



NRC Regulatory Agenda

**Semiannual Report
January - June 2000**

**U.S. Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555-0001**



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NUREG-0936
Vol. 19, No. 1

NRC Regulatory Agenda

Semiannual Report January - June 2000

Manuscript Completed: August 2000

Date Published: August 2000

**Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001**



Preface

The Regulatory Agenda is a semiannual compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition.

Organization of the Agenda

The agenda consists of two sections that have been updated through June 30, 2000. Section I, "Rules," includes (A) rules on which final action has been taken since December 31, 1999, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since December 31, 1999; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules; and (D) petitions pending staff review.

In Section I of the agenda, the rules are ordered from the lowest to the highest part within Title 10, Chapter I, of the Code of Federal Regulations (Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest affected part. In Section II of the agenda, the petitions are ordered from the lowest to the highest part of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

A Regulation Identifier Number (RIN) has been added to each rulemaking agenda entry. This identification number will make it easier for the public and agency officials to track the publication history of regulatory actions. The dates listed under the heading "Timetable" for scheduled action by the Commission, the Executive Director for Operations (EDO), the Chief Financial Officer (CFO), or the Chief Information Officer (CIO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda. Conversely, the inclusion in this Regulatory Agenda of unpublished rules on which the NRC is considering action does not commit the NRC to publishing the rule for public comment in the Federal Register.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve NRC's regulatory priorities most effectively. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking.

Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking or an advance notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal in the Federal Register. Rules and Petitions for Rulemaking that appear in the agenda for the first time are identified by an asterisk (*).

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555-0001.

Comments may also be hand delivered to One White Flint North, 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.

You may also provide comments via the NRC's interactive rulemaking website (<http://ruleforum.llnl.gov>). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, 301-415-5905 (e-mail: cag@nrc.gov).

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, 2120 L Street, NW. (Lower Level), Washington, DC, between 7:45 a.m. and 4:15 p.m.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Betty K. Golden, Regulations Specialist, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-415-6863 (persons outside the Washington, DC, metropolitan area may call

toll-free: 800-368-5642), or e-mail bkg2@nrc.gov. 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.

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(A) Final Rules

I-RULES

A

1. Energy Compensation Sources for Well Logging (Part 39)

RIN: 3150-AG14

Abstract. The final rule amends the Commission's regulations dealing with low activity energy compensation sources and tritium neutron generator target sources. The final rule also specifies abandonment procedures in the event of an immediate threat, changes requirements for inadvertent intrusion on an abandoned source, codifies an existing generic exemption, removes an obsolete date, and updates the regulations to be consistent with the Commission's metrication policy. The amendments are necessary to reflect developments that have occurred in well logging technology since the existing regulations were adopted.

Timetable:	Final Rule Published	04/17/00	65 FR 20337
	Final Rule Effective	05/17/00	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** Yes**Agency Contact::** Mark Haisfield, Office of Nuclear Material Safety and Safeguards,
(301) 415-6196, e-mail mfh@nrc.gov**2. ECCS Evaluations Models (Part 50, Appendix K)**

RIN: 3150-AG26

Abstract. The final rule amends the Commission's regulations that require safety analyses used for evaluation of emergency core cooling system (ECCS) under loss-of-coolant-accident (LOCA) conditions be conducted at 1.02 times the licensed power for the plant. The final rule allows licensees to propose increases in licensed power levels for plants using Appendix K evaluation models, but the ECCS safety analyses could assume power levels less than the current requirement. Licensees will need to demonstrate that the reduced margin for assumed power level in the analyses for their facility is justified.

Timetable:	Final Rule Published	06/01/00	65 FR 34913
	Final Rule Effective	07/31/00	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** Yes

Agency Contact: Joseph Donoghue, Office of Nuclear Reactor Regulation,
(301) 415-1131, e-mail jed1@nrc.gov

3. Fire Protection; Elimination of Requirement for Non-Combustible Penetration Seal Material and Other Minor Changes (Part 50, Appendix R)

RIN: 3150-AG22

Abstract. The final rule amends the Commission's regulations to eliminate the requirement for non-combustible penetration seal material. Also, the final rule deletes schedule requirements and footnotes that are no longer applicable.

Timetable:	Final Rule Published	06/20/00	65 FR 38182
	Final Rule Effective	07/20/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Daniele Oudinot, Office of Nuclear Reactor Regulation,
(301) 415-3731, e-mail dho@nrc.gov

4. List of Approved Spent Fuel Storage Casks: Addition of the BFS Transtor Storage Cask (Part 72)

RIN: 3150-AG35

Abstract. The proposed rule would have amended the Commission's regulations to add the Transtor Storage cask system to the List of Approved Spent Fuel Storage Casks. In a letter dated January 10, 2000, the applicant withdrew its application; therefore, the NRC has withdrawn this proposed rulemaking.

Timetable:	Proposed Rule Withdrawn	01/10/00
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Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Gordon Gundersen, Office of Nuclear Material Safety and Safeguards,
(301) 415-6195, e-mail geg1@nrc.gov

5. Amend the Certificates of Compliance No. 72-1007 for the VSC-24 Dry Spent Fuel Storage Cask (Part 72)

RIN: 3150-AG36

Abstract. The final rule amends the Commission's regulations by revising the Pacific Sierra Nuclear Associates (PSNA) VSC-24 cask system listing within the List of Approved Spent Fuel Storage Casks so that holders of operating power reactor licenses can use this cask under a general license. Adverse comments were received on the direct final rule published on September 22, 1999. The direct final rule was withdrawn. This subsequent final rule addresses the issues raised by the commenter that were within the scope of the proposed rule, including the issue that was determined to be a "significant adverse comment."

Timetable:	Direct Final Rule Published	09/22/99	64 FR 51187
	Direct Final Rule Effective	12/06/99	
	Direct Final Rule Withdrawn	12/23/99	64 FR 72019
	Final Rule Published	04/27/00	65 FR 24623
	Final Rule Effective	05/30/00	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None**Agency Contact:** Stan Turel, Office of Nuclear Material Safety and Safeguards,
(301) 415-6234, e-mail spt@nrc.gov

6. Add the Certificates for the NAC International (NAC) Multi-Purpose Canister (MPC) Cask System (NAC-MPC System) (Part 72)

RIN: 3150-AG37

Abstract. The final rule amends the Commission's regulations by adding the NAC International (NAC) Multi-Purpose Canister cask system (NAC-MPC System) to the List of Approved Spent Fuel Storage Casks, so that holders of operating power reactor licenses can use this cask under a general license.

Timetable:	Final Rule Published	03/09/00	65 FR 12444
	Final Rule Effective	04/10/00	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None

Agency Contact: Merri Horn, Office of Nuclear Material Safety and Safeguards,
(301) 415-8126, e-mail mlh1@nrc.gov

7. List of Approved Spent Fuel Storage Casks: Addition of the Transnuclear TN-32 Cask (Part 72)

RIN: 3150-AG18

Abstract. The final rule amends the Commission's regulations to add the Transnuclear TN-32 cask system to the List of Approved Spent Fuel Storage Casks. The final rule allows the holders of power reactor operating licenses to store spent fuel in the TN-32 cask system under a general license.

Timetable:	Final Rule Published	03/20/00	65 FR 14790
	Final Rule Effective	04/19/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Merri Horn, Office of Nuclear Material Safety and Safeguards,
(301) 415-8126, e-mail mlh1@nrc.gov

8. List of Approved Spent Fuel Storage Casks: Revision, TN-W NUHOMS 24-P and NUHOMS 52-B (Part 72)

RIN: 3150-AG19

Abstract. The final rule amends the Commission's regulations containing the list of approved spent fuel storage cask designs to add an amended version of certificate of compliance (CoC) No. 1004 to this list. The amended revision reflects a change of ownership of this certificate from VECTRA Technologies, Inc., to Transnuclear West, Inc., as well as an amendment to the certificate. This rulemaking also implements a director's decision, in response to a petition filed by the Toledo Coalition for Safe Energy, et al., regarding the cask design, approved by CoC No. 1004, in which the Director determined that a rulemaking should be conducted to require a fabrication inspection of dry shielded canister shell welds.

Timetable:	Final Rule Published	03/28/00	65 FR 16299
	Final Rule Effective	04/27/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Stan Turel, Office of Nuclear Material Safety and Safeguards,
(301) 415-6234, e-mail spt@nrc.gov

9. List of Approved Spent Fuel Storage Casks: Addition of the Transnuclear Dry Shielded Canister (TN-68) (Part 72)

RIN: 3150-AG30

Abstract. The final rule amends the Commission's regulations to add the Transnuclear TN-68 cask system to the List of Approved Spent Fuel Storage Casks. The final rule allows the holders of power reactor operating licenses to store spent fuel in the TN-68 cask system under a general license.

Timetable:	Final Rule Published	04/28/00	65 FR 24855
	Final Rule Effective	05/30/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Gordon Gundersen, Office of Nuclear Material Safety and Safeguards,
(301) 415-6195, e-mail geg1@nrc.gov

10. List of Approved Spent Fuel Storage Casks: Addition of the Holtec Dry Shielded Canister - HISTORM (Part 72)

RIN: 3150-AG31

Abstract. The final rule amends the Commission's regulations to add the Holtec International (HISTORM) cask to the List of Approved Spent Fuel Storage Casks. The final rule allows the holders of power reactor operating licenses to store spent fuel in the HISTORM cask system under a general license.

Timetable:	Final Rule Published	05/01/00	65 FR 25241
	Final Rule Effective	05/31/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Merri Horn, Office of Nuclear Material Safety and Safeguards,
(301) 415-8126, e-mail mlh1@nrc.gov

11. List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24 and NUHOMS-52B Revision (Part 72)

RIN: 3150-AG34

Abstract. The direct final rule amends the Commission's regulations by updating the technical specifications fuel qualification table to reflect additional fuel parameters and allow storage of burnable poison rod assemblies. The rulemaking allows the holders of power reactor operating licenses to store spent fuel in the TNW cask system under a general license.

Timetable:	Direct Final Rule Published	06/22/00	65 FR 38715
	Direct Final Rule Effective	09/05/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Stephanie P. Bush-Goddard, Office of Nuclear Material
Safety and Safeguards,
(301) 415-6257, e-mail spb@nrc.gov

12. List of Approved Spent Fuel Storage Casks: Amend the Certificates of Compliance for the VSC-24, Amendment 2, Dry Spent Fuel Storage Cask (Part 72)

RIN: 3150-AG55

Abstract. The direct final rule amends the Commission's regulations by updating the Technical Specifications and Certificate of Compliance regarding welding and nondestructive examination of welds, the method for determining cask drain time during loading, the minimum temperature for moving the loaded multi-assembly sealed basket, artificial thermal loads other than spent fuel that may be used to obtain temperature data, and the maximum permissible air outlet temperature. In addition, the amendment includes changes to the Technical Specifications and Certificate of Compliance to correct typographical errors and to make other minor clarifications and changes. This amendment allows the holders of power reactor operating licenses to store spent fuel in the VSC-24 cask system, as amended, under a general license. This allows holders of power reactor operating licenses to use these casks without having to obtain a specific license.

Timetable:	Direct Final Rule Published	06/22/00	65 FR 38718
	Direct Final Rule Effective	09/05/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Stan Turel, Office of Nuclear Material Safety and Safeguards,
(301) 415-6234, e-mail spt@nrc.gov

13. Revision of Fee Schedules; 100% Fee Recovery, FY 2000 (Parts 170 and 171)

RIN: 3150-AG50

Abstract. The final rule amends the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover approximately 100 percent of the NRC budget authority for Fiscal Year 2000, less the amount appropriated from the Nuclear Waste Fund and the General Fund. The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the NRC accomplish the 100 percent recovery through the assessment of fees. The dollar amount to be recovered for FY 2000 is approximately \$447.0 million. The Act requires that the fees for FY 2000 must be collected by September 30, 2000. The final rule is effective August 11, 2000.

Timetable:	Final Rule Published	06/12/00	65 FR 36945
	Final Rule Effective	08/11/00	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Glenda C. Jackson, Office of the Chief Financial Officer,
(301) 415-6057, e-mail gcj@nrc.gov
Robert D. Carlson, Office of the Chief Financial Officer,
(301) 415-8165, e-mail rdc@nrc.gov

(B) Proposed Rules

B

14. Availability of Official Records (Part 2)

RIN: 3150-AC07

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 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 three additional circumstances where information would not be returned to the applicant, i.e., information which has been made available to an advisory committee or was received at an advisory committee meeting, information discussed at an open Commission meeting under the Government in the Sunshine Act, and information that is subject to a pending Freedom of Information Act request, as well as other administrative matters. The proposed amendment would also address the NRC's procedures for handling copyrighted information, including reproduction and distribution according to normal agency practice.

Timetable:	Proposed Rule Published	12/23/92 57 FR 61013
	Comment Period Closed	03/08/93
	Final Rule Published	12/00/00

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None

Agency Contact: Catherine M. Holzle, Office of the General Counsel,
(301) 415-1560, e-mail cmh@nrc.gov

15. Antitrust Review Authority: Clarification (Parts 2 and 50)

RIN: 3150-AG38

Abstract. The proposed rule would amend the Commission's regulations to reflect more clearly its limited antitrust review authority by explicitly limiting the types of applications that must include antitrust information. Specifically, because the Commission is not authorized to conduct antitrust reviews of post-operating license transfer applications, or at least is not required to conduct this type of review and has decided that it no longer will conduct them, no antitrust information is required as part of a post-operating license transfer application. Because the current regulations do not clearly specify which types of applications are not subject to antitrust review, these proposed clarifying amendments would bring the regulations into conformance with the Commission's limited statutory authority to conduct antitrust reviews.

Timetable:	Proposed Rules Published	11/03/99 64 FR 59671
	Comment Period Closed	02/15/00 65 FR 3394
	Final Rule Published	07/19/00

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None

Agency Contact: Jack R. Goldberg, Office of the General Counsel,
(301) 415-1681, e-mail jrg1@nrc.gov

16. Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance (Part 5)

RIN: 3150-AG43

Abstract. The proposed rule would provide for the enforcement of Title IX of the Education Amendments of 1972, as amended (20 USC 1681, et seq.) (Title IX), as it applies to educational programs and activities that receive Federal financial assistance from certain Federal Government agencies. Title IX prohibits discrimination based on sex in education programs or activities that receive Federal financial assistance. This proposed rule would provide guidance to recipients of Federal financial assistance who administer education programs or activities.

Timetable:	Proposed Rule Published	10/29/99 64 FR 58568
	Comment Period Closed	12/28/99
	Final Rule Published	Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None**Agency Contact:** Irene P. Little, Office of Small Business and Civil Rights,
(301) 415-7380, e-mail ipl@nrc.gov

17. Fitness-for-Duty Programs (Part 26)

RIN: 3150-AF12

Abstract. The proposed rule would amend the Commission's regulations to ensure compatibility with the Department of Health and Human Services guidelines, reduce unnecessary regulatory burden in some areas, clarify the Commission's original intent of the rule, and improve overall program effectiveness and efficiency. These revised requirements would reduce the industry-wide annual cost for all licensees to comply with Part 26 by approximately 27 million (or about \$293 million over 20 years). The rulemaking would address the Regulatory Review Group items on audit frequency and annual submittal of data. The rulemaking would also address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1).

Timetable:	Proposed Rule Published	05/09/96 61 FR 21105
	Comment Period Closed	08/07/96
	Final Rule Published	10/00/00

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None**Agency Contact:** Garmon West, Jr., Office of Nuclear Reactor Regulation,
(301) 415-1044, e-mail gxw@nrc.gov;
Richard P. Rosano, Office of Nuclear Reactor Regulation,
(301) 415-3282, e-mail rpr@nrc.gov

18. Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (Parts 30, 31, 32, 170, and 171)

RIN: 3150-AG03

Abstract. The proposed rule would amend the Commission's regulations for certain industrial devices containing byproduct material to include more specific provisions for a registration and accounting program including associated fees and modification of the quarterly transfer reporting requirements for manufacturers and initial distributors of these industrial devices. The proposed rule would also consider other recommendations made by an NRC Agreement State Working Group in NUREG-1551, such as additional labeling requirements. The proposed rule is intended to ensure that general licensees are aware of and understand the requirements for the possession of devices containing byproduct material and allow NRC to account for devices that have been distributed for use under the general license. Better awareness on the part of general licensees of their responsibilities would help to ensure that the general licensees comply with the requirements for proper handling and disposal of generally licensed devices and should help reduce the potential for incidents that could result in unnecessary radiation exposure to the public as well as contamination of property.

Timetable:	Proposed Rule Published	07/26/99 64 FR 40295
	Comment Period Closed	10/12/99
	Final Rule Published	11/00/00

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** Yes**Agency Contact:** Catherine R. Mattsen, Office of Nuclear Material Safety and Safeguards, (301) 415-6264, e-mail crm@nrc.gov

19. Medical Uses of Byproduct Material (Part 35)

RIN: 3150-AF74

Abstract. The proposed rule would amend the Commission's regulations to reflect a more risk-based approach to the regulation of the medical uses of byproduct material. Performance-oriented requirements would allow licensees the flexibility to develop procedures appropriate to their uses of byproduct material. The proposed rule would address training and experience requirements for authorized users, RSOs, authorized nuclear pharmacists and authorized medical physicists. This initiative would include development of associated guidance. The proposed rule would also address a petition for rulemaking submitted by the University of Cincinnati (PRM-20-24).

Timetable:	Proposed Rule Published	08/13/98 63 FR 43516
	Comment Period Closed	12/16/99 64 FR 64829
	Final Rule Published	12/00/00

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841**Effects on Small Business and Other Entities.** None

Agency Contact: Cathy Haney, Office of Nuclear Material Safety and Safeguards,
(301) 415-6825, e-mail cxh@nrc.gov

20. 120-Month ISI/IST Update Requirement (Part 50)

RIN: 3150-AG39

Abstract. The proposed rule would amend the Commission's regulations to require nuclear power plant licensees to update their inservice inspection and inservice testing programs every 120 months to comply with the version of the ASME Code incorporated by reference into the regulations and in effect 12 months preceding the start of a new 120-month interval. The Commission disapproved this proposed rulemaking in a Staff Requirements Memorandum dated April 13, 2000, therefore this rulemaking will be withdrawn during FY 2001.

Timetable	Proposed Rule Published	4/27/99 64 FR 22580
	Comment Period Closed	06/24/99
	Notice of Withdrawal Published	Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Thomas G. Scarbrough, Office of Nuclear Reactor Regulation,
(301) 415-2794, e-mail tgs@nrc.gov

21. Use of Potassium Iodide (KI) by the General Public After a Severe Accident at a Nuclear Power Plant (Part 50)

RIN: 3150-AG11

Abstract. The proposed rule would amend the Commission's regulations to require that consideration be given to include potassium iodide (KI) in conjunction with sheltering and evacuation as a protective measure for the general public. This rule also addresses a petition for rulemaking submitted by Peter Crane (PRM-50-63/PRM-50-63A) on September 9, 1995 and November 11, 1997, respectively. This rulemaking was sent to the Commission for review and approval on February 14, 2000 (SECY-00-0040).

Timetable:	Proposed Rule Published	06/14/99 64 FR 31737
	Comment Period Closed	09/14/99
	Final Rule Published	Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Michael Jamgochian, Office of Nuclear Reactor Regulation,
(301) 415-3224, e-mail mtj1@nrc.gov

22. Modification to Event Reporting Requirements for Power Reactors (Part 50)

RIN: 3150-AF98

Abstract. The proposed rule would change the event reporting requirements for nuclear power reactors contained in §§ 50.72 and 50.73 to better align the reporting requirements with the NRC's need for information to carry out its safety mission, reduce the reporting burden consistent with the NRC's needs, clarify the reporting requirements, and maintain consistency with NRC actions to improve integrated plant assessments. This rulemaking was sent to the Commission for review on April 21, 2000 (SECY-00-0093).

Timetable:	ANPRM Published	07/23/98	63 FR 39522
	Comment Period Closed	09/21/98	
	Proposed Rule Published	07/06/99	64 FR 36291
	Comment Period Closed	09/20/99	
	Final Rule Published	09/00/00	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None**Agency Contact:** Dennis P. Allison, Office of Nuclear Reactor Regulation,
(301) 415-1178, e-mail dpa@nrc.gov

23. Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel (Part 51)

RIN: 3150-AA31

Abstract. The proposed rule would amend the Commission's regulations by adding estimates of releases of Radon-222 and Technetium-99 from activities in the nuclear fuel cycle to its Table of Uranium Fuel Cycle Environmental Data (Table S-3). This amendment would conform Tables S-3 and S-4 to the enrichment and burnup levels currently contemplated to address environmental impacts in light-water-cooled nuclear power reactor (LWR) licensing and relicensing proceedings. This amendment would also clarify the meaning and intent of the term "zircaloy" as used in § 51.52(a)(2) pertaining to cladding. The term "zircaloy" would be changed to "zirconium alloy." This rule is being reissued as a proposed rule, and would update the initial rulemaking effort to address newly emerging issues and research. This rulemaking would also address a petition for rulemaking submitted by the New England Coalition on Nuclear Pollution (PRM-51-1).

Timetable:	Proposed Rule Published	03/04/81	46 FR 15154
	Comment Period Closed	05/04/81	
	Proposed Rule Published	Undetermined	

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842**Effects on Small Business and Other Entities.** None

Agency Contact: Cynthia Sochor, Office of Nuclear Reactor Regulation,
(301) 415-2462, e-mail css3@nrc.gov

24. Disposal of High-Level Radioactive Waste in a Proposed Geologic Repository at Yucca Mountain, Nevada (Part 63)

RIN: 3150-AG04

Abstract. The proposed rule would establish regulations as directed by statute (Energy Policy Act of 1992) for the disposal of high-level waste at Yucca Mountain. The proposed rule would provide specific criteria applicable to Yucca Mountain and would state that the more generic requirements in the existing Part 60 do not apply and cannot be the subject of litigation in any NRC licensing proceeding for Yucca Mountain. The proposed rule would also address a petition for rulemaking submitted by the States of Nevada and Minnesota (PRM-60-2/2A).

Timetable:	Proposed Rule Published	02/22/99 64 FR 8639
	Comment Period Closed	06/30/99 64 FR 24092
	Final Rule Published	12/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Tim McCartin, Office of Nuclear Material Safety and Safeguards,
(301) 415-6681, e-mail tjm3@nrc.gov
Clark Prichard, Office of Nuclear Material Safety and Safeguards,
(301) 415-6203, e-mail cwp@nrc.gov

25. Domestic Licensing of Special Nuclear Material (Part 70)

RIN: 3150-AF22

Abstract. The proposed rule would amend the Commission's regulations to provide a risk-informed performance-based regulation for certain licensees authorized to possess a critical mass of special nuclear material. Concurrent with this amendment, companion support guidance documents are being developed for issuance. The proposed rule would require affected licensees to conduct an integrated safety analysis to identify potential accidents at the facility and the items relied on for safety. While the NRC believes that fuel facilities operate with an adequate degree of safety, the safety bases for licensing and inspection may have significant uncertainties. Performance of an Integrated Safety Analysis would narrow these uncertainties and provide increased confidence in the margin of safety at fuel cycle facilities. This rulemaking would also address a petition for rulemaking submitted by the Nuclear Energy Institute (PRM-70-7).

Timetable:	Proposed Rule Published	07/30/99 64 FR 41338
	Comment Period Closed	10/13/99
	Final Rule Published	08/00/00

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. Yes

Agency Contact: Andrew Persinko, Office of Nuclear Material Safety and Safeguards,
(301) 415-6522, e-mail axp1@nrc.gov

26. Storage of Greater Than Class C Waste (Part 72)

RIN: 3150-AG33

Abstract. The proposed rule would amend the Commission's regulations to include storage of Greater than Class C (GTCC) waste, i.e., waste that exceeds the concentration limits of radionuclides established for Class C waste in 10 CFR 61.55(a)(2)(iv). It is anticipated that the decommissioning activities at nuclear power plants will generate relatively small volumes of GTCC waste. However, because there are currently no disposal options for GTCC waste, utilities must store these wastes under their Part 50 licenses pending development of a disposal facility. The Department of Energy has the responsibility for developing a national strategy for disposal of GTCC waste. Based on current plans, this disposal capability will not likely be available for many years. This rule would allow independent spent fuel storage installations to store GTCC waste similar to storage of spent fuel and facilitate the likely eventual transfer to a permanent geologic repository. This proposed rule would also respond to a petition for rulemaking submitted by the Portland General Electric Company (PRM-72-2).

Timetable:	Proposed Rule Published	06/16/00 65 FR 37712
	Comment Period Closed	08/30/00
	Final Rule Published	05/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Mark Haisfield, Office of Nuclear Material Safety and Safeguards,
(301) 415-6196, e-mail mfh@nrc.gov

27. List of Approved Spent Fuel Storage Casks: Addition of the NAC - UMS Cask (Part 72)

RIN: 3150-AG32

Abstract. The proposed rule would amend the Commission's regulations to add the NAC - UMS cask system to the List of Approved Spent Fuel Storage Casks. The proposed rule would allow the holders of power reactor operating licenses to store spent fuel in the NAC - UMS cask system under a general license. The NRC staff evaluated the NAC - UMS Safety Analysis Report submittal and prepared a preliminary Safe Evaluation Report on the NAC - UMS cask systems. The NRC is proposing to approve the NAC - UMS cask system for storage of spent fuel under the conditions specified in the proposed certificate of compliance. This cask, when used in accordance with the conditions specified in the certificate of compliance and NRC regulations, would meet the requirement of 10 CFR Part 72; thus, adequate protection of public health and safety would be ensured.

Timetable:	Proposed Rule Published	01/21/00 65 FR 3397
	Comment Period Closed	04/05/00
	Final Rule Published	10/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Stan Turel, Office of Nuclear Material Safety and Safeguards,
(301) 415-6234, e-mail spt@nrc.gov

28. Clarifications and Addition of Flexibility (Part 72)

RIN: 3150-AG15

Abstract. The proposed rule would amend the Commission's regulations to clarify the applicability of Part 72 for general and site-specific licensees and would allow general licensees to clearly determine which Part 72 requirements are applicable to their activities. Consequently, the NRC staff has received several inquiries from prospective applicants requesting an interpretation of certain provisions of Part 72. Clarification of which regulations are applicable to site-specific and general licensees would reduce the uncertainty for potential licensees, and lessen the need for legal interpretation by NRC legal staff. The proposed rule would allow applicants for site-specific licenses to use cask designs previously approved under Part 72, Subpart K, without having to submit a separate safety analysis for the cask design. Under the current regulations, the adequacy of the design of these previously approved storage casks could be an issue, particularly during the hearing process, in each site-specific license application. This rulemaking precludes the staff having to expend considerable resources in repeatedly re-examining and defending technical issues already resolved during the public rulemaking process. This process requests public comments which will be addressed in the final rulemaking. The rulemaking would also allow the initiation of storage cask construction provided that certain conditions are met. The staff has allowed this construction, via exemption, before a Certificate of Compliance is issued if the construction is performed under an NRC approved quality assurance program and the applicant bears all risk associated with early construction.

Timetable:	Proposed Rule Published	11/03/99 64 FR 59677
	Comment Period Closed	01/18/00

	Final Rule Published	10/00/00
Legal Authority:	42 USC 2201; 42 USC 5841	

Effects on Small Business and Other Entities. None

Agency Contact: Anthony DiPalo, Office of Nuclear Material Safety and Safeguards,
(301) 415-6191, e-mail ajd@nrc.gov

29. Criteria for an Extraordinary Nuclear Occurrence (Part 140)

RIN: 3150-AB01

Abstract. The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems that were encountered in the Three Mile Island Unit 2 ENO determination. The NRC staff has determined that this rulemaking is unnecessary, and plans to withdraw this proposed rule. This notice of withdrawal would also address a petition for rulemaking submitted by the Public Citizen Litigation Group and the Critical Mass Energy Project (PRM-140-1).

NRC Regulatory Agenda**Proposed Rules**

Timetable:	Proposed Rule Published	04/09/85 50 FR 13978
	Comment Period Closed	09/06/85

Notice of Withdrawal Published	10/00/00
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Legal Authority:	42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842
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Effects on Small Business and Other Entities. None

Agency Contact:	Harry S. Tovmassian, Office of Nuclear Reactor Regulation, (301) 415-3092, e-mail hst@nrc.gov
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(C) Advance Notices of Proposed Rulemaking

C

30. Disposal by Release into Sanitary Sewerage (Part 20)

RIN: 3150-AE90

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies, the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. Currently, NRC and EPA are conducting a survey of publicly owned treatment works to develop a better understanding of the levels of radioactive materials present in sewage sludge and ash. This information is being collected to support potential NRC and EPA rule and policy making activities. This rulemaking would also address a petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22).

Timetable:	ANPRM Published	02/25/94 59 FR 9146
	Comment Period Closed	05/26/94
	Proposed Rule Published	Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None**Agency Contact:** Thomas Young, Office of Nuclear Material Safety and Safeguards,
(301) 415-5795, e-mail tfy@nrc.gov**31. Risk-Informing Special Treatment Requirements (Parts 21, 50, 52, 54, and 100)**

RIN: 3150-AG42

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 so 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 SSCs safety significance. This action is a result of the Commission's continuing efforts to risk-inform its regulations.

Timetable:	ANPRM Published	03/03/00 65 FR 11488
	Comment Period Closed	05/17/00
	Proposed Rule Published	11/00/00

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities.** None

Agency Contact: Thomas A. Bergman, Office of Nuclear Reactor Regulation,
(301) 415-1021, e-mail tab@nrc.gov

32. Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Parts 71 and 73)

RIN: 3150-AG41

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 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. 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. NRC staff will analyze the comments received to determine if a rulemaking is needed. A notice reopening the public comment period was published in the Federal Register on April 6, 2000 (65 FR 18010). The comment period closed on July 5, 2000.

Timetable:	ANPRM Published	12/21/99 64 FR 71331
	Comment Period Closed	07/05/00 65 FR 18010
	Proposed Rule Published	Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Anthony DiPalo, Office of Nuclear Material Safety and Safeguards,
(301) 415-6191, e-mail ajd@nrc.gov

(D) Unpublished Rules

D

33. Relocation of NRC's Public Document Room; Minor Changes (Parts 1, 2, 7, 9, 15, 19, 20, 21, 30, 35, 40, 50, 51, 53, 55, 60, 61, 70, 71, 72, 73, 74, 75, 81, 100, 110, 140, 150, 170 and 171)

RIN: 3150-AG46

Abstract. The final rule will amend the Commission's regulations to reflect the relocation of the NRC's Public Document Room from its current location in Washington, DC, to the NRC Headquarters offices in Rockville, Maryland. This amendment is necessary to inform NRC licensees and members of the public of this relocation.

Timetable: Final Rule Published 09/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Thomas E. Smith, Office of the Chief Information Officer,
(301) 415-7204, e-mail tes@nrc.gov

34. Changes to Adjudicatory Process (Part 2)

RIN: 3150-AG49

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

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Geary Mizuno, Office of the General Counsel,
(301) 415-1639, e-mail gsm@nrc.gov

35. Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Design Standards for Participating Websites* (Part 2)

RIN: 3150-AG44

Abstract. The proposed rule would amend the Commission's Rules of Practice applicable to the use of the Licensing Support Network (LSN) for the licensing proceeding on the disposal of high-level waste at a geologic repository. The proposed amendments would establish the basic data structure and transfer standards ("design standards") that LSN participant websites must use to make documentary material available. The proposed amendments would also clarify the authority of the LSN Administrator to establish guidance for LSN participants on how best to meet the design standards and to review participant designs for compliance with the standards. Finally, the proposed amendments would clarify the timing of participant compliance certifications.

Timetable: Proposed Rule Published 08/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Francis X. Cameron, Office of the General Counsel,
(301) 415-1642, e-mail fxc@nrc.gov

36. Submission of Documents Electronically; Minor Corrections (Parts 2, 4, 9, 15, 19 - 21, 25, 26, 30 - 32, 34, 40, 50, 51, 55, 60 - 62, 70 - 76, 81, 95, 110, 140, and 150)

RIN: 3150-AF61

Abstract. The direct final rule will amend the Commission's regulations to permit voluntary electronic submission of documents and provide procedures for submitting documents electronically. In addition, the Agencywide Documents Access and Management System (ADAMS) is scheduled to become operational in FY 2000. Amending the regulations to permit electronic submission would facilitate the electronic capture of externally generated documents into ADAMS. The rulemaking will address and improve the document control and records management issues which 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. The rule will incorporate minor corrections to the current regulations regarding the submission of documents to the NRC, e.g., 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 Elimination Act of 1998, to reduce the information collection burden on the public and to make information more readily accessible to the public.

Timetable: Direct Final Rule Published 12/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Michael D. Collins, Office of the Chief Information Officer,
(301) 415-2488, e-mail mdc1@nrc.gov

37. Adjustment of Civil Penalties for Inflation* (Parts 2 and 13)

RIN: 3150-AG59

Abstract. The final rule will amend the Commission's regulations to adjust its maximum Civil Monetary Penalties (CMP) that may be imposed by the NRC. The Federal Civil Penalties Inflation Adjustment Act requires every agency to adjust its CMP at least once every 4 years to account for inflation. The provision for the maximum CMP for a violation of the Atomic Energy Act for any regulations or order issued thereunder is adjusted from \$110,000 to \$120,000 per violation per day. The provisions concerning program fraud civil penalties will be amended by adjusting the maximum civil penalties under the Program Fraud Civil Remedies Act from \$5,500 to \$6,000 for each false claim or statement. The rulemaking will also amend the designation of "reviewing official" for the purposes of the program Fraud Civil Remedies Act to reflect a reorganization in the NRC's Office of the General Counsel.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Norman St. Amour, Office of the General Counsel,
(301) 415-1589, e-mail nxs1@nrc.gov

**38. Revision of References to Section 202 of the Energy Reorganization Act*
(Parts 2, 19, 20, 30, 40, 50, 51, and 70)**

RIN: 3150-AG53

Abstract. This final rule will make a number of conforming changes to the Commission's regulations that reference Section 202 of the Energy Reorganization Act. The final rule is necessary to remove the text of the footnotes that reference Section 202 to standardize all references in the regulations to read consistently as Section 202. This final rule will also correct a typographical error in Part 19, make other minor administrative changes to conform Part 51 to

other parts of this chapter, and reflect the abolishment of the Office for Analysis and Evaluation of Operational Data.

Timetable: Final Rule Published 09/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Alzonía W. Shepard, Office of Administration,
(301) 415-6864, e-mail aws1@nrc.gov

39. Release of Part of a Reactor Facility or Site for Unrestricted Use Before Receiving Approval of the License Termination Plan* (Parts 2 , 20, and 50)

RIN: 3150-AG56

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 Proposed Rule Published 07/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: W. Mike Ripley, Office of Nuclear Reactor Regulation,
(301) 415-1112, e-mail wmr@nrc.gov

40. Protection Against Discrete Radioactive Particles (DRPs) - A Unified Skin Dose Limit (Part 20)

RIN: 3150-AG25

Abstract. The proposed rule would amend the Commission's regulations to establish a unified skin dose limit that would apply to all skin dose situations including "hot particle" exposures. Based on discussions with industry and technical experts who have served on the NCRP/DRP committee, the NRC staff is recommending an approach to establishing a dose limit for dose to the skin from DRP that includes creating a unified skin dose limit. This limit would be applicable to all skin dose scenarios. This approach would require an advisory from the National Council on Radiation Protection and Measurements (NCRP) that would permit the NRC staff to use the NCRP recommended limit of "50 rem averaged over the highest exposed 10 square centimeters" for all exposures to the skin.

Timetable: Proposed Rule Published 08/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Alan Roecklein, Office of Nuclear Reactor Regulation,
(301) 415-3883, e-mail akr@nrc.gov

41. Allow Use of Personnel Dosimeters That Are Processed Using a New Dosimeter Readout Technology (Parts 20, 34, 36, and 39)

RIN: 3150-AG21

Abstract: The proposed rule would amend the Commission's regulations to approve the use of personnel dosimeters that employ a different technology for storing radiation energy, and require a different technology for processing the dosimeter to determine the radiation dose received, provided that the processor is NVLAP-accredited. The rule would also require retention of records from the dosimetry processor for dosimeters using this different technology.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 2073; 42 USC 2111

Effects on Small Business and Other Entities: Undetermined

Agency Contact: Betty Ann Torres, Office of Nuclear Material Safety and Standards,
(301) 415-0191, e-mail bat@nrc.gov

42. Reduction in the Scope of Random Fitness-for-Duty Testing Requirements for Nuclear Power Reactor Licensees* (Part 26)

RIN: 3150-AG62

Abstract. The proposed rule would amend the Commission's regulations to require random drug and alcohol testing of only those persons with unescorted access to vital areas, and eliminate random testing of employees who must physically report to the Technical Support Center or Emergency Operations Facility during an emergency. However, personnel with unescorted access to the protected area would continue to be covered by 10 CFR 26.24(a)(1) for pre-access fitness-for-duty testing and by 10 CFR 26.24(a)(3) for "for-cause" fitness-for-duty testing. The proposed amendment is expect to decrease burden by reducing the total numbers of tests conducted and the number of files maintained.

Timetable: Proposed Rule Published 04/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Garmon West, Jr., Office of Nuclear Reactor Regulation,
(301) 415-1044, e-mail gxw@nrc.gov
Richard P. Rosano, Office of Nuclear Reactor Regulation,
(301) 415-3282, e-mail rpr@nrc.gov

43. Codes and Standards* (Part 50)

RIN: 3150-AG61

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.

Timetable: Proposed Rule Published 04/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Stephen A. Tingen, Office of Nuclear Reactor Regulation,
(301) 415-1280, e-mail sgt@nrc.gov.

44. Quality Assurance Program Changes (Part 50)

RIN: 3150-AG45

Abstract. The proposed rule would amend the Commission's regulations to permit nuclear power plant licensees to change their quality assurance (QA) programs described or referenced in the Safety Analysis Report (SAR) without prior NRC approval under specified conditions. This rulemaking would broaden licensees' ability to make unilateral changes to their QA programs. It is anticipated that this further realization would be accompanied by a requirement to monitor and trend the QA performance of the facility and to have the results available for NRC inspection. This amendment would improve the regulatory process through a more efficient use of agency and industry resources.

There are two rulemakings involved in this project. The first was a direct final rule (February 23, 1999; 64 FR 9029), which provided immediate relief to licensees by allowing unilateral changes to QA programs in a number of areas which are considered routine and non-controversial. This direct final rule constituted the partial granting of a petition for rulemaking (PRM-50-62) submitted by the Nuclear Energy Institute (NEI). This proposed rulemaking would resolve the remaining portion of PRM-50-62.

Timetable: Proposed Rule Published 09/00/01

Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Robert L. Peltis, Jr., Office of Nuclear Reactor Regulation,
(301) 415-3214, e-mail rlp4@nrc.gov

45. Integrated Rulemaking for Decommissioning Nuclear Power Reactors (Part 50)

RIN: 3150-AG47

Abstract. An SRM 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).

Timetable: Proposed Rule Published 05/00/01

Final Rule Published 06/00/02

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: William Huffman, Office of Nuclear Reactor Regulation,
(301) 415-1141, e-mail wch@nrc.gov

46. Performance-Based, Risk-Informed Fire Protection (Part 50)

RIN: 3150-AG48

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."

Timetable: Proposed Rule Published 11/00/01

Final Rules Published 11/00/02

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Edward A. Connell, Office Nuclear Reactor Regulation,
(301) 415-2838, e-mail eac@nrc.gov

47. Decommissioning Trust Provisions* (Part 50)

RIN: 3150-AG52

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 transfers 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:	Proposed Rule Published	05/00/01
	Final Rule Published	05/00/02

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Brian J. Richter, Office of Nuclear Reactor Regulation,
(301) 415-1978, e-mail bjr@nrc.gov

48. Lessons Learned from Design Certification (Part 52)

RIN: 3150-AG24

Abstract. The proposed rule would amend the Commission's regulations by revising the regulatory infrastructure to prepare for future applicants and involve changes to licensing procedures and will require combined license applicants and holders to create, maintain, update, and use a PRA for the life of the facility. The proposed rule would subsume 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.

Unpublished Rules**NRC Regulatory Agenda**

Timetable: Proposed Rule Published 12/00/00

Final Rule Published 07/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Jerry N. Wilson, Office of Nuclear Reactor Regulation,
(301) 415-3145, e-mail jnw@nrc.gov

49. Use of Simulators in Operator Licensing and Conforming Changes (Part 55)

RIN: 3150-AG40

Abstract. The proposed rule would amend the Commission's regulations to promote more effective plant operating experience for initial license applicants through improved on-the-job training by allowing use of the simulation facility in lieu of the actual plant to satisfy the license eligibility requirement for performance of control manipulations that affect reactivity or power level. The rulemaking would also facilitate adaptation of existing simulator support and requalification training programs to the 1998 revision of the national standard (ANSI/ANS-3.5) to eliminate recurring outdated, duplicate, and inefficient simulator performance testing and reporting requirements. This rulemaking would bring the NRC's current regulations up-to-date with evolutionary changes in simulation technology, training, and examination programs. This rulemaking would directly reduce unnecessary regulatory burden by eliminating the current requirement for submittal of certification and performance test reports on a quadrennial basis.

Timetable: Proposed Rule Published 07/03/00

Final Rule Published 04/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Lawrence Vick, Office of Nuclear Reactor Regulation,
(301) 415-3181, e-mail lxv@nrc.gov

50. Geological and Seismological Characteristics of Spent Fuel Storage Systems (Part 72)

RIN: 3150-AG16

Abstract. The proposed rule would amend the Commission's regulations concerning seismological criteria to use a risk-informed, performance-based regulatory approach. This revision would use a methodology that is consistent with the approaches taken in Part 60, and the recent revision to Part 100. The proposed rule would also clarify what types of geologic and seismic analyses a general license should perform to determine that the intended spent fuel storage cask design is appropriate for the licensee's site, i.e., both static and dynamic analyses.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Keith McDaniel, Office of Nuclear Material Safety and Safeguards,
(301) 415-5252, e-mail kkm@nrc.gov

**51. List of Approved Spent Fuel Storage Casks: Addition of the NAC - UMS Cask*
(Part 72)**

RIN: 3150-AG57

Abstract. The proposed rule would amend the Commission's regulations to revise Certificate of Compliance (COC) No. 1015 for the NAC International (NAC) NAC-UMS Universal Storage System (NAC-UMS). This revision would permit two changes to the NAC-UMS cask design. First, the maximum spent fuel burnup limit would be increased from 45,000 to 50,000 MWD/MTU [megaWatt days per metric ton of uranium]. Second, the storage of damaged spent fuel would be permitted in a damaged fuel container. The proposed rule would allow the holders of power reactor operating licenses to store spent fuel in the NAC-UMS cask system under a general license. The NRC staff evaluated the NAC-UMS Safety Analysis Report submittal and is preparing a preliminary Safe Evaluation Report on the NAC-UMS cask systems. This cask, when used in accordance with the conditions specified in the CoC and NRC regulations, would meet the requirement of Part 72; thus. Adequate protection of public health and safety would be ensured.

Timetable: Proposed Rule Published 09/00/00

Final Rule Published 05/00/01

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Stephanie P. Bush-Goddard, Office of Nuclear Material
Safety and Safeguards,
(301) 415-6257, e-mail spb@nrc.gov

52. List of Approved Spent Fuel Storage Casks: Addition of the Holtec HI-STAR 100 Cask* (Part 72)

RIN: 3150-AG58

Abstract. The direct final rule will amend the Commission's regulations to revise the Holtec International Hi-Star 100 cask system (HI-STAR) in the List of Approved Spent Fuel Storage Casks. This amendment to the HI-STAR 100 CoC will modify the cask design to permit a general license to: 1) permit the storage of burnable poison rod assemblies and reactor neutron startup sources within spent fuel assemblies; 2) permit the storage of an additional type of damaged fuel container; and 3) revise some cask design drawings to incorporate minor changes (optimizations) that were identified by the certificate holder during fabrication of the first HI-STAR 100 casks. Also, the rulemaking will revise the language for CoC No. 1008 in two areas to be consistent with other recently issued CoCs and the recently issued 10 CFR 72.248 (64 FR 53582; October 4, 1999). First, the text "certification expiration date" would be changed to "certificate expiration date." Second, the title of the safety analysis report of the HI-STAR 100 cask system would be revised to include the word "final."

Timetable: Direct Final Rule 09/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Gordon Gundersen, Office of Nuclear Material Safety and Safeguards,
(301) 415-6195, e-mail geg1@nrc.gov

53. List of Approved Spent Fuel Storage Casks: Addition of the Fuel Solutions Cask* (Part 72)

RIN: 3150-AG54

Abstract. The proposed rule would amend the Commission's regulations to add the Fuel Solutions cask system to the List of Approved Spent Fuel Storage Casks so that holders of operating power reactor licenses can use this cask under a general license. Otherwise, holders of power reactor operating licenses would have to obtain a specific license to use these casks.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Richard Milstein, Office of Nuclear Material Safety and Safeguards,
(301) 415-8149, e-mail rim@nrc.gov

54. Re-evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage* (Part 73)

RIN: 3150-AG63

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 supporting guidance documents consisting of a regulatory guide and inspection procedure. This rule would require that licensees have a physical protection system designed to protect against the DBT of radiological sabotage. However, current regulations do not require power reactor licensees to evaluate periodically the performance of the security organization through drills and exercises that simulate a DBT.

Timetable:	Proposed Rule Published	11/00/01
	Final Rule Published	11/00/02

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Jesse A. Arildsen, Office of Nuclear Reactor Regulation,
(301) 415-1026, e-mail jaa@nrc.gov

55. Export and Import of Nuclear Equipment and Materials* (Part 110)

RIN: 3150-AG51

Abstract. The final rule will amend the Commission's regulations pertaining to the export and import of nuclear equipment and materials. This rulemaking is necessary to reflect the nuclear non-proliferation policies of the Executive Branch and U.S. Government obligations under nuclear agreements for cooperation, and to update the export controls of the United States in respect to

the multilateral export control recommendations of the Nuclear Nonproliferation Treaty Exporters Committee (Zangger Committee) and the Nuclear Suppliers Group (NSG), of which the United States is a member. Also, this final rule makes certain editorial revisions, and corrects typographical errors.

Timetable: Final Rule Published 09/00/00

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Suzanne Schuyler-Hayes, Office of International Programs,
(301) 415-2333, e-mail ssh@nrc.gov

56. Termination of Section 274i Agreement Between the State of Louisiana and the NRC* (Part 150)

RIN: 3150-AG60

Abstract. The final rule will amend the Commission's regulations by removing the specific reference to the inspection agreement, referred to as the 274i Agreement, with the State of Louisiana. The 274i Agreement allowed the State of Louisiana to perform inspections or other functions in offshore waters adjacent to Louisiana on behalf of the NRC. This action is necessary due to a letter from the Governor of Louisiana requesting termination of the Agreement. In it, he noted difficulties arranging transportation and lack of both financial and personnel resources that made it burdensome to conduct offshore activities for the NRC. The State of Louisiana and the NRC have concluded that the 274i Agreement is no longer needed and should be terminated.

Timetable: Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Stephanie P. Bush-Goddard, Office of Nuclear Material Safety
and Safeguards,
(301) 415-6257, e-mail spb@nrc.gov

**(A) Petitions Incorporated into Final Rules
or Petitions Denied**

II

PETITIONS

A

1. Petitioner/Petition Docket Number: Metabolic Solutions, Inc. (PRM-32-5)**Federal Register Citation:** May 4, 1999 (64 FR 23796)**Subject:** Regulatory distribution exemption for erythromycin breath test

Summary: The petitioner requested that the Commission amend its regulations to extend regulatory distribution to the petitioner's product, and "Erythromycin Breath Test" that uses a three microcurie dose of C14-erythromycin to measure the rate of drug metabolism in the human liver. Current regulations permit distribution of radioactive drug capsules that contain one microcurie of C14-urea to persons exempt from licensing and permit any person exempt from the requirements of a license to use the capsules for diagnostic tests in humans. The petitioner believes that exempting the C14-erythromycin from regulatory control would make the breath test more widely available, and reduce the cost of clinical research trials without increasing the radiation risk to the public.

Timetable: A notice of denial of this petition was published in the Federal Register on April 24, 2000 (65 FR 21673).

Agency Contact: James Smith, Office of Nuclear Material Safety and Safeguards,
(301) 415-6459, e-mail jas4@nrc.gov

**(B) Petitions Incorporated into Published
Proposed Rules**

B

2. **Petitioner/Petition Docket Number:** Northeast Ohio Regional Sewer District (PRM-20-22)

Federal Register Citation: October 20, 1993 (58 FR 54071)

Subject: Release of radioactive material to the sanitary sewer system

Summary: The petitioner requested that the Commission amend its regulations to require that licensees provide at least 24 hours advance notice to the appropriate sewage treatment plant before releasing radioactive material to the sanitary sewer system. The petitioner also requested that the NRC exempt materials that enter the sanitary waste stream from the requirements regarding Commission approval for incineration under the NRC's current regulations.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 20, 1993 (58 FR 54071). The public comment period closed on January 3, 1994. The petition is scheduled to be addressed by rulemaking, "Disposal by Release Into Sanitary Sewerage" (RIN AE90). The advance notice of proposed rulemaking was published in the Federal Register on February 25, 1994 (59 FR 9146). The NRC and the Environmental Protection Agency are conducting a joint survey to evaluate the continued need for a rulemaking. Publication of the proposed rule is undetermined.

Agency Contact: Thomas Young, Office of Nuclear Material Safety and Safeguards, (301) 415-5795, e-mail tfy@nrc.gov

3. **Petitioner/Petition Docket Number:** University of Cincinnati (PRM-20-24)

Federal Register Citation: June 21, 1996 (61 FR 31874)

Subject: Visitors of radiation patients, as members of the public, to receive up to 500 mrem per year

Summary: The petitioner requested that the Commission amend its regulations to authorize specified visitors of radiation patients, as members of the public, to receive up to 500 mrem per year. The petitioner believes that the proposed amendment would permit a small population of the general public to be infrequently exposed to an annual exposure limit of 500 mrem total effective dose equivalent.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 21, 1996 (61 FR 31874). The public comment period closed on September 4, 1996. This petition is being addressed by a proposed rule "Medical Uses of Byproduct Material" (RIN AF74). The proposed rule was published in the Federal Register on August 13, 1998 (63 FR 43516). The final rule is scheduled to be published in December 2000.

Agency Contact: Cathy Haney, Office of Nuclear Material Safety and Safeguards,
(301) 415-6825, e-mail cxh@nrc.gov

4. Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-26-1)

Federal Register Citation: N/A

Subject: Fitness-for-Duty Programs

Summary: The petitioner requested that the Commission amend its regulations to change the frequency that licensees are required to audit their fitness-for-duty programs from annually to biennially.

Timetable: A notice of receipt was not published for this petition. This petition qualified for special fast-track handling, as specified in 10 CFR 2.802(e); publication of the docketing of PRM-26-1 was not required. This petition was addressed in a proposed rulemaking, "Modifications to Fitness-for-Duty Program Requirements" (RIN AF12). The proposed rule was published in the Federal Register on May 9, 1996 (61 FR 21105). The final rule is scheduled to be published in October 2000.

Agency Contact: Garmon West, Jr., Office of Nuclear Reactor Regulation,
(301) 415-1044, e-mail gxw@nrc.gov
Richard P. Rosano, Office of Nuclear Reactor Regulation,
(301) 415-3282, e-mail rpr@nrc.gov

5. Petitioner/Petition Docket Number: Peter G. Crane (PRM-50-63 and PRM-50-63A)

Federal Register Citation: November 27, 1995 (60 FR 58256)
December 17, 1997 (62 FR 66038)

Subject: Emergency Planning

Summary: The petitioner requested that the Commission amend its regulations concerning emergency planning to include a requirement that emergency planning protective actions include the prophylactic use of potassium iodide, which may prevent thyroid cancer after nuclear accidents. The petitioner's suggested amendment would specifically require the prophylactic use of potassium iodide. In the amendment to the petition (PRM-50-63A), the petitioner requested that the regulations be amended to recommend that the prophylactic use of potassium iodide be considered in developing a range of protective actions for emergency workers and the public.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 27, 1995 (60 FR 58256). The public comment period closed on February 12, 1996. The amendment to the petition was published in the Federal Register on December 17, 1997 (62

FR 66038). The public comment period closed on January 16, 1998. This petition is being addressed in a proposed rulemaking "Use of Potassium Iodide (KI) by the General Public After a Severe Accident at a Nuclear Power Plant" (RIN AG11). The proposed rule was published in the Federal Register on June 14, 1999 (64 FR 31737). Publication of the final rule is undetermined.

Agency Contact: Michael Jamgochian, Office of Nuclear Reactor Regulation,
(301) 415-6534, e-mail mtj1@nrc.gov

6. Petitioner/Petition Docket Number: States of Nevada and Minnesota (PRM-60-2/2A)

Federal Register Citation: April 30, 1985 (50 FR 18267)

Subject: Implementation of environmental standards proposed by the Environmental Protection Agency (EPA)

Summary: The petitioner requested that the Commission amend its regulations to (1) adopt a regulation governing the implementation of certain environmental standards that have been proposed by the EPA; and (2) amend its repository licensing regulations to incorporate the equivalent substance of the assurance requirements as issued in the final EPA standards.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 30, 1985 (50 FR 18267). The public comment period closed on July 30, 1985. Portions of the petition have been denied and were addressed in the final rule, "NEPA Review Procedures for Geologic Repositories for High-Level Waste," published on July 3, 1989 (54 FR 27864). The remaining portions of the petition will be addressed through a separate rulemaking "Disposal of High-Level Wastes in a proposed Geologic Repository at Yucca Mountain, Nevada" (RIN AG04). The proposed rule was published on February 22, 1999 (64 FR 8640). The final rule is scheduled to be published in December 2000.

Agency Contact: Tim McCartin, Office of Nuclear Material Safety and Safeguards,
(301) 415-6681, e-mail tjm3@nrc.gov

7. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-70-7)

Federal Register Citation: November 26, 1996 (61 FR 60057)

Subject: Use of an integrated safety assessment, or an acceptable alternative, to confirm that adequate controls are in place to protect public health and safety

Summary: The petitioner requested that the Commission amend its regulations to require uranium processing, uranium enrichment, and fuel fabrication licensees to use an integrated safety assessment, or an acceptable alternative, to confirm that adequate controls are in place

to protect public health and safety. The petitioner also requested that a backfitting provision be established to ensure regulatory stability for these types of licensees.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 26, 1996 (61 FR 60057). The public comment period closed on February 10, 1996. Resolution of the petition is scheduled for rulemaking, "Domestic Licensing of Special Nuclear Material (RIN AF22)." The proposed rule was published in the Federal Register on July 30, 1999 (64 FR 41338). The final rulemaking package (SECY-00-0111) dated May 19, 2000, is currently under Commission consideration. The final rule is scheduled to be published in the Federal Register in August 2000.

Agency Contact: Theodore Sherr, Office of Nuclear Material Safety and Safeguards,
(301) 415-7218, e-mail tss@nrc.gov

8. Petitioner/Petition Docket Number: Portland General Electric Company (PRM-72-2)

Federal Register Citation: February 1, 1996 (61 FR 3619)

Subject: Disposal of radioactive waste (greater than class C)

Summary: The petitioner requested that the Commission amend its regulations which govern independent storage of spent nuclear fuel and high-level radioactive waste to specifically include greater than class C radioactive waste produced from reactor operations pending its transfer to a permanent disposal facility.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 1, 1996 (61 FR 3619). The public comment period closed on April 16, 1996. The petition will be addressed by rulemaking, "Interim Storage for Greater Than Class C Waste" (RIN AG33). The proposed rule was published on June 16, 2000 (65 FR 37712). The final rule is scheduled to be published in May 2001.

Agency Contact: Mark Haisfield, Office of Nuclear Material Safety and Safeguards,
(301) 415-6196, e-mail mfh@nrc.gov

9. Petitioner/Petition Docket Number: Public Citizen Litigation Group and Critical Mass Energy Project (PRM-140-1)

Federal Register Citation: August 28, 1979 (44 FR 50419)

Subject: Extraordinary nuclear occurrence (ENO)

Summary: The petitioner requested that the Commission find that the nuclear accident commencing on March 28, 1979, at Three Mile Island Unit 2 constitutes an ENO. The petitioner

also requested that the Commission amend the criteria used by the Commission to determine whether an ENO has occurred.

Timetable: A notice of receipt for this petition was published in the Federal Register on August 28, 1979 (44 FR 50419). The public comment period closed on August 7, 1985. This petition was addressed in a proposed rule, "Criteria for an Extraordinary Nuclear Occurrence" published on April 9, 1985 (50 FR 13978). This petition was partially resolved in a Federal Register notice published on April 23, 1980 (45 FR 27590), which stated that the Commission made a finding that the accident at TMI-2 was not an extraordinary nuclear occurrence. The April 9, 1985, proposed rule is scheduled to be withdrawn. The petition will be addressed in the notice of withdrawal. The notice of withdrawal is scheduled to be published in October 2000.

Agency Contact: Harry Tovmassian, Office of Nuclear Reactor Regulation,
(301) 415-3092, e-mail hst@nrc.gov

(C) Petitions Incorporated into Unpublished Rules

C

- 10. Petitioner/Petition Docket Number:** State of Colorado and Organization of Agreement States (PRM-40-27)

Federal Register Citation: July 7, 1999 (64 FR 36615)

Subject: Exemption for source material general licensees

Summary: The petitioner requested that the Commission amend its regulations to restrict the exemption in § 40.22(b) for source material general licensees from the radiation protection and worker notification requirements in 10 CFR Parts 19 and 20. Current NRC regulations exempt source material general licensees from the requirements that specify standards of protection against radiation and notification of individuals who participate in licensed activities. The petitioner believes that no basis exists for exempting these licensees from compliance with radiation safety standards if a licensee can exceed currently specified dose limits, create areas where individuals may be exposed to radiation, or dispose of radioactive waste in a manner that is not permitted for other licensees.

Timetable: A notice of receipt for this petition was published in the Federal Register on July 7, 1999 (64 FR 36615). The public comment period closed on September 20, 1999. The petition is scheduled to be addressed by rulemaking. The rulemaking plan is scheduled for completion in March 2001.

Agency Contact: Roger Broseus, Office of Nuclear Material Safety and Safeguards,
(301) 415-7608, e-mail rwb@nrc.gov

- 11. Petitioner/Petition Docket Number:** North Carolina Public Staff Utility Commission (PRM-50-57)

Federal Register Citation: January 17, 1992 (57 FR 2059)

Subject: Reducing or eliminating insurance requirements at decommissioned nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations to substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shutdown and are awaiting decommissioning and all the nuclear fuel has been removed from the reactor site.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 17, 1992 (57 FR 2059). The public comment period closed on March 17, 1992. The petition is scheduled to be addressed by rulemaking. Publication of the proposed rule is undetermined.

Agency Contact: William Huffman, Office of Nuclear Reactor Regulation,
(301) 415-1141, e-mail wch@nrc.gov

12. Petitioner/Petition Docket Number: New England Coalition on Nuclear Pollution
(PRM-51-1)

Federal Register Citation: January 16, 1976 (41 FR 2448)

Subject: Amendments to Table S-3 in 10 CFR Part 51

Summary: The petitioner requested that the Commission amend its regulations to "Table S-3 - Summary of Environmental Considerations for Uranium Fuel Cycle" [Uranium Fuel Cycle Environmental Data -Table S-3].

Timetable: A notice of receipt for this petition was published in the Federal Register on January 16, 1976 (41 FR 2448). The public comment period closed on March 16, 1976. The Commission closed three issues by denial in a Federal Register notice published on April 14, 1978 (43 FR 15613). Action on the remaining issue will be addressed by rulemaking, "Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel" (RIN AA31). Publication of the proposed rule is undetermined.

Agency Contact: Cynthia Sochor, Office of Nuclear Reactor Regulation,
(301) 415-2462, e-mail css3@nrc.gov

13. Petitioner/Petition Docket Number: International Energy Consultants (PRM-71-12)

Federal Register Citation: February 19, 1998 (63 FR 8362)

Subject: Packaging and transportation of radioactive material

Summary: The petitioner requested that the Commission amend its regulations governing special requirements for the transportation of plutonium under Part 71. The petitioner requested that § 71.63 be removed.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 19, 1998 (63 FR 8362). The public comment period closed on July 31, 1998 (63 FR 34335). The petition is scheduled to be addressed by a rulemaking that would revise Part 71 for compatibility with the International Atomic Energy Agency standards, as well as making other changes. Publication of the proposed rule is scheduled for April 2001.

Agency Contact: Naiem Tanious, Office of Nuclear Material Safety and Safeguards,
(301) 415-6103, e-mail nst@nrc.gov

(D) Petitions Pending Staff Review

D

14. Petitioner/Petition Docket Number: Michael Stein (PRM-2-12)**Federal Register Citation:** November 3, 1999; 64 FR 59669**Subject:** Deliberate misconduct and employee protection

Summary: The petitioner requested that the Commission amend its regulations pertaining to deliberate misconduct and employee protection to ensure that all individuals are afforded the right to respond to an NRC determination that the individual has violated NRC regulations. The petitioner believes that the NRC regulations pertaining to deliberate misconduct and employee protection are missing certain needed safeguards.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 3, 1999 (64 FR 59669). The comment period closed on January 18, 2000. Resolution of the petition is scheduled for November 2000.

Agency Contact: Barry Westreich, Office of Enforcement
(301) 415-3456, e-mail bcw@nrc.gov

15. Petitioner/Petition Docket Number: Ohio Citizens for Responsible Energy, Inc. (PRM-9-2)**Federal Register Citation:** June 13, 1994 (59 FR 30308)**Subject:** Public access to licensee-held information

Summary: The petitioner requested that the Commission amend its regulations to establish public right-to-know provisions that would ensure public access to licensee-held information.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 13, 1994 (59 FR 30308). The comment period closed on August 29, 1994. Resolution of the petition is scheduled for December 2000.

Agency Contact: Maria Schwartz, Office of the General Counsel,
(301) 415-1888, e-mail mes@nrc.gov

16. Petitioner/Petition Docket Number: Barry Quigley (PRM-26-2)**Federal Register Citation:** December 1, 1999 (64 FR 67202)**Subject:** Fitness-for-duty

Summary: The petitioner requested that the Commission amend its regulations to: (1) add enforceable working hour limits to 10 CFR Part 26; (2) add a criterion to 10 CFR Part 55 to require evaluation of known sleeping disorders; (3) revise the Enforcement Policy to include examples of working hour violations warranting various NRC sanctions; and (4) revise NRC Form 396 to include self-disclosure of sleeping disorders by licensed operators. The petitioner also requested changes to NRC Inspection Procedure 81502, Fitness-for-Duty Program. The petitioner believes that clear and enforceable working hour limits are required to ensure that the impact of personal fatigue is minimized.

Timetable: A notice of receipt for this petition was published in the Federal Register on December 1, 1999 (65 FR 67202). The comment period closed on February 14, 2000. Resolution of the petition is scheduled for December 2000.

Agency Contact: David Desaulniers, Office of Nuclear Reactor Regulation,
(301) 415-1043, e-mail drd@nrc.gov

17. Petitioner/Petition Docket Number: Union of Concerned Scientists (PRM-30-62)

Federal Register Citation: October 27, 1999 (64 FR 57785)

Subject: Provide specific training to management on their obligations under the employee protection regulations

Summary: The petitioner requested that the Commission amend its regulations to require licensees to provide specific training to its management (i.e., first lien supervisors, managers, directors, and officers), on their obligations under the employee protection regulations. The petitioner believes that the amendment would prevent nuclear energy management from using "ignorance of the law" as an excuse for a violation and allow the NRC to take enforcement actions against individuals who violate the employee protection regulation.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 27, 1999 (64 FR 57785). The comment period closed on January 10, 2000. Resolution of this petition is undetermined.

Agency Contact: Anthony DiPalo, Office of Nuclear Material Safety and Safeguards,
(301) 415-6191, e-mail ajd@nrc.gov

18. Petitioner/Petition Docket Number: Natural Resources Defense Council*
(PRM-30-63)

Federal Register Citation: June 30, 2000 (65 FR 40548)

Subject: Requirement for individuals to report illegal payments to regulators

Summary: The petitioner requested that the Commission amend its regulations to require that an individual report illegal payments to regulators if the individual has knowledge or evidence of the illegal payments. The petitioner requests that an individual who fails to make such a report not be issued a license or allowed to retain a license.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 30, 2000 (65 FR 40548). The comment period closes on September 13, 2000. Resolution of the petition is scheduled for June 2001.

Agency Contact: Keith McDaniel, Office of Nuclear Material Safety and Safeguards,
(301) 415-5252, e-mail kkm@nrc.gov

19. Petitioner/Petition Docket Number: Amersham Corporation (PRM-34-5)

Federal Register Citation: June 18, 1996 (61 FR 30837)

Subject: Radiographic equipment regulations

Summary: The petitioner requested that the Commission amend its regulations by removing the reference to "associated equipment" from the radiography equipment regulations. The petitioner believes that this amendment would clarify the licensing reviews of sealed sources and radiographic exposure devices to meet the applicable requirements.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 18, 1996 (61 FR 30837). The comment period closed on September 3, 1996. Resolution of this petition is scheduled for October 2000.

Agency Contact: Thomas Young, Office of Nuclear Material Safety and Safeguards,
(301) 415-5795, e-mail tfy@nrc.gov

20. Petitioner/Petition Docket Number: National Registry of Radiation Protection
Technologists (NRRPT) (PRM-35-13)

Federal Register Citation: February 8, 1996 (61 FR 4754)

Subject: Training requirements for a radiation safety officer

Summary: The petitioner requested that the Commission amend its regulations by including acceptance of NRRPT registration as fulfilling some of the training requirements for a radiation safety officer.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 8, 1996 (61 FR 4754). The comment period closed on April 23, 1996. Resolution of this petition is undetermined.

Agency Contact: Sam Jones, Office of Nuclear Material Safety and Safeguards,
(301) 415-6198, e-mail szj@nrc.gov

21. Petitioner/Petition Docket Number: Jeffery C. Angel (PRM-35-15)

Federal Register Citation: August 23, 1999 (64 FR 45907)

Subject: Hand-held administration of radiopharmaceuticals by injection

Summary: The petitioner requested that the Commission amend its regulations to prohibit the hand-held administration of radiopharmaceuticals by injection and to require the use of the Angel Shield. The petitioner believes that this would make the administration of radiopharmaceuticals by injection safer.

Timetable: A notice of receipt for this petition was published in the Federal Register on August 23, 1999 (64 FR 45907). The comment period closed on November 8, 1999. Resolution of this petition is scheduled for October 2000.

Agency Contact: Charleen Raddatz, Office of Nuclear Material Safety and Safeguards,
(301) 415-7893, e-mail ctr@nrc.gov

22. Petitioner/Petition Docket Number: American National Standards Institute N43.10
Committee (PRM-36-1)

Federal Register Citation: September 15, 1998 (63 FR 49298)

Subject: Radiation safety requirements

Summary: The petitioner requested that the Commission amend its radiation safety requirements for irradiators to allow the operation of panoramic irradiator facilities without continuous onsite attendance.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 15, 1998 (63 FR 49298). The comment period closed on November 30, 1998. Resolution of the petition is scheduled for September 2000.

Agency Contact: Thomas Young, Office of Nuclear Material Safety and Safeguards,
(301) 415-5795, e-mail tfy@nrc.gov

23. Petitioner/Petition Docket Number: Donald A. Barbour, Philotechnics* (PRM-40-28)

Federal Register Citation: January 21, 2000 (65 FR 3394)

Subject: Effective control of depleted uranium aircraft counterweights

Summary: The petitioner requested that the Commission amend its regulations governing the domestic licensing of source material to provide additional rules for the effective control of depleted uranium aircraft counterweights. The petitioner believes that this regulatory clarification should address a number of issues concerning the exemption, storage, and disposal of these devices.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 21, 2000 (65 FR 3394). The comment period closed on April 5, 2000. Resolution of the petition is scheduled for January 2001.

Agency Contact: Catherine Mattsen, Office of Nuclear Material Safety and Safeguards,
(301) 415-6264, e-mail crm@nrc.gov

24. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-62)

Federal Register Citation: September 4, 1995 (60 FR 47716)

Subject: Quality assurance program changes

Summary: The petitioner requested that the Commission amend its regulations to allow nuclear power plant licensees to make a broader range of changes to quality assurance programs without prior NRC approval.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 4, 1995 (60 FR 47716). The public comment period closed on November 28, 1995. This petition was partially granted through a direct final rule "Quality Assurance Programs" (RIN AG20). The direct final rule was published in the Federal Register on February 23, 1999 (64 FR 9030). At a public workshop held on June 7, 2000, the Nuclear Energy Institute stated that they will inform the Commission in writing of their intent to no longer pursue this petition because industry implementation of the direct final rule appears adequate to address the needs of the petition. At that time, the NRC will close the remaining portion of this petition.

Agency Contact: Robert L. Pettis, Jr., Office of Nuclear Reactor Regulation,
(301) 415-3214, e-mail rlp4@nrc.gov

25. Petitioner/Petition Docket Number: Atlantic City Electric Company, Austin Energy, Central Maine Power Company, Delmarva Power & Light Company, South Mississippi Electric Power Association, and Washington Electric Cooperative, Inc. (PRM-50-64)

Federal Register Citation: January 5, 1999 (64 FR 432)

Subject: Potential liability of non-operating co-owners of nuclear power plants

Summary: The petitioners requested that the Commission amend its regulations to clarify NRC policy regarding the potential liability of joint owners, if other joint owners become financially incapable of bearing their share of the burden for safe operation or decommissioning of a nuclear power plant.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 5, 1999 (64 FR 432). The public comment period closed on March 22, 1999. This petition is scheduled to be denied. The notice of denial is scheduled to be published in the Federal Register in August 2000.

Agency Contact: Brian J. Richter, Office of Nuclear Reactor Regulation,
(301) 415-1978, e-mail bjr@nrc.gov

26. Petitioner/Petition Docket Number: Bob Christie* (PRM-50-68)

Federal Register Citation: January 12, 2000 (65 FR 1829)

Subject: Hydrogen control systems

Summary: The petitioner requested that the Commission amend its regulations concerning hydrogen control systems at nuclear power plants. The petitioner believes that the current regulations on hydrogen control systems at some nuclear power plants are detrimental and present a health risk to the public. The petitioner believes that similar detrimental situations may apply to other systems as well (such as the requirement for a 10-second diesel start time). The petitioner believes the proposed amendments would eliminate those situations that present adverse conditions at nuclear power plants.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 12, 2000 (65 FR 1829). The public comment period closed on March 27, 2000. Resolution of this petition is scheduled for January 2001.

Agency Contact: Anthony W. Markley, Office of Nuclear Reactor Regulation,
(301) 415-3165, e-mail awm@nrc.gov

27. Petitioner/Petition Docket Number: Westinghouse Electric Company* (PRM-50-69)

Federal Register Citation: February 8, 2000 (65 FR 6044)

Subject: Reactor vessel head closure flange requirements

Summary: The petitioner requested that the Commission amend its regulations governing pressure and temperature limits for the reactor pressure vessel to eliminate requirements for the metal temperature of the closure head flange and vessel flange regions. The petitioner believes the elimination of the flange requirement has no impact on Boiling Water Reactors and could improve plant safety in Pressurized Water Reactors.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 8, 2000 (65 FR 6044). The public comment period closed on April 24, 2000. Resolution of this petition is scheduled for February 2001.

Agency Contact: Alan L. Hiser, Jr., Office of Nuclear Reactor Regulation,
(301) 415-1034, e-mail alh1@nrc.gov

28. Petitioner/Petition Docket Number: Joseph Epstein* (PRM-50-70)

Federal Register Citation: May 12, 2000 (65 FR 30550)

Subject: Financial assurance requirements for decommissioning nuclear power reactors

Summary: The petitioner requested that the Commission amend its financial assurance requirements for decommissioning nuclear power reactors to: (1) require uniform reporting and recordkeeping for all "proportional owners" of nuclear generating stations (defined by the petitioner as partial owners of nuclear generating stations who are not licensees); (2) modify and strengthen current nuclear decommissioning accounting requirements for proportional owners; and (3) require proportional owners to conduct a prudency review to determine a balanced formula for decommissioning funding that includes not only ratepayers and taxpayers, but shareholders and board members of rural electric cooperatives as well. The petitioner believes that the proposed amendments would eliminate the funding gap for decommissioning between nuclear power licensees and proportional owners of nuclear generating stations.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 12, 2000 (65 FR 30550). The public comment period closes on July 26, 2000. Resolution of this petition is scheduled for May 2001.

Agency Contact: Brian J. Richter, Office of Nuclear Reactor Regulation,
(301) 415-1978, e-mail bjr@nrc.gov

29. Petitioner/Petition Docket Number: Nuclear Energy Institute* (PRM-50-71)

Federal Register Citation: May 31, 2000 (65 FR 34599)

Subject: Alternate cladding material

Summary: The petitioner requested that the Commission amend its regulations to allow nuclear power plant licensees to use zirconium-based cladding materials other than zircaloy or ZIRLO, provided the cladding materials meet the requirements for fuel cladding performance and have received approval by the NRC staff. The petitioner believes the proposed amendment would improve the efficiency of the regulatory process by eliminating the need for individual licensees to obtain exemptions to use advanced cladding materials that have already been approved by the NRC.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 31, 2000 (65 FR 34599). The public comment period closes on August 14, 2000. Resolution of this petition is scheduled for May 2001.

Agency Contact: Michael T. Jamgochian, Office of Nuclear Reactor Regulation,
(301) 415-3224, e-mail mtj1@nrc.gov

30. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-51-7)

Federal Register Citation: September 2, 1999 (64 FR 48117)

Subject: Severe accident mitigation alternatives

Summary: The petitioner requested that the Commission amend its regulations to eliminate the requirement that the NRC evaluate SAMAs as part of its review of a nuclear power plant's application for renewal of its operating license.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 2, 1999 (64 FR 48117). The public comment period closed on November 16, 1999. Resolution of the petition is scheduled for September 2000.

Agency Contact: Donald P. Cleary, Office of Nuclear Reactor Regulation,
(301) 415-3903, e-mail dpc@nrc.gov

31. Petitioner/Petition Docket Number: Prairie Island Coalition (PRM-72-4)**Federal Register Citation:** March 12, 1998 (63 FR 12040)**Subject:** Independent storage of spent nuclear fuel

Summary: The petitioner requested that the Commission amend its regulations which govern independent storage of spent nuclear fuel to examine certain issues. These issues include thermal shock and corrosion inherent in dry cask storage of spent nuclear fuel, definitions for degraded spent nuclear fuel, and definitions for retrievability of spent nuclear fuel from dry storage casks.

Timetable: A notice of receipt for this petition was published in the Federal Register on March 12, 1998 (63 FR 12040). The public comment period closed on May 26, 1998. Resolution of this petition is scheduled for September 2000.

Agency Contact: Gordon Gundersen, Office of Nuclear Material Safety and Safeguards,
(301) 415-6195, e-mail geg1@nrc.gov

32. Petitioner/Petition Docket Number: Nuclear Energy Institute* (PRM-72-5)**Federal Register Citation:** June 9, 2000 (65 FR 36647)

Subject: Establishing a more efficient process for issuing and amending certificates of compliance (CoC)

Summary: The petitioner requested that the Commission amend its regulations to establish a more efficient process for issuing and amending CoCs for dry cask storage of spent nuclear fuel under a general license. The petitioner believes the current NRC process of traditional notice and comment rulemaking is not appropriate for the routine risk of maintaining a list of certified casks and that the burden of maintaining this listing in the regulations outweighs any benefit. The petitioner proposes that the list of CoCs be deleted from the regulations and the NRC should notice applications for new CoCs and amendments in the Federal Register for a 60-day comment period. The petitioner also proposes that amendments for existing CoCs that do not have the potential to have a significant impact on public health and safety be immediately effective upon publication of the amendment in the Federal Register.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 9, 2000 (65 FR 36647). The comment period closes on August 23, 2000. Resolution of the petition is scheduled for June 2001.

Agency Contact: Merri Horn, Office of Nuclear Material Safety and Safeguards,
(301) 415-8126, e-mail mlh1@nrc.gov

33. Petitioner/Petition Docket Number: State of Nevada (PRM-73-10)

Federal Register Citation: September 13, 1999 (64 FR 49410)

Subject: Safeguards for shipments of spent nuclear fuel against sabotage and terrorism

Summary: The petitioner requested that the Commission conduct a comprehensive assessment of the consequences of terrorist attacks that have the capability of radiological sabotage, including attacks against transportation infrastructure used during nuclear waste shipments, attacks involving capture of nuclear waste shipments and use of high energy explosives against a cask or casks, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 13, 1999 (64 FR 49410). The public comment period closed on January 28, 2000. Resolution of the petition is scheduled for September 2000.

Agency Contact: John Telford, Office of Nuclear Material Safety and Safeguards,
(301) 415-6229, e-mail jlt@nrc.gov

34. Petitioner/Petition Docket Number: United Plant Guard Workers of America*
(PRM-76-1)

Federal Register Citation: May 10, 2000 (65 FR 30018)

Subject: Security at gaseous diffusion plants

Summary: The petitioner requested that the Commission amend its regulations concerning security at gaseous diffusion plants to address sites that have both special nuclear material security concerns and protection of classified matter concerns; to require that these facilities be able to detect, respond to, and mitigate threats of a sabotage event; and to require that the security force be armed and empowered to make arrests in limited situations. The petitioner believes that these amendments are necessary to address the protection of classified information, equipment and materials, and special nuclear material at the gaseous diffusion plants.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 10, 2000 (65 FR 30018). The comment period closes on July 24, 2000. Resolution of the petition is scheduled for May 2001.

Agency Contact: Merri Horn, Office of Nuclear Material Safety and Safeguards,
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BIBLIOGRAPHIC DATA SHEET

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1. REPORT NUMBER

(Assigned by NRC, Add Vol., Supp., Rev.,
and Addendum Numbers, if any.)

NUREG-0936

Vol. 19, No. 1

2. TITLE AND SUBTITLE

NRC Regulatory Agenda
Semiannual Report
January - June 2000

3. DATE REPORT PUBLISHED

MONTH

YEAR

August

2000

4. FIN OR GRANT NUMBER

5. AUTHOR(S)

6. TYPE OF REPORT

Semiannual

7. PERIOD COVERED (Inclusive Dates)

January - June 2000

8. PERFORMING ORGANIZATION - NAME AND ADDRESS (If NRC, provide Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address; if contractor, provide name and mailing address.)

Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

9. SPONSORING ORGANIZATION - NAME AND ADDRESS (If NRC, type "Same as above"; if contractor, provide NRC Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address.)

Same as Item 8. above

10. SUPPLEMENTARY NOTES

11. ABSTRACT (200 words or less)

The NRC Regulatory Agenda is a compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued semiannually.

12. KEY WORDS/DESCRIPTORS (List words or phrases that will assist researchers in locating the report.)

Compilation of rules
Petitions for rulemaking

13. AVAILABILITY STATEMENT

Unlimited

14. SECURITY CLASSIFICATION

(This Page)

Unclassified

(This Report)

Unclassified

15. NUMBER OF PAGES

16. PRICE



Federal Recycling Program



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