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**Monday,
April 24, 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 October 31, 2005 (70 FR 65664).

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 October 31, 2005 (70 FR 65664). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through February 24, 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 24th day of February 2006.

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
3990	Licenses, Certifications, and Approvals for Nuclear Power Plants	3150-AG24
3991	Reevaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage	3150-AG63
3992	Collection, Reporting, or Posting of Information	3150-AH40
3993	Performance-Based ECCS Acceptance Criteria	3150-AH42
3994	Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule	3150-AH45
3995	Protection of Safeguards Information	3150-AH57
3996	Clarification of NRC Civil Penalty Authority Over Non-Licensees	3150-AH59
3997	Industry Codes and Standards; Amended Requirements	3150-AH76
3998	Incorporation by Reference of NRC Regulatory Guides Listing Approved ASME Code Cases	3150-AH80
3999	Approach to Risk-Inform, Performance-Base Requirement for Nuclear Power Plants	3150-AH81
4000	Requirements for Expanded Definition of Byproduct Material	3150-AH84
4001	Regulatory Improvements to Nuclear Materials Management and Safeguards System Database	3150-AH85
4002	List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System, Revision, Amendment 4	3150-AH86
4003	List of Approved Spent Fuel Storage Casks: VSC-24 Revision, Amendment 6	3150-AH87
4004	Implementation of the Energy Policy Act of 2005	3150-AH88
4005	Secure Transport of Nuclear Materials	3150-AH90
4006	Requirements for Distribution of Byproduct Material and Exemptions From Licensing	3150-AH91

NRC

Nuclear Regulatory Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4007	Fitness-for-Duty Programs	3150-AF12
4008	Large Break Loss-of-Coolant Accident (LB-LOCA) Redefinition	3150-AH29
4009	Elimination of Requirement To Submit Annual Financial Report	3150-AH39
4010	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material; Licensing and Reporting Requirements	3150-AH41
4011	National Source Tracking of Sealed Sources	3150-AH48
4012	List of Non-Agreement States	3150-AH49
4013	Design Basis Treat (DBT)	3150-AH60
4014	Conforming Administrative Changes	3150-AH62
4015	Charges for Duplicating Records	3150-AH66
4016	Implementation of a Dose Standard Beyond 10,000 Years	3150-AH68
4017	Use of Electronic Submissions in Agency Hearings	3150-AH74
4018	Revision of Fee Schedules; Fee Recovery for FY 2006	3150-AH83
4019	Revision of NRC Form 7, Application of NRC Export/Import License, Amendment, or Renewal	3150-AH89

Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4020	Update Fuel Performance Considerations and Other Fuel Cycle Issues	3150-AA31
4021	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste	3150-AG41
4022	Integrated Rulemaking for Decommissioning Nuclear Power Reactors	3150-AG47
4023	Transfers of Certain Source Materials by Specific Licensees	3150-AG64
4024	Entombment Options for Power Reactors	3150-AG89
4025	Modifications to Pressure-Temperature Limits	3150-AG98
4026	Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License	3150-AH15
4027	Controlling the Disposition of Solid Materials	3150-AH18
4028	Implement US-IAEA Safeguards Agreement	3150-AH38
4029	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
4030	Disposal by Release Into Sanitary Sewerage	3150-AE90
4031	Post-Fire Operator Manual Actions	3150-AH54
4032	AP1000 Design Certification	3150-AH56
4033	List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, and 24PTH Revision, Amendment 8	3150-AH77
4034	Price-Anderson Financial Protection Regulations and Elimination of Antitrust Reviews	3150-AH78
4035	Statement of Organization and General Information	3150-AH79
4036	Minor Correction Amendments	3150-AH82

Nuclear Regulatory Commission (NRC)

Proposed Rule Stage

3990. LICENSES, CERTIFICATIONS, AND APPROVALS 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; 10 CFR 52; 10 CFR 72; 10 CFR 73; 10 CFR 140; 10 CFR 171**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 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	
Final Action	10/00/06	

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

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Related RIN: Merged with 3150-AE25**RIN:** 3150-AG24**3991. 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 require each power reactor licensee to establish and maintain an onsite security program and organization with the objective of providing high assurance that licensed activities do not constitute an unreasonable risk to public health and safety as a result of radiological sabotage by design basis threat (DBT). To achieve the general objective, the proposed rule would require that onsite security programs and security organizations be designed to prevent core damage and/or spent fuel damage. The rulemaking uses risk insights to determine which plant systems need protection. This rule also addresses the remaining portion of PRM-50-80.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

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

Agency Contact: Scott A. Morris, Nuclear Regulatory Commission, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001
Phone: 301 415-7083
Email: sam1@nrc.gov

RIN: 3150-AG63**3992. 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

NRC

Proposed Rule Stage

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	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stewart Schneider, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
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RIN: 3150-AH40

3993. 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).

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard F. Dudley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
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RIN: 3150-AH42

3994. 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	11/00/06	

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
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RIN: 3150-AH45

3995. 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

NRC

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	03/28/05	
NPRM Republished	04/00/06	

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

Agency Contact: Marjorie Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001
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RIN: 3150-AH57**3996. CLARIFICATION OF NRC CIVIL PENALTY AUTHORITY OVER NON-LICENSEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 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	

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

Agency Contact: Doug Starkey, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555-0001
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RIN: 3150-AH59**3997. INDUSTRY CODES AND STANDARDS; AMENDED REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

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

Agency Contact: Merrilee J. Banic, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555
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Related RIN: Related to 3150-AH65**RIN:** 3150-AH76**3998. • 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	04/00/06	
NPRM Comment Period End	06/00/06	

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

Agency Contact: Merrilee J. Banic, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555
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RIN: 3150-AH80**3999. • 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 proposed rule 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
NPRM	04/00/06	
NPRM Comment Period End	06/00/06	

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

Agency Contact: Joseph L. Birmingham, Nuclear Regulatory

NRC

Proposed Rule Stage

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RIN: 3150-AH81

4000. • 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 150

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	04/00/06	

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

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RIN: 3150-AH84

4001. • REGULATORY IMPROVEMENTS TO NUCLEAR MATERIALS MANAGEMENT AND SAFEGUARDS SYSTEM DATABASE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 72; 10 CFR 74; 10 CFR 150

Legal Deadline: None

Abstract: The proposed rulemaking would amend the Commission's regulations in 10 CFR parts 40, 72, 74,

and 150 related to current reporting requirements for certain NRC-licensed and Agreement State facilities related to the Nuclear Materials Management and Safeguards System (NMMSS) database. The proposed amendments would provide improvements to NMMSS database in maintaining the accuracy of licensee inventory records in the NMMSS database.

Timetable:

Action	Date	FR Cite
NPRM	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

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RIN: 3150-AH85

4002. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: FUELSOLUTIONS CASK SYSTEM, REVISION, AMENDMENT 4

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72

Legal Deadline: None

Abstract: The direct final rule amends the Commission's regulations by revising the FuelSolutions™ Cask System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 4 to Certificate of Compliance Number 1026. Amendment No. 4 will modify the present cask system design to revise the Technical Specification (TS) requirements related to periodic monitoring during storage operation. Specifically, the changes will permit longer surveillance intervals for casks with total heat loads lower than the design-basis heat load and permit either visual inspection of the cask vent screens or measurements of the cask liner temperature to satisfy the periodic monitoring requirements of 10 CFR 72.122(h)(4).

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	
Direct Final Rule	04/00/06	

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

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RIN: 3150-AH86

4003. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: VSC-24 REVISION, AMENDMENT 6

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72

Legal Deadline: None

Abstract: The direct final rule amends the Commission's regulations by revising the BNG Fuel Solutions Corporation VSC-24 cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 6 to Certificate of Compliance Number 1007. Amendment No. 6 will modify the present cask system design to revise the Technical Specification (TS) requirements related to periodic monitoring during storage operation. Specifically, the amendment will eliminate TS 1.3.4 that requires daily temperature measurement of the cask. The daily temperature measurement is not required because the daily visual inspection of the cask inlet and outlet vent screens, required by TS 1.3.1, provides the capability to determine when corrective action needs to be taken to maintain safe storage conditions in accordance with the requirements in 10 CFR 72.122(h)(4). The amendment will also revise TS 1.2.3 to correspond with TS 1.3.1 by revising the method of thermal performance evaluation to allow for daily temperature surveillance once the cask has reached thermal equilibrium.

NRC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14120
Direct Final Rule	03/21/06	71 FR 14089
NPRM Comment Period End	04/20/06	
Direct Final Rule Effective	06/05/06	
Confirmation of Effective Date	06/00/06	

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

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RIN: 3150-AH87

4004. • IMPLEMENTATION OF THE ENERGY POLICY ACT OF 2005**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 110**Legal Deadline:** None

Abstract: The direct final rule amends the Commission's regulations to implement the Energy Policy Act of 2005 (EPAAct). This rulemaking will facilitate exports of high-enriched uranium fuel or targets to produce medical isotopes by specified countries in reactors that are either utilizing an alternative nuclear reactor fuel or have agreed to do so when an alternative nuclear reactor fuel can be used in the reactor (EPAAct sec. 630). The rule will prohibit the issuance of export licenses to countries which the Department of State has determined have engaged in state-sponsored terrorism (EPAAct sec. 632). In addition, the rule will amend part 110 to capture discrete sources of radium-226 and accelerator produced radioactive material (EPAAct sec. 651 (d) & (e)). Radium-226 will be added to part 110, appendix P, in accordance with already existing Commission

security policy and the export/import Guidance provisions of the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
Direct Final Rule	08/00/06	

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

Agency Contact: Brooke G. Smith, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555-0001
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RIN: 3150-AH88

4005. • 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 require a security background check of each individual receiving or accompanying the transport of nuclear material in the United States by any party pursuant to an import or export license. Specific requirements for the security background check would be contained in the proposed amendment. The proposed amendment would specifically except certain types of nuclear material and certain classes of individuals from the requirements for a background check.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

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
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RIN: 3150-AH90

4006. • 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	04/00/06	

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

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4007. 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, Officeof Nuclear Reactor Regulation, Washington, DC 20555-0001
Phone: 301 415-2834
Email: dtd@nrc.gov**Related RIN:** Related to 3150-AG62**RIN:** 3150-AF12**4008. 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.

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**4009. ELIMINATION OF REQUIREMENT TO SUBMIT ANNUAL FINANCIAL REPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50; 10 CFR 72**Legal Deadline:** None

Abstract: The direct final rule amends the Commission's regulations to eliminate the requirement (for licensees that file financial reports with the Securities and Exchange Commission (SEC) or the Federal Energy Regulatory Commission (FERC)) that each reactor licensee and each holder of a construction permit shall submit its annual financial report, including the certified financial statements, to the Commission. The Commission is also amending its regulations to eliminate the requirement (for Independent Spent Fuel Storage Installation (ISFSI) licensees that file financial reports with the SEC or the FERC), that each ISFSI licensee shall furnish its annual financial report, including the certified financial statements, to the Commission.

Timetable:

Action	Date	FR Cite
Direct Final Rule	04/00/06	

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-AH39**4010. 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 proposed rule would amend the Commission's regulations in

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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 proposed rule would eliminate obsolete provisions and their associated distributor requirements currently in the regulations. Improvements to distributor reporting requirements are also included. A minor change to a general license is also included. This rulemaking has subsumed RMt 526 "Use of Exempt Sources in Devices."

Timetable:

Action	Date	FR Cite
NPRM	01/04/06	71 FR 275
NPRM Comment Period End	03/20/06	
Final Rule	12/00/06	

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

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RIN: 3150-AH41**4011. NATIONAL SOURCE TRACKING OF SEALED SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20; 10 CFR 32; 10 CFR 150**Legal Deadline:** None

Abstract: The proposed rulemaking would amend the Commission's regulations to establish the regulatory foundation for a new national source tracking system for high-risk sealed sources, as designated in the IAEA Code of Conduct (Category 1 and 2 sources). The tracking system is intended to track the high-risk sources from cradle to grave. Licensees will be required to report manufacture of new sources, transfer of sources, receipt of sources, and end-points for sources (e.g. export and disposal).

Timetable:

Action	Date	FR Cite
NPRM	07/28/05	70 FR 43646

Action	Date	FR Cite
NPRM Comment Period End	10/11/05	
Final Rule	08/00/06	

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

Agency Contact: Merri L. Horn, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001

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RIN: 3150-AH48**4012. 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	04/00/06	

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

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RIN: 3150-AH49**4013. 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. The proposed rule was provided to the Commission in SECY-05-0106, dated June 14, 2005.

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	10/00/06	

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

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RIN: 3150-AH60**4014. 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	04/00/06	

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

Agency Contact: Michael K. Williamson, Nuclear Regulatory

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RIN: 3150-AH62

4015. CHARGES FOR DUPLICATING RECORDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations by revising its charges for copying publicly available documents by the copy service at the NRC's Public Document Room. These fees are being removed from title 10 of the Code of Federal Regulations and will be posted on NRC's Web site.

Timetable:

Action	Date	FR Cite
Final Rule	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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

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RIN: 3150-AH66

4016. IMPLEMENTATION OF A DOSE STANDARD BEYOND 10,000 YEARS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/08/05	70 FR 53313
NPRM Comment	11/07/05	
Period End		
Final Rule	04/00/06	

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

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RIN: 3150-AH68

4017. 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	03/01/06	
Period End		
Final Rule	08/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150-AH74

4018. • REVISION OF FEE SCHEDULES; FEE RECOVERY FOR FY 2006

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170; 10 CFR 171

Legal Deadline: Other, Statutory, September 30, 2006, Omnibus Budget Reconciliation Act of 1990, as amended.

Abstract: The proposed rule amends the Commission's licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for Fiscal Year 2006, less the amounts appropriated from the Nuclear Waste Fund and General Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

To address fairness and equity concerns related to charging NRC license holders for Agency-budgeted costs that do not provide a direct benefit to the licensee, 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 was 90 percent for FY 2005. The FY 2006 Energy and Water Development Appropriations Act, as amended by the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006, extended this 90 percent fee recovery requirement through FY 2006. The dollar amount to be recovered for FY 2006 is approximately \$624.0 million. OBRA-90, as amended,

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requires that the fees for FY 2006 be collected by September 30, 2006.

Timetable:

Action	Date	FR Cite
NPRM	02/10/06	71 FR 7350
NPRM Comment Period End	03/13/06	
Final Rule	05/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Federalism: Undetermined

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RIN: 3150-AH83

4019. • REVISION OF NRC FORM 7, APPLICATION OF NRC EXPORT/IMPORT LICENSE, AMENDMENT, OR RENEWAL

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The direct final rule amends the Commission's regulations regarding the use of NRC Form 7. Recently, NRC Form 7 was revised to consolidate all license requests in 10 CFR part 110 (e.g., applications for export, import, combined export/import, amendments,

and renewals) in one application form, revised NRC Form 7 "Application for NRC Export/Import License, Amendment, or Renewal."

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3150-AH89

Nuclear Regulatory Commission (NRC)

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4020. UPDATE FUEL PERFORMANCE CONSIDERATIONS AND OTHER FUEL CYCLE ISSUES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by addressing uranium fuel cycle environmental data (Table S-3) and the environmental effects of transportation of fuel and waste data (Table S-4). In section 51.51, the environmental data would be re-estimated and reflect changes in the structure and activities of the fuel cycle and the availability of better data. Estimates of releases of Radon-222 and Technetium-99 would be added to Table S-3. The addition of a specific value for Radon-222 would address the outstanding portion of petition for rulemaking PRM-51-1, submitted by the New England Coalition on Nuclear Pollution. To provide immediate relief to the petitioners' request, the Commission published a final rule on March 14, 1977 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it became subject to case-specific litigation. It was anticipated

that the Commission would add a specific value for Radon-222, but the Commission deferred action until a general updating of Table S-3 is undertaken. For section 51.52, the environmental impact estimates would be re-estimated to reflect the use of more highly enriched fuel and discharge of more highly irradiated fuels from a reactor, as well as many changes needed to update fuel cycle process and technologies.

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AA31

4021. 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

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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

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RIN: 3150-AG41

4022. INTEGRATED RULEMAKING FOR DECOMMISSIONING NUCLEAR POWER REACTORS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

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RIN: 3150-AG47

4023. TRANSFERS OF CERTAIN SOURCE MATERIALS BY SPECIFIC LICENSEES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 40**Legal Deadline:** None

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

Timetable:

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

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

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RIN: 3150-AG64

4024. ENTOMBMENT OPTIONS FOR POWER REACTORS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841

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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 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

4025. MODIFICATIONS TO PRESSURE-TEMPERATURE LIMITS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to

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

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AG98

4026. 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
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RIN: 3150-AH15

4027. 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

NRC

Long-Term Actions

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
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RIN: 3150-AH18

4028. IMPLEMENT US-IAEA SAFEGUARDS AGREEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 63; 10 CFR 70; 10 CFR 72; 10 CFR 75; 10 CFR 76; 10 CFR 150

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Naiem S. Taniou, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
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Email: nst@nrc.gov

RIN: 3150-AH38

4029. 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
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RIN: 3150-AH43

Nuclear Regulatory Commission (NRC)

Completed Actions

4030. DISPOSAL BY RELEASE INTO SANITARY SEWERAGE

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 20

Completed:

Reason	Date	FR Cite
Withdrawn	11/10/05	70 FR 68350

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charlotte E. Abrams
Phone: 301 415-7293
Email: cea2@nrc.gov

RIN: 3150-AE90

4031. POST-FIRE OPERATOR MANUAL ACTIONS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 50

Completed:

Reason	Date	FR Cite
Withdrawn	03/06/06	71 FR 11169

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: David T. Diec
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Email: dtd@nrc.gov

RIN: 3150-AH54

4032. AP1000 DESIGN CERTIFICATION

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 52

Completed:

Reason	Date	FR Cite
Final Rule	01/27/06	71 FR 4464
Final Rule Effective	02/27/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

NRC

Completed Actions

Federalism: Undetermined

Agency Contact: Lauren Quinones-Navarro
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RIN: 3150-AH56

4033. LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, AND 24PTH REVISION, AMENDMENT 8

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 72

Completed:

Reason	Date	FR Cite
Direct Final Rule Effective	12/05/05	
Confirmation of Effective Date	11/29/05	70 FR 71381

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-AH77

4034. • PRICE-ANDERSON FINANCIAL PROTECTION REGULATIONS AND ELIMINATION OF ANTITRUST REVIEWS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50; 10 CFR 52; 10 CFR 140

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to conform with the requirements of the Energy Policy Act of 2005. The revised regulations include Congress' prescribed increase in the amount of

the required annual financial contributions required from commercial reactor in the event of a nuclear accident to pay for third-party liability under the Price-Anderson Act.

Timetable:

Action	Date	FR Cite
Final Rule	10/27/05	70 FR 61885
Final Rule Effective	11/28/05	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Marjorie Nordlinger, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555-0001
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RIN: 3150-AH78

4035. • STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Priority: Info./Admin./Other

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to reflect the renaming of the Office of the Chief Information Officer as the Office of Information Services, the establishment of the Office of Nuclear Security and Incident Response, the transfer of the responsibility for the allegations program from the Office of Nuclear Reactor Regulation to the Office of Enforcement, and other minor changes.

Timetable:

Action	Date	FR Cite
Final Rule	11/16/05	70 FR 69421
Final Rule Effective	11/16/05	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Alzonía Sheppard, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20855-0001
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RIN: 3150-AH79

4036. • MINOR CORRECTION AMENDMENTS

Priority: Info./Admin./Other

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 70; 10 CFR 110

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	03/27/06	71 FR 15005
Final Rule Effective	03/27/06	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Alzonía Sheppard, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20855-0001
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RIN: 3150-AH82

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