to rule text in response to public and Commission comment, as well as to reflect amendments to the AEA in the Energy Policy Act of 2005 and orders issued to licensees authorized to possess and transfer items containing certain quantities of radioactive material.

Timetable:

Action	Date	FR Cite
NPRM	02/11/05	70 FR 7196
NPRM Comment Period End	03/28/05	
NPRM Republished	10/31/06	71 FR 64004
NPRM Comment Period End	01/02/07	
Final Action	08/00/07	

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

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

Phone: 301 415-1633

Email: mur@nrc.gov

RIN: 3150-AH57

4084. INCORPORATION BY REFERENCE OF NRC REGULATORY GUIDES LISTING APPROVED ASME CODE CASES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference recent

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

Timetable:

Action	Date	FR Cite
NPRM	10/27/06	71 62942
NPRM Comment Period End	01/10/07	
Final Action	08/00/07	

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

Agency Contact: Merrilee J. Banic, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555
Phone: 301 415-2771
Email: mjb@nrc.gov

RIN: 3150-AH80

4085. REGULATORY IMPROVEMENTS TO NUCLEAR MATERIALS MANAGEMENT AND SAFEGUARDS SYSTEM DATABASE**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 40; 10 CFR 72; 10 CFR 74; 10 CFR 150**Legal Deadline:** None

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

NRC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Neelam Bhalla, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6843

Email: nxb@nrc.gov

RIN: 3150-AH85

4086. • SECURITY ASSESSMENT REQUIREMENTS FOR NEW LIGHT-WATER REACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 52; 10 CFR 73

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's Regulations by requiring applicants for new reactor designs to submit a safety and security assessment addressing the relevant security requirements that were established for currently operating plants by order (February 25, 2002, All Operating Reactor Licensees, Order Modifying License (Effective Immediately), EA-02-26, 67 FR 9792 (March 4, 2002); April 29, 2003, All Operating Reactor Licensees, Order Modifying License (Effective Immediately), EA-03-086, 68 FR 24,517

(May 7, 2003)), including the requirements for protection against the supplemented design basis threat and the requirements for enhanced mitigative measures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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

Phone: 301 415-4123

Email: ssx4@nrc.gov

RIN: 3150-AH92

Nuclear Regulatory Commission (NRC)

Final Rule Stage

4087. FITNESS-FOR-DUTY PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 26

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to ensure compatibility with the Department of Health and Human Services' guidelines, eliminate or modify unnecessary requirements in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency and establish threshold for the control of working hours at nuclear power plants to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. Because of the issues raised in response to the earlier affirmed (Fitness-for-Duty) rule, a new proposed rule will be published, including provisions to provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This new proposed rule was provided to the Commission in SECY-05-0074, dated April 28, 2005. In a

memorandum dated June 30, 2005, the Commission approved publication of the proposed rule for public comment. This proposed rule subsumes the proposed rule "Nuclear Power Plant Worker Fatigue" (RIN 3150-AG99). This rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1) and a petition for rulemaking submitted by Barry Quigley (PRM-26-2) related to worker fatigue.

Timetable:

Action	Date	FR Cite
NPRM	05/09/96	61 FR 21105
NPRM Comment Period End	08/07/96	
Second NPRM	08/26/05	70 FR 50441
Second NPRM Comment Period End	12/27/05	
Final Rule	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David T. Diec, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-2834

Email: dtd@nrc.gov

Related RIN: Related to 3150-AG62

RIN: 3150-AF12

4088. LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 2; 10 CFR 10; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 25; 10 CFR 26; 10 CFR 50; 10 CFR 51; 10 CFR 52; 10 CFR 54; 10 CFR 55; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 95; 10 CFR 140; 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's requirements for early site permits, standard design certifications, 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

NRC

Final Rule Stage

effectiveness of the licensing processes for future applicants. The rulemaking also would make conforming clarifications and corrections to the NRC's regulations.

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

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

The proposed rule would amend section 52.1 to clarify that all licensing processes are within the scope of 10 CFR part 52. Sections within current Appendices M, N, O, and Q would also become new sections of the revised part. In addition, the proposed rule would reserve sections for future licensing processes. In doing so, the NRC hopes to convey that 10 CFR part 52 is the preferred location in 10 CFR for nuclear power plant licensing processes. The proposed rule subsumed the rulemaking "Standardized Plant Designs, Early Review of Sites Suitability Issues; Clarifying Amendments" (RIN 3150-AE25) that would remove redundant Appendices M, N, O, and Q from part 50. The part 52 rulemaking plan (SECY-98-282) was approved by the Commission on January 14, 1999. As a result of the comments received and a number of other factors, the Commission decided that a substantial rewrite and expansion of the original rulemaking would be necessary to ensure that the entire body of NRC regulations is able to support

the Agency's licensing and regulation of future nuclear power facilities under part 52.

Timetable:

Action	Date	FR Cite
NPRM	07/03/03	68 FR 40025
NPRM Comment Period End	09/16/03	
Second NPRM	03/13/06	71 FR 12781
Second NPRM Comment Period End	05/30/06	
Supplemental NPRM	10/17/06	71 FR 61330
Supplemental NPRM Comment Period End	11/16/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: 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

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

Related RIN: Merged with 3150-AE25

RIN: 3150-AG24

4089. LARGE BREAK LOSS-OF-COOLANT ACCIDENT (LB-LOCA) REDEFINITION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

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

Energy Institute (NEI) (PRM-50-75). A notice of receipt for this petition was published in the Federal Register on April 8, 2002; 67 FR 16654. The public comment period closed on June 24, 2002. The staff is working to complete action for resolution of the petition in conjunction with this rulemaking. The NEI requested that NRC extend the comment period for 30 additional days. On June 28, 2006, the NRC held a public meeting to discuss ways to resolve several comments. Preparation of the final rule is ongoing.

Timetable:

Action	Date	FR Cite
NPRM	11/07/05	70 FR 67597
NPRM Comment Period End	02/06/06	
NPRM Comment Period Extended	01/25/06	71 FR 4061
NPRM Comment Period End	03/08/06	
Final Rule	01/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard F. Dudley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-1116
Email: rfd@nrc.gov

RIN: 3150-AH29

4090. EXEMPTIONS FROM LICENSING, GENERAL LICENSES, AND DISTRIBUTION OF BYPRODUCT MATERIAL; LICENSING AND REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

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

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations in parts 30, 31, 32, and 150. The results of the reevaluation of exemptions are being used to improve effectiveness and efficiency and better ensure safety. The final rule eliminates obsolete provisions and associated distributor requirements currently in the regulations. Improvements to distributor reporting requirements are also included. A minor change to a general license is

NRC

Final Rule Stage

also included. This rulemaking has subsumed RMt 526, "Use of Exempt Sources in Devices."

Timetable:

Action	Date	FR Cite
NPRM	01/04/06	71 FR 275
NPRM Comment Period End	03/20/06	
Final Rule	01/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andy Imboden, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6128

Email: asi@nrc.gov

RIN: 3150-AH41

4091. CLARIFICATION OF NRC CIVIL PENALTY AUTHORITY OVER CONTRACTORS AND SUBCONTRACTORS WHO DISCRIMINATE AGAINST EMPLOYEES FOR ENGAGING IN PROTECTED ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 63; 10 CFR 70; 10 CFR 71; 10 CFR 72; 10 CFR 76

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to enable NRC to impose civil penalties upon non-licensee contractors and subcontractors who discriminate against employees engaged in protected activities.

Timetable:

Action	Date	FR Cite
NPRM	01/31/06	71 FR 5015
NPRM Comment Period End	04/17/06	
Final Rule	02/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Doug Starkey, Nuclear Regulatory Commission, Office

of Enforcement, Washington, DC 20555-0001

Phone: 301 415-3456

Email: drs@nrc.gov

RIN: 3150-AH59

4092. DESIGN BASIS TREAT (DBT)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/07/05	70 FR 67380
NPRM Comment Period End	01/23/06	
NPRM Comment Period Reopened	01/24/06	71 FR 3791
NPRM Comment Period Reopened End	02/22/06	
Final Rule	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Manash K Bagchi, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

Phone: 301 415-2905

Email: mkb2@nrc.gov

RIN: 3150-AH60

4093. USE OF ELECTRONIC SUBMISSIONS IN AGENCY HEARINGS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 2; 10 CFR 13; 10 CFR 110

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations on the use of electronic submissions in all agency hearings except for those conducted on

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

Timetable:

Action	Date	FR Cite
NPRM	12/16/05	70 FR 74949
NPRM Comment Period End	03/01/06	
Final Rule	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Darani M. Reddick, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001

Phone: 301 415-3841

Email: dar1@nrc.gov

RIN: 3150-AH74

4094. REQUIREMENTS FOR EXPANDED DEFINITION OF BYPRODUCT MATERIAL

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/28/06	71 FR 42951

NRC

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/11/06	
Final Rule	12/00/06	

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

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

RIN: 3150-AH84**4095. SECURE TRANSPORT OF NUCLEAR MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations to include requirements for secure transfer of nuclear materials as required by section 656 of the Energy Policy Act of 2005. The proposed amendment would implement section 656 by specifically excepting certain licensees from provisions of section 170I of the Atomic Energy Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	08/30/06	71 FR 51534
NPRM Comment Period End	09/29/06	
Final Rule	01/00/07	

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

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

RIN: 3150-AH90**4096. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: NUHOMS HD ADDITION****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 to add the NUHOMS HD Cask System to the "List of Approved Spent Fuel Storage Casks" to add Certificate of Compliance No. 1030. This allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

Timetable:

Action	Date	FR Cite
NPRM	05/02/06	71 FR 25782
Direct Final Rule	05/02/06	71 FR 25740
NPRM Comment Period End	06/01/06	
Direct Final Rule Effective	07/17/06	
Direct Final Rule Withdrawn	07/13/06	71 FR 39520
Final Rule	12/00/06	

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

Agency Contact: Jayne M. McCausland, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-6219
Email: jmm2@nrc.gov

RIN: 3150-AH93**4097. • REACTIVITY CONTROL OF SPENT FUEL WITHIN DRY STORAGE AND/OR TRANSPORT CASKS OR CONTAINERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

Abstract: The direct final rule amends the Commission's regulations that govern domestic licensing of production and utilization facilities to declare that the reactivity control requirements for spent fuel storage

racks do not apply to the fuel located in dry storage and/or transport casks or containers in the spent fuel pool.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/06	

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

Agency Contact: George M. Tartal, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-0016
Email: gmt1@nrc.gov

RIN: 3150-AH95**4098. • FACILITY CHANGE PROCESS INVOLVING ITEMS RELIED ON FOR SAFETY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 70**Legal Deadline:** None

Abstract: The direct final rule amends the Commission's regulations to clarify a requirement pertaining to items relied on for safety (IROFS). This rulemaking corrects an inconsistency in the regulations pertaining to IROFS.

Timetable:

Action	Date	FR Cite
Direct Final Rule	09/27/06	71 FR 56344
NPRM	09/27/06	71 FR 56413
NPRM Comment Period End	10/27/06	
Direct Final Rule Effective	12/11/06	
Confirmation of Effective Date	12/00/06	

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
Phone: 301 415-6233

NRC

Final Rule Stage

Email: ant@nrc.gov

RIN: 3150-AH96

Nuclear Regulatory Commission (NRC)

Long-Term Actions

4099. UPDATE FUEL PERFORMANCE CONSIDERATIONS AND OTHER FUEL CYCLE ISSUES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842**CFR Citation:** 10 CFR 51**Legal Deadline:** None

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

This rulemaking would result in current and more accurate estimates of the environmental impact of licensing a new plant and would eliminate the requirement to review the contribution to environmental impacts from Radon-222 and Technetium-99 in individual plant reviews. This rule is being

reissued as a proposed rule and would update the initial rulemaking effort to address newly emerging issues and research.

Timetable:

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

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

Agency Contact: Stewart Schneider, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-4123
Email: sxx4@nrc.gov

RIN: 3150-AA31**4100. ADVANCE NOTIFICATION TO NATIVE AMERICAN TRIBES OF TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR WASTE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 71; 10 CFR 73**Legal Deadline:** None

Abstract: The advance notice of proposed rulemaking (ANPRM) invited early input from affected parties and the public on the issues associated with the advance notification of Indian Tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian Tribes with notification of spent fuel shipments. NRC's current regulations do not address notification

of Indian Tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

Timetable:

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

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

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

RIN: 3150-AG41**4101. 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

NRC

Long-Term Actions

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

In SECY-00-0145, dated June 28, 2000, the NRC staff recommended a decommissioning rulemaking plan in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit (the integrated decommissioning rulemaking plan). The rulemaking plan relied on a draft decommissioning risk study as the basis for its recommendations. The Commission returned the rulemaking plan to the staff for rework in September 2000, based on changes to the decommissioning risk study findings. The decommissioning risk study, NUREG-1738, was issued in January 2001. After assessing the findings in the risk study, the staff presented a policy options paper to the Commission, SECY-01-0100, dated June 4, 2001, that provided options and made recommendations on issues to be addressed in the integrated rulemaking. Following the terrorist events of September 11, 2001, the NRC staff recommended and the Commission approved the withdrawal of SECY-01-0101 because of the likely changes in the staff's position on decommissioning plant safeguards. The decommissioning policy position will be revisited when a broad-scope NRC safeguards policy is developed in response to potential terrorist acts at nuclear facilities. The schedule for the integrated rulemaking cannot be determined at this time.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-6233
Email: ant@nrc.gov

RIN: 3150-AG47

4102. TRANSFERS OF CERTAIN SOURCE MATERIALS BY SPECIFIC LICENSEES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require NRC approval for transfers from licensees of unimportant quantities of source material (less than 0.05 percent by weight) to persons exempt from licensing requirements. The objective of this proposed action is to ensure that the regulations regarding transfers of materials containing low concentrations of source material are adequate to protect public health and safety. Publication of the final rule is being delayed until certain recent related issues are resolved to minimize the possibility of future inconsistencies in the regulations.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gary C. Comfort, Jr., Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-8106
Email: gcc1@nrc.gov

RIN: 3150-AG64

4103. ENTOMBMENT OPTIONS FOR POWER REACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 50

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published seeking stakeholder input on three proposed regulatory options and whether entombment was a viable decommissioning alternative. In SECY 02-0191 (October 25, 2002), NRC staff proposed deferring the rulemaking until the Office of Nuclear Regulatory Research has conducted research to develop a sound technical basis for an entombment option, estimated in 2005. The Commission, in a Staff Requirements Memorandum dated November 26, 2002, did not object to staff's proposal and requested information regarding the scope and type of research needed to support any entombment option. This information was provided to the Commission on May 14, 2003. The Office of Nuclear Regulatory Research conducted research in 2004 and 2005 and plans to issue a research information letter summarizing the results of prior work; e.g., concrete used in engineered backfills and radionuclide isolation in concrete. The staff is continuing to defer this rulemaking activity.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kevin R. O'Sullivan, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-8112
Email: kro2@nrc.gov

RIN: 3150-AG89

NRC

Long-Term Actions

4104. 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: Kihar K. Rayl, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-2643
Email: nkr@nrc.gov

RIN: 3150-AG98**4105. DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT PERSONS AND GENERAL LICENSEES AND REVISION OF 10 CFR 40.22 GENERAL LICENSE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 40**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

Agency Contact: Gary C. Comfort, Jr., Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-8106
Email: gcc1@nrc.gov

RIN: 3150-AH15**4106. CONTROLLING THE DISPOSITION OF SOLID MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

Agency Contact: Frank P. Cardile, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6185

Email: fpc@nrc.gov

RIN: 3150-AH18**4107. 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

NRC

Long-Term Actions

contained in the US/IAEA Additional Protocol for the application of safeguards in the United States.

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Naiem S. Tanius, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6103

Email: nst@nrc.gov

RIN: 3150-AH38

4108. PERFORMANCE-BASED ECCS ACCEPTANCE CRITERIA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend section 50.46 to develop performance-based acceptance criteria for fuel cladding performance during loss-of-coolant accidents. Existing provisions of section 50.46 applicable to certain zirconium-based cladding materials would be supplemented by performance-based standards for maximum peak cladding temperature and oxidation limit. The supplementary performance standard would allow licensees to use alternative cladding materials, without seeking an exemption, provided that testing demonstrated that adequate ductility would be maintained, and ECCS analyses showed that the new performance criteria would be satisfied. This rulemaking also would address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). The NRC is performing research activities to develop a technical basis for initiating rulemaking on this item, and is expected to be developed by early CY-2007.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard F. Dudley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-1116
Email: rfd@nrc.gov

RIN: 3150-AH42

4109. 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). On December 2, 2005, the NRC requested further information from the BWR Owners Group in order to allow the review to proceed.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard F. Dudley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-1116
Email: rfd@nrc.gov

RIN: 3150-AH43

4110. LIST OF NON-AGREEMENT STATES

Priority: Info./Admin./Other

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 73

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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

Phone: 301 415-6234

Email: mkw1@nrc.gov

RIN: 3150-AH49

4111. CONFORMING ADMINISTRATIVE CHANGES

Priority: Info./Admin./Other

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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

NRC

Long-Term Actions

Phone: 301 415-6234
Email: mkw1@nrc.gov

RIN: 3150-AH62

4112. IMPLEMENTATION OF A DOSE STANDARD BEYOND 10,000 YEARS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 63

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to revise existing regulations on technical criteria for disposal of high-level radioactive waste in a geologic repository at Yucca Mountain, Nevada, to be consistent with the environmental standards developed by the U.S. Environmental Protection Agency.

Timetable:

Action	Date	FR Cite
NPRM	09/08/05	70 FR 53313
NPRM Comment Period End	11/07/05	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Frank P. Cardile, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6185

Email: fpc@nrc.gov

RIN: 3150-AH68

4113. INDUSTRY CODES AND STANDARDS; AMENDED REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the 2004 Edition of Division 1 rules in section III "Rules for Construction of Nuclear Power Plant Components" of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME BPV Code); the 2004 Edition of Division 1 rules in section XI "Rules for Inservice Inspection of Nuclear Power Plant Components" of the ASME BPV Code; and the 2004 Edition of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code).

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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

Phone: 301 415-2771

Email: mjb@nrc.gov

Related RIN: Related to 3150-AH65

RIN: 3150-AH76

4114. REQUIREMENTS FOR DISTRIBUTION OF BYPRODUCT MATERIAL AND EXEMPTIONS FROM LICENSING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

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

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by making the requirements for distributors of byproduct material more explicit, less prescriptive, and more risk-informed; improve safety criteria for approving products through licensing actions; and redefine categories of devices to be used under exemption.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Frank P. Cardile, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

Phone: 301 415-6185

Email: fpc@nrc.gov

RIN: 3150-AH91

Nuclear Regulatory Commission (NRC)

Completed Actions

4115. ELIMINATION OF REQUIREMENT TO SUBMIT ANNUAL FINANCIAL REPORT

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 50; 10 CFR 72

Completed:

Reason	Date	FR Cite
Direct Final Rule	05/22/06	71 FR 29244
NPRM	05/22/06	71 FR 29273
Direct Final Rule Effective	08/07/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael T.

Jamgochian

Phone: 301 415-3224

Email: mtj1@nrc.gov

RIN: 3150-AH39

4116. NATIONAL SOURCE TRACKING OF SEALED SOURCES

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
NPRM	06/13/06	71 R 34024
Extension Comment Period Published	07/03/06	71 FR 37862

NRC

Completed Actions

Reason	Date	FR Cite
--------	------	---------

Extension Comment Period End	07/28/06	
Final Rule	11/08/06	71 FR 65686
Final Rule Effective	02/06/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Merri L. Horn

Phone: 301 415-8126

Email: mlh1@nrc.gov

RIN: 3150-AH48

4117. CHARGES FOR DUPLICATING RECORDS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 9

Completed:

Reason	Date	FR Cite
--------	------	---------

Final Action	09/18/06	71 FR 54570
Final Action Effective	09/18/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Thomas E. Smith

Phone: 301 415-2950

Email: tes@nrc.gov

RIN: 3150-AH66

4118. REVISION OF FEE SCHEDULES; FEE RECOVERY FOR FY 2006Priority: Economically Significant.
Major under 5 USC 801.

CFR Citation: 10 CFR 170; 10 CFR 171

Completed:

Reason	Date	FR Cite
--------	------	---------

Final Rule	05/30/06	71 FR 30722
Final Rule Effective	07/31/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses,
Governmental Jurisdictions,
OrganizationsGovernment Levels Affected: Local,
State

Federalism: Undetermined

Agency Contact: Tammy D. Croote

Phone: 301 415-6041

Email: txc1@nrc.gov

RIN: 3150-AH83

4119. LIST OF APPROVED SPENT FUEL STORAGE CASKS: FUELSOLUTIONS CASK SYSTEM, REVISION, AMENDMENT 4

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 72

Completed:

Reason	Date	FR Cite
--------	------	---------

NPRM	04/18/06	71 FR 19831
Direct Final Rule	04/18/06	71 FR 19806
Direct Final Rule Effective	07/03/06	
Confirmation of Effective Date	06/19/06	71 FR 35147

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Jayne M. McCausland

Phone: 301 415-6219

Email: jmm2@nrc.gov

RIN: 3150-AH86

4120. LIST OF APPROVED SPENT FUEL STORAGE CASKS: VSC-24 REVISION, AMENDMENT 6

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 72

Completed:

Reason	Date	FR Cite
--------	------	---------

Direct Final Rule Effective	06/05/06	
Confirmation of Effective Date	05/30/06	71 FR 30576

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Jayne M. McCausland

Phone: 301 415-6219

Email: jmm2@nrc.gov

RIN: 3150-AH87

4121. IMPLEMENTATION OF THE ENERGY POLICY ACT OF 2005

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 110

Completed:

Reason	Date	FR Cite
--------	------	---------

Final Rule	04/20/06	71 FR 20336
Final Rule Effective	08/07/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Brooke G. Smith

Phone: 301 415-2347

Email: bgs@nrc.gov

RIN: 3150-AH88

4122. REVISION OF NRC FORM 7, APPLICATION OF NRC EXPORT/IMPORT LICENSE, AMENDMENT, OR RENEWAL

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 110

Completed:

Reason	Date	FR Cite
--------	------	---------

NPRM	04/13/06	71 FR 19135
Direct Final Rule	04/13/06	71 FR 19102
Final Rule Effective	06/27/06	
Confirmation of Effective Date	06/23/06	71 FR 35995

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Brooke G. Smith

Phone: 301 415-2347

Email: bgs@nrc.gov

RIN: 3150-AH89

4123. • RELIEF FROM FINGERPRINTING AND CRIMINAL HISTORY RECORDS CHECK FOR DESIGNATED CATEGORIES OF INDIVIDUALS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations by issuing a new regulation to relieve certain categories of individuals who have been approved by the Commission for access to Safeguards Information from the fingerprinting and criminal history

NRC

Completed Actions

records check requirements of section 149 of the Atomic Energy Act of 1854, as amended.

Timetable:

Action	Date	FR Cite
Final Rule	06/13/06	71 FR 33989
Final Rule Effective	06/13/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Marjorie Rothschild,
Nuclear Regulatory Commission, Officeof the General Counsel, Washington,
DC 20555-0001

Phone: 301 415-1633

Email: mur@nrc.gov

RIN: 3150-AH94

[FR Doc. 06-7689 Filed 12-08-06; 8:45 am]

BILLING CODE 7590-01-S