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Part LIX

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 December 3, 2001 (66 FR 62730).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays.

Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying for a fee at the Nuclear Regulatory Commission’s Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F21, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-7163 (e-mail: mtl@nrc.gov). Persons outside the Washington, DC, metropolitan area may call, toll-free: 1-800-368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading “Agency Contact” for that rule.

SUPPLEMENTARY INFORMATION: The information contained in this semiannual publication is updated to

reflect any action that has occurred on rules since publication of the last NRC semiannual agenda on December 3, 2001 (66 FR 62730). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through March 15, 2002. The date for the next scheduled action under the heading “Timetable” is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

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

Dated at Rockville, Maryland, this 15th day of March 2002.

For the Nuclear Regulatory Commission.

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

Nuclear Regulatory Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3963	Fitness for Duty Programs	3150-AF12
3964	Lessons Learned From Design Certification	3150-AG24
3965	Performance-Based, Risk-Informed Fire Protection	3150-AG48
3966	Transfers of Source Material From Licensees to Exempt Persons	3150-AG64
3967	Compatibility with IAEA Transportation Safety Standards	3150-AG71
3968	List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1 Addition	3150-AG74
3969	Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors	3150-AG76
3970	Submission of Financial Information for Applications to Renew or Extend the Term of an Operating License for Power Reactors	3150-AG84
3971	Financial Assurance Amendments for Materials Licenses	3150-AG85
3972	Incorporation by Reference of ASME BPV and OM Code Cases	3150-AG86
3973	Conforming Requirements of Event Notification	3150-AG90
3974	Specification of a Probability for Unlikely Features, Events and Processes	3150-AG91
3975	Geological and Seismological Characteristics of Spent Fuel Storage Systems	3150-AG93
3976	Revision of Fee Schedules; Fee Recovery, FY 2002	3150-AG95
3977	Revision to Salary Offset Procedures	3150-AG96
3978	Changes to Emergency Action Plan - Appendix E	3150-AH00

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Nuclear Regulatory Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3979	Submission of Documents Electronically; Minor Corrections	3150-AF61
3980	Changes to Adjudicatory Process	3150-AG49
3981	Decommissioning Trust Provisions	3150-AG52
3982	Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan	3150-AG56
3983	Industry Codes and Standards	3150-AG61
3984	Nondiscrimination on the Basis of Race, Color, National Origin; Basis of Handicap; Basis of Age in Programs or Activities Receiving Federal Financial Assistance	3150-AG65
3985	Material Control and Accounting	3150-AG69
3986	Debt Collection Procedures	3150-AG80

Nuclear Regulatory Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3987	Update Fuel Performance Considerations and Other Fuel Cycle Issues	3150-AA31
3988	Availability of Official Records	3150-AC07
3989	Disposal by Release Into Sanitary Sewerage	3150-AE90
3990	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste	3150-AG41
3991	Risk-Informing Special Treatment Requirements	3150-AG42
3992	Integrated Rulemaking for Decommissioning Nuclear Power Reactors	3150-AG47
3993	Re-evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage	3150-AG63
3994	Notification Requirement	3150-AG81
3995	Entombment Options for Power Reactors	3150-AG89
3996	Modifications to Pressure-Temperature Limits	3150-AG98
3997	Nuclear Power Plant Worker Fatigue	3150-AG99

Nuclear Regulatory Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
3998	Medical Uses of Byproduct Material	3150-AF74
3999	Disposal of High-Level Radioactive Waste in a Proposed Geologic Repository at Yucca Mountain, Nevada	3150-AG04
4000	Geological and Seismological Characteristics of Spent Fuel Storage Systems	3150-AG16
4001	Revision of the Skin Dose Limit	3150-AG25
4002	Reduction in the Scope of Random Fitness-for-Duty Testing Requirements for Nuclear Power Reactor Licensees ..	3150-AG62
4003	Organization Change and Transfer of Function	3150-AG79
4004	List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System Revision (Amendment No. 2)	3150-AG87
4005	List of Approved Spent Fuel Storage Casks: Transnuclear West, Inc., Standardized NUHOMS Revision (Amendment No. 4)	3150-AG88
4006	Minor Errors in Regulatory Text; Correction	3150-AG92
4007	List of Approved Spent Fuel Storage Casks: NAC International Multi-Purpose Canister (NAC-MPC) Revision (Amendment No. 2)	3150-AG94
4008	List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision (Amendment No. 1)	3150-AG97

Nuclear Regulatory Commission (NRC)

Proposed Rule Stage

3963. 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 final rule will amend the Commission's regulations to ensure compatibility with the Department of Health and Human Services guidelines, reduce unnecessary regulatory burden in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency. These revised requirements will reduce the industrywide annual cost for all licensees to comply with part 26 by approximately \$15 million. The rulemaking will address the Regulatory Review Group items on audit frequency and annual submittal of data. The rulemaking will also address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1). In addition, this rulemaking subsumes a previously separate rulemaking, "Reduction in the Scope of Random Fitness-For-Duty Testing Requirements for Nuclear Power Reactor Licensees" (Part 26)(RIN AG62). Because of the subsumption of this rulemaking and other issues raised in response to the earlier proposed rule, a new proposed rule will be published.

Timetable:

Action	Date	FR Cite
NPRM	05/09/96	61 FR 21105
NPRM Comment Period End	08/07/96	
Second NPRM	10/00/02	
Final Rule	10/00/03	

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

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Related RIN: Merged With 3150-AG62**RIN:** 3150-AF12**3964. LESSONS LEARNED FROM DESIGN CERTIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 52**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations by revising the regulatory infrastructure to prepare for future applications. The proposed rule would involve changes to licensing procedures and would require combined license applicants and holders to create, maintain, update, and use a Probabilistic Risk Assessment for the life of the facility. 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. These appendices are being removed because they became obsolete when part 52 was created. The part 52 rulemaking plan (SECY-98-282) was approved by the Commission on January 14, 1999.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
Final Action	01/00/03	

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
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Related RIN: Merged With 3150-AE25**RIN:** 3150-AG24**3965. PERFORMANCE-BASED, RISK-INFORMED FIRE PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 50**Legal Deadline:** None

Abstract: The proposed rule would address the Commission's direction provided in the staff requirements memorandum dated April 1, 1999, to develop a performance-based, risk-informed alternative to the NRC's existing reactor fire protection requirements through the adoption of an industry consensus standard: NFPA 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants." The rulemaking plan had been on hold until fall 2001, at which time the Nuclear Energy Institute endorsed the rulemaking effort. The schedule was reinitiated through an EDO memorandum to the Commission dated October 9, 2001. Draft rule language was posted for public comment on the NRC Rulemaking Forum website on December 20, 2001.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

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

Agency Contact: Leon E. Whitney, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
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RIN: 3150-AG48**3966. TRANSFERS OF SOURCE MATERIAL FROM LICENSEES TO EXEMPT PERSONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 40**Legal Deadline:** None

Abstract: The proposed rule would 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.

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Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

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

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

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RIN: 3150-AG64

3967. COMPATIBILITY WITH IAEA TRANSPORTATION SAFETY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 71

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

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

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RIN: 3150-AG71

3968. LIST OF APPROVED SPENT FUEL STORAGE CASKS: STANDARDIZED ADVANCED NUHOMS-24PT1 ADDITION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by adding the Standardized Advanced NUHOMS Storage System cask design to the list of approved spent fuel storage casks. The proposed rule would add a cask system that has improved shielding and the ability to withstand a higher seismic response spectra than the Standardized NUHOMS Storage System which is already on the list of approved casks.

Timetable:

Action	Date	FR Cite
NPRM	02/11/02	67 FR 6203
NPRM Comment Period End	04/29/02	
Final Rule	10/00/02	

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

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

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RIN: 3150-AG74

3969. STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEM IN LIGHT-WATER-COOLED POWER REACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

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

improve safety by better focusing on the risk-significant challenges from combustible gases; ensure combustible gas control during all risk-significant events; and eliminate those aspects of current requirements that provide no safety benefit. A staff requirement memorandum dated January 19, 2001, directed the staff to proceed expeditiously with rulemakings on the risk-informed alternative of section 50.44, including completion of outstanding technical work (e.g., development of combustible gas source terms) and necessary regulatory analyses. Also, this rulemaking addresses the petition for rulemaking submitted by Bob Christie (PRM-50-68), and partially addresses the petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). Draft rule language was posted for public comment on the NRC Ruleforum website on November 14, 2001.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

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

Agency Contact: Anthony W. Markley, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

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RIN: 3150-AG76

3970. SUBMISSION OF FINANCIAL INFORMATION FOR APPLICATIONS TO RENEW OR EXTEND THE TERM OF AN OPERATING LICENSE FOR POWER REACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to remove the requirement that non-electric utility power reactor licensees submit financial qualifications information as part of the license renewal process. The proposed rule would recognize the need for a reduced level of regulatory burden for licensees falling in this category because the NRC

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has alternative means to ensure that these licensees are financially viable to operate their facilities and maintain public health and safety. Non-power reactor licensees would continue to submit the financial qualifications information as part of the license renewal process and are not affected by this proposed rule change.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
Final Rule	02/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George J. Mencinsky, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

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RIN: 3150-AG84

3971. FINANCIAL ASSURANCE AMENDMENTS FOR MATERIALS LICENSES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's financial assurance regulations for materials licenses. The amendment would maintain adequate assurance of decommissioning funding.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
Final Rule	08/00/03	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

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

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RIN: 3150-AG85

3972. INCORPORATION BY REFERENCE OF ASME BPV AND OM CODE CASES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 3150-AG86

3973. • CONFORMING REQUIREMENTS OF EVENT NOTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72; 10 CFR 73

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations dealing with event notification reporting to conform them with the current Nuclear Regulatory Commission reporting requirements in 10 CFR 50.72 and 50.73. This rule would improve NRC's efficiency and effectiveness, while maintaining public confidence through the timely communication of information on recently occurring, or ongoing, events to eliminate the unnecessary reporting burden associated with reporting events of little or no safety significance, and to base revised reporting requirements on importance to risk, so that the reporting times will be consistent with the time that information is needed for appropriate NRC action.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

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RIN: 3150-AG90

3974. • SPECIFICATION OF A PROBABILITY FOR UNLIKELY FEATURES, EVENTS AND PROCESSES

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 governing the disposal of high-level radioactive wastes in a potential geologic repository at Yucca Mountain, Nevada, to define the term "unlikely" in quantitative terms. That is, it would be defined as a range of numerical values for use in determining whether a feature, event, or process (FEP) or sequence of events and processes should be excluded from certain required assessments. The NRC is proposing this amendment to clarify how it plans to implement two of the final environmental standards for Yucca Mountain issued by the US Environmental Protection Agency (EPA). Specifically, EPA's final standards require the exclusion of "unlikely" FEPs, or sequences of events and processes, from the required assessments for the human intrusion and ground-water protection standards. In accordance with the Energy Policy Act of 1992, the NRC has adopted EPA's final standards in its recently published technical requirements for a potential geologic repository at Yucca Mountain.

Timetable:

Action	Date	FR Cite
NPRM	01/25/02	67 FR 3628
NPRM Comment Period End	04/10/02	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 3150-AG91

3975. • GEOLOGICAL AND SEISMOLOGICAL CHARACTERISTICS OF SPENT FUEL STORAGE SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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Related RIN: Duplicate of 3150-AG16

RIN: 3150-AG93

3976. • REVISION OF FEE SCHEDULES; FEE RECOVERY, FY 2002

Priority: Economically Significant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170; 10 CFR 171

Legal Deadline: Other, Statutory, September 30, 2002, Omnibus Budget Reconciliation Act of 1990, as amended.

Abstract: The proposed rule would amend the licensing, inspection, and annual fees charged to NRC licensees

and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 96 percent of the NRC's budget authority for Fiscal Year 2002, less the amounts appropriated from the Nuclear Waste Fund and General Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

The FY 2001 Energy and Water Development Appropriations Act amended OBRA-90 to decrease the NRC's fee recovery amount by two percent per year beginning in FY 2001 until the fee recovery amount is 90 percent for FY 2005. The purpose of this amendment is to address the fairness and equity concerns related to charging NRC license holders for agency expenses that do not provide a direct benefit to the licensee. The dollar amount to be recovered for FY 2002 is approximately \$479.5 million. OBRA-90, as amended, requires that the fees for FY 2002 be collected by September 30, 2002.

Timetable:

Action	Date	FR Cite
NPRM	03/27/02	67 FR 14818
NPRM Comment Period End	04/26/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: Glenda C. Jackson, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001
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Robert D. Carlson, Nuclear Regulatory Commission, Office of the Chief Financial Officer
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RIN: 3150-AG95

3977. • REVISION TO SALARY OFFSET PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 16

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Legal Deadline: None

Abstract: The proposed rule would amend the salary offset procedures to conform to the Debt Collection Improvement Act of 1996 (DCIA) and the Federal Claims Collection Standards (FCCS). These regulations would provide procedures for the collection by administrative offset of a Federal employee's salary without his or her consent to satisfy certain debts owed the Government. The NRC is required by the FCCS (31 CFR chapter IX, parts 900-904) to issue debt collection procedures that will conform with the DCIA and the FCCS.

Timetable:

Action	Date	FR Cite
NPRM	04/24/02	67 FR 20059
NPRM Comment Period End	07/08/02	
Final Rule	03/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3150-AG96

3978. • CHANGES TO EMERGENCY ACTION PLAN - APPENDIX E

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would resolve an ambiguity in the Commission's regulations regarding

NRC approval of nuclear power plant licensee-initiated changes to emergency action levels (EALs). The proposed rule would allow licensees to make minor changes in EALs without prior NRC approval.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
Final Rule	07/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AH00

Nuclear Regulatory Commission (NRC)

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3979. SUBMISSION OF DOCUMENTS ELECTRONICALLY; MINOR CORRECTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 61; 10 CFR 62; 10 CFR 70; 10 CFR 71; 10 CFR 72; 10 CFR 73; 10 CFR 32; 10 CFR 34; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 52; 10 CFR 55; 10 CFR 60; 10 CFR 4; 10 CFR 9; 10 CFR 21; 10 CFR 20; 10 CFR 15; 10 CFR 19; 10 CFR 25; 10 CFR 30; 10 CFR 26; 10 CFR 31; 10 CFR 74; 10 CFR 75; 10 CFR 76; 10 CFR 81; 10 CFR 95; 10 CFR 110; 10 CFR 140; 10 CFR 150

Legal Deadline: None

Abstract: The direct final rule will permit voluntary electronic submission of documents and provide procedures for submitting documents electronically. Amending the regulations to permit electronic submission will facilitate the electronic capture of externally generated documents into the Agency-wide Documents Access and Management System (ADAMS). The rulemaking will address and improve the document control and records management issues that are of concern to the NRC, its

applicants, licensees, and members of the public by improving the process of communication, dissemination, and storage of records. In addition, the rulemaking will incorporate minor corrections to the current regulations regarding the submission of documents to the NRC, for example, organizational, name, and phone number changes. This rulemaking is consistent with existing legislative and regulatory initiatives, such as the Paperwork Reduction Act of 1995, Office of Management and Budget Circular A-130 (Revised February 8, 1996), and the Government Paperwork Reduction Elimination Act of 1998, to reduce the information collection burden on the public and to make information more readily accessible to the public.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

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RIN: 3150-AF61

3980. CHANGES TO ADJUDICATORY PROCESS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 2; 10 CFR 50; 10 CFR 51; 10 CFR 52; 10 CFR 54; 10 CFR 60; 10 CFR 70; 10 CFR 73; 10 CFR 75; 10 CFR 76; 10 CFR 110

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning its rules of practice to make the agency's hearing process more efficient and effective. The proposed amendments would fashion hearing procedures that are tailored to the different types of licensing and regulatory activities the NRC conducts

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and would better focus and use the limited resources available to involved parties.

Timetable:

Action	Date	FR Cite
NPRM	04/16/01	66 FR 19610
NPRM Comment Period End	09/14/01	66 FR 27045
Final Rule	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AG49

3981. DECOMMISSIONING TRUST PROVISIONS

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 ensure that decommissioning trust agreements are in a form acceptable to the NRC to increase assurance that decommissioning funds will be available for their intended purpose, especially in light of economic deregulation and restructuring of the electric utility industry. Based on past experience with the NRC approval of the transfer of the operating licenses of the Three Mile Island Unit 1 and Pilgrim Nuclear Power Stations, the staff believes that this rulemaking would expedite similar transfers in the future. The staff also intends to develop guidance by revising Regulatory Guide 1.159, "Assuring the Availability of Funds for Decommissioning Nuclear Reactors," that will specify more fully the provisions of the decommissioning trust agreements.

Timetable:

Action	Date	FR Cite
NPRM	05/30/01	66 FR 29244
NPRM Comment Period End	08/13/01	
Final Rule	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brian J. Richter, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001

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RIN: 3150-AG52

3982. RELEASING PART OF A POWER REACTOR SITE OR FACILITY FOR UNRESTRICTED USE BEFORE THE NRC APPROVES THE LICENSE TERMINATION PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 20; 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by adding a new section that would identify the criteria and regulatory framework that a licensee would use to request NRC approval for a partial site release. The rulemaking would provide additional assurance that residual radioactivity would meet the radiological criteria for license termination, even if parts of the site were released before a licensee submits its license termination plans. The rulemaking would clarify that the radiological criteria for unrestricted use apply to a partial site release. The rulemaking would not provide for a partial site release under restricted conditions. Also, the rulemaking would provide for a Subpart 2 hearing if a license amendment involving a partial site release is challenged.

The rulemaking would fill a gap identified during the NRC's consideration of a technical specification amendment request for the Oyster Creek Nuclear Generating Station to remove a restriction on the sale or lease of property within the exclusion area. During the Oyster Creek review, the NRC staff concluded that it is possible for a reactor licensee to sell land that would reduce the size of its site before the license termination criteria would specifically apply to the release of the property. If the sale does not involve the transfer of licensed

material, it would not require NRC approval under current regulations. Currently, the NRC must consider changes to the site boundary of a reactor site on a case-by-case basis to ensure adequate protection of the public and the environment. Because several reactor licensees have expressed interest in selling parts of the sites before they receive approval of their license termination plans, the NRC staff believes the issues should be resolved generically by rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/04/01	66 FR 46230
NPRM Comment Period End	11/19/01	
Final Rule	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AG56

3983. INDUSTRY CODES AND STANDARDS

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 following: (1) the 1997 Addenda, 1998 Edition, 1999 Addenda, and 2000 Addenda of Division 1 rules of Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME B&PV Code); (2) the 1997 Addenda, 1998 Edition, 1999 Addenda, and 2000 Addenda of Division 1 rules of Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME B&PV Code; and (3) the 1997 Addenda, 1998 Edition, 1999 Addenda, and 2000 Addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants.

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Timetable:

Action	Date	FR Cite
NPRM	08/03/01	66 FR 40626
NPRM Comment Period End	10/17/01	
Final Rule	09/00/02	

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

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RIN: 3150-AG61

3984. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN; BASIS OF HANDICAP; BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 4**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	08/00/02	
Final Action Effective	09/00/02	

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

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RIN: 3150-AG65

3985. MATERIAL CONTROL AND ACCOUNTING

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

CFR Citation: 10 CFR 51; 10 CFR 61; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 74; 10 CFR 75; 10 CFR 76; 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would amend the reporting requirements for submitting Material Balance Reports and Inventory Composition Reports to provide more flexibility and to reduce the reporting frequency for most licensees. The proposed amendments would also revise the categorical exclusion for approving safeguards plans, relocate the remaining material control and accounting requirements in parts 70 through 74, make the material control and accounting requirements for Category II facilities more risk informed, and make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	05/30/01	66 FR 29251
NPRM Comment Period End	08/13/01	
Final Rule	12/00/02	

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

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RIN: 3150-AG69

3986. DEBT COLLECTION PROCEDURES

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 15**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations concerning the procedures that the NRC uses to collect debts that are owed to it. The proposed amendment would conform NRC regulations to the amended procedures presented in the Federal Claims Collection Standards issued by the Department of the Treasury and the Department of Justice, and the legislative changes enacted in the Debt Collection Improvement Act of 1996.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50860
NPRM Comment Period End	12/19/01	
Final Rule	06/00/02	

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

Agency Contact: Leah Tremper, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001

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RIN: 3150-AG80

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3987. 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 petitioner's request, the Commission published a final rule on March 14, 1997 (42 FR 13803), that removed the original value for Radon-222 from Table S-3 so that it then became subject to case-specific litigation. It was anticipated that the Commission would add a specific value for Radon-222, but action has been deferred 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 fuel from a reactor; longer onsite storage; and changes in transportation modes, transport to retrievable storage sites and a permanent repository rather than reprocessing facilities, packaging technology, and regulatory standards. The re-estimates would incorporate current research information and computer codes.

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

address newly emerging issues and research.

Timetable:

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

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

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RIN: 3150-AA31**3988. AVAILABILITY OF OFFICIAL RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 2**Legal Deadline:** None

Abstract: The proposed amendment would conform the Commission's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would address the circumstances under which proprietary, personal privacy or other confidential information submitted to the NRC by applicants, licensees, or others may be returned upon request. The rule would reaffirm that 10 CFR 2.790(c) provides submitters of information a qualified right to have their information returned upon request. This amendment would inform the public of four additional circumstances where information would not be returned to the applicant, that is, (1) when submitted to an advisory committee governed by the Federal Advisory Committee Act; (2) when captured by a Freedom of Information Act request; (3) when publicly relied upon or revealed by the Commission in an open Commission meeting under the Government in the Sunshine Act; and (4) when obtained during the course of an investigation conducted by the NRC Office of Investigations. The proposed amendment would also clarify requirements on submittals to the NRC

for identification of confidential information sought to be withheld from public disclosure. Further, the proposed amendment would address the NRC's procedures for handling copyrighted information, including reproduction and distribution according to normal agency practice.

Timetable:

Action	Date	FR Cite
NPRM	12/23/92	57 FR 61013
NPRM Comment	03/08/93	
Period End		
NPRM	10/17/01	66 FR 52721
NPRM Comment	12/31/01	
Period End		
Final Action	To Be	Determined

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

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RIN: 3150-AC07**3989. DISPOSAL BY RELEASE INTO SANITARY SEWERAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20**Legal Deadline:** None

Abstract: The advance notice of proposed rulemaking requested public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. The NRC and the Environmental Protection Agency are conducting a joint survey of sewage treatment plants to evaluate the extent of reconcentration due to release of radioactive material into sewage systems. The need for and the extent of a rulemaking will be evaluated pending the result of the survey and

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the associated dose assessment. This rulemaking would also address a petition for rulemaking (PRM-20-22) submitted by the Northeast Ohio Sewer District.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 3150-AE90

3990. ADVANCE NOTIFICATION TO NATIVE AMERICAN TRIBES OF TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR WASTE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 71; 10 CFR 73

Legal Deadline: None

Abstract: The NRC has issued an advance notice of proposed rulemaking (ANPRM) to invite early input from affected parties and the public on the issues associated with the advance notification of Indian tribes of spent fuel shipments. The Department of Energy (DOE) has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act; however, its current practices conflict with NRC regulations. For example, DOE already has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian tribes. DOE has also developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this information to parties other than governors' designees is not compatible

with NRC regulations. A rulemaking plan was approved by the Commission on February 2, 2001.

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

3991. RISK-INFORMING SPECIAL TREATMENT REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

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

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) invited comments, advice, and recommendations from interested parties on the contemplated rulemaking that would provide an alternative, risk-informed approach for special treatment requirements in the current regulations. Special treatment requirements are requirements imposed on structures, systems, and components (SSCs) that provide additional confidence that these SSCs are capable of meeting design basis functional requirements. The contemplated risk-informed approach would categorize SSCs and vary the associated regulatory treatment based on the SSC's safety significance. This action is a result of the Commission's continuing efforts to risk-inform its regulations. The staff plans to provide the Commission with a proposed rule package in June 2002.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/00	65 FR 11488

Action	Date	FR Cite
ANPRM Comment Period End	05/17/00	
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AG42

3992. INTEGRATED RULEMAKING FOR DECOMMISSIONING NUCLEAR POWER REACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

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

In SECY-00-145, dated June 28, 2000, the NRC staff recommended a decommissioning rulemaking plan in the areas of emergency planning,

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

Timetable:

Action	Date	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

3993. RE-EVALUATION 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 power reactor licensees to conduct drills and exercises to evaluate their protective strategy against a simulated design basis threat (DBT) of radiological sabotage. The proposed rulemaking would also include risk insights, supporting guidance documents and be more performance based. Following the events of September 11, 2001, the staff recommended and the Commission approved the withdrawal of SECY-01-0101, "Proposed Rule Changes to 10 CFR 73.55," which contained the staff's recommendations in the subject rulemaking. This withdrawal was requested to allow the staff to incorporate its post-September 11, 2001, considerations in a revised recommended rule revision, then later resubmit 10 CFR 73.55 to the Commission for its consideration.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

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RIN: 3150-AG63

3994. NOTIFICATION REQUIREMENT

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841**CFR Citation:** 10 CFR 35**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations by requiring a licensee to notify the NRC and an identified exposed individual after the licensee becomes aware that the individual received or is estimated to have received a dose exceeding 50mSv (5 rem) from a released patient who had been administered radioactive material.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

Agency Contact: Betty Ann Torres, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
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RIN: 3150-AG81

3995. 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 was published to request public comment, information, and recommendations on contemplated amendments to the Commission's regulations that would clarify the use of entombment for power reactors. The amendments would establish dose criteria for license termination that includes a provision that permits license termination under restricted and unrestricted release conditions.

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

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3996. • 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: Allen L. Hiser Jr., Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555
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RIN: 3150-AG98

3997. • NUCLEAR POWER PLANT WORKER FATIGUE

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 2201; 42 USC 5841
CFR Citation: 10 CFR 26
Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish thresholds for the control of working hours to ensure that working

hours in excess of the thresholds are controlled through a risk-informed deviation process. This rule would provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This rulemaking would also address a petition for rulemaking submitted by Barry Quigley (PRM-26-02).

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: David Desaulniers, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555-0001
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RIN: 3150-AG99

Nuclear Regulatory Commission (NRC)

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3998. MEDICAL USES OF BYPRODUCT MATERIAL

Priority: Other Significant
CFR Citation: 10 CFR 35
Completed:

Reason	Date	FR Cite
Final Action	04/24/02	67 FR 20250
Final Action Effective	10/24/02	

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

Agency Contact: Thomas Young
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RIN: 3150-AF74

Completed:

Reason	Date	FR Cite
Final Rule	11/02/01	66 FR 55732
Final Rule Effective	12/03/01	

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

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RIN: 3150-AG04

4001. REVISION OF THE SKIN DOSE LIMIT

Priority: Substantive, Nonsignificant
CFR Citation: 10 CFR 20

Completed:

Reason	Date	FR Cite
Final Action	04/05/02	67 FR 16298
Final Action Effective	06/04/02	

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

Agency Contact: Alan K. Rocklein
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RIN: 3150-AG25

3999. DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN A PROPOSED GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA

Priority: Substantive, Nonsignificant
CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 30; 10 CFR 40; 10 CFR 51; 10 CFR 60; 10 CFR 61; 10 CFR 63; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75

4000. GEOLOGICAL AND SEISMOLOGICAL CHARACTERISTICS OF SPENT FUEL STORAGE SYSTEMS

Timetable:

Action	Date	FR Cite
Duplicate of RIN 3150-AG98	03/01/02	

RIN: 3150-AG16

4002. REDUCTION IN THE SCOPE OF RANDOM FITNESS-FOR-DUTY TESTING REQUIREMENTS FOR NUCLEAR POWER REACTOR LICENSEES

Priority: Substantive, Nonsignificant
CFR Citation: 10 CFR 26

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Completed:

Reason	Date	FR Cite
Merged With RIN 3150-AF12	12/31/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Garmon West
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Email: vld@nrc.gov**Related RIN:** Merged With 3150-AF12**RIN:** 3150-AG62**4003. ORGANIZATION CHANGE AND TRANSFER OF FUNCTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 1; 10 CFR 34; 10 CFR 73**Completed:**

Reason	Date	FR Cite
Final Rule	01/25/02	67 FR 3584
Final Rule Effective	01/25/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Carrie Brown
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Email: cxb@nrc.gov**RIN:** 3150-AG79**4004. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: FUELSOLUTIONS CASK SYSTEM REVISION (AMENDMENT NO. 2)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 72**Legal Deadline:** None**Abstract:** The direct final rule amends the Commission's regulations to revise Certificate of Compliance (CoC) No. 1026 for the BFS FuelSolutions Spent Fuel Management System. This amendment changes Technical Specifications (TS) which required that if the W74 canister was required to be removed from its storage cask, then the canister must be returned to the spent fuel pool. In lieu of returning the W74 canister to the spent fuel pool, the W74

canister is now placed in the transfer cask until the affected storage cask is repaired or replaced. Additional minor editorial corrections were made. Specific changes were made to TS Tables 2.1-3 and 2.1-4; TS 3.3.2; 3.3.3; and the bases for TS 3.3.2 and 3.3.3. No changes were made to the conditions of the CoC.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/14/01	66 FR 56982
Direct Final Rule Effective	01/28/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Merri Horn, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-8126
Email: mlh1@nrc.gov**RIN:** 3150-AG87**4005. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: TRANSNUCLEAR WEST, INC., STANDARDIZED NUHOMS REVISION (AMENDMENT NO. 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 to revise Certificate of Compliance (CoC) No. 1004 for the Transnuclear West Inc., Standardized NUHOMS-24P, -52B, and -61BT dry storage system. This amendment relaxes certain requirements when only low burnup fuel is present. Specific changes were made to Technical Specifications (TS) 1.2.1 and 1.2.15. In addition, changes were made to Tables 1-1a and 1-1b of TS 1.2.1 to correct an administrative error. No changes were made to the conditions of the CoC.**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/29/01	66 FR 59531
Direct Final Rule Effective	02/12/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Merri Horn, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001
Phone: 301 415-8126
Email: mlh1@nrc.gov**RIN:** 3150-AG88**4006. • MINOR ERRORS IN REGULATORY TEXT; CORRECTION****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 20; 10 CFR 30; 10 CFR 32; 10 CFR 34; 10 CFR 40; 10 CFR 50; 10 CFR 51**Legal Deadline:** None**Abstract:** The final rule makes a number of minor corrections to the NRC's regulations. This rule is necessary to correct omissions, typographical errors, and erroneous citations and references that appear in the NRC's regulations.**Timetable:**

Action	Date	FR Cite
Final Rule	12/14/01	66 FR 64737
Final Rule Effective	12/14/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael T. Lesar, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555-0001
Phone: 301 415-7163
Email: mtl@nrc.gov**RIN:** 3150-AG92**4007. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: NAC INTERNATIONAL MULTI-PURPOSE CANISTER (NAC-MPC) REVISION (AMENDMENT NO. 2)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2202; 42 USC 5841**CFR Citation:** 10 CFR 72**Legal Deadline:** None**Abstract:** The final rule amends the Commission's regulations by revising the Certificate of Compliance (CoC) No.

NRC

Completed Actions

1025 for the NAC International Multi-Purpose Canister dry storage system. This rule allows for modification of the MPC system components to include increased length of the fuel basket and canister, transfer cask, and vertical concrete cask; a redesigned fuel basket to accommodate 26 fuel assemblies with an alternate, 24-fuel assembly configuration; and increased transfer cask radial shielding. The CoC is revised to include reference to a new type of fuel; Technical Specifications (TS) are revised to include new fuel type specifications and operational limits and to incorporate a revised format for the TS.

Timetable:

Action	Date	FR Cite
Direct Final Rule	03/15/02	67 FR 11566
Direct Final Rule Effective	05/29/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AG94

4008. • LIST OF APPROVED SPENT FUEL STORAGE CASKS: HI-STORM 100 REVISION (AMENDMENT NO. 1)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 72

Legal Deadline: None

Abstract: This direct final rule amends the Commission's regulations by revising the Certificate of Compliance (CoC) for the Holtec HI-STORM 100 dry storage system. Amendment No. 1 modifies the present cask system design, under a general license, to: (1) add four new multipurpose canisters - three for pressurized water reactor fuel and one for boiling water reactor fuel; (2) add new damaged fuel containers; (3) add the HI-STORM 100S overpack and the 100A and 100SA high-seismic anchored overpacks; (4) allow the storage of high-burnup fuel; (5) use revised thermal analysis tools that include natural convection heat transfer, revise the helium backfill requirements to allow a helium density measurement to be used, allow a helium drying system rather than the existing vacuum drying system, and

require soluble boron during canister loading for certain higher enriched fuels; (6) delete the Technical Specification training requirements and relocate these requirements to the main body of CoC 1014; and (7) allow the storage of selected nonfuel hardware. In addition, Conditions 1.a, 1.b, 2, 3, 5, 9, and 10 of the CoC, sections 3.0 and 5.0 of appendix A, and sections 1.0, 2.0, and 3.0 of appendix B to the CoC is revised to reflect the changes.

Timetable:

Action	Date	FR Cite
Direct Final Rule	03/27/02	67 FR 14627
Direct Final Rule Effective	06/10/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3150-AG97

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