

NRC Regulatory Agenda

**Semiannual Report
January - June 2003**

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



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The NRC Technical Library
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738

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American National Standards Institute
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NUREG-0936
Vol. 22, No. 1

NRC Regulatory Agenda

Semiannual Report January - June 2003

Manuscript Completed: August 2003
Date Published: August 2003

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, 2003. Section I, "Rules," includes (A) rules on which final action has been taken since December 31, 2002, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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since December 31, 2002; (B) petitions incorporated into published proposed rules; (C) petitions incorporated into unpublished rules; and (D) petitions pending staff review.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 aligned numerically with the parts of Title 10, Chapter I, of the Code of Federal Regulations (CFR)(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 numbered affected part. In Section II of the agenda, the petitions are aligned numerically with the parts 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 to 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), or the Chief Financial Officer (CFO) 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

The EDO 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 PRMs 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, One White Flint North, 11555 Rockville Pike, Public File Area 01-F21, Rockville, MD, between 7:45 a.m. and 4:15 p.m., Federal workdays.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Doris Mendiola, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001,

telephone 301-415-6297 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail dam2@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. Availability of Official Records (Part 2)**RIN: 3150-AC07**

Abstract: The final rule conforms the Commission's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment addresses the circumstances under which proprietary, personal privacy or other confidential information submitted to the NRC by applicants, licensees, or others may be returned upon request. The rule reaffirms that 10 CFR 2.790(c) provides submitters of information a qualified right to have their information returned upon request. This rule informs the public of four additional circumstances where information would not be returned to the applicant, that is, (1) when submitted to an advisory committee governed by the Federal Advisory Committee Act; (2) when captured by a Freedom of Information Act request; (3) when publicly relied upon or revealed by the Commission in an open Commission meeting under the Government in the Sunshine Act; and (4) when obtained during the course of an investigation conducted by the NRC Office of Investigations. The final rule also clarifies requirements on submittals to the NRC for identification of confidential information sought to be withheld from public disclosure. Further, the final amendment addresses the NRC's procedures for handling copyrighted information, including reproduction and distribution according to normal agency practice.

Timetable:	Final Rule Published	04/17/03	68 FR 18836
	Final Rule Effective	06/03/03	

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

2. Releasing Part of a Power Reactor Site or Facility for Unrestricted Use (Parts 2, 20, and 50)**RIN: 3150-AG56**

Abstract: The final rule amends the Commission's regulations by adding a new section that identifies the criteria and regulatory framework that a licensee must use to request NRC approval for a partial site release. The rulemaking provides additional assurance that residual radioactivity meets the radiological criteria for license termination, even if parts of the site are released before a licensee submits its license termination plan. The rulemaking clarifies that the radiological criteria for unrestricted use apply to a partial site release. The rulemaking provides for a partial site release under restricted conditions. Also, the rulemaking provides for a Subpart 2 hearing if a license amendment involving a partial site release is challenged.

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Timetable: Final Rule Published 04/22/03 68 FR 19711
 Final Rule Effective 11/18/03 for § 50.75g
 05/22/03 all others

Legal Authority: 42 USC 2201; 42 USC 5841

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

3. Radiation Exposure Reports: Minor Filing Amendment (Part 20)

RIN: 3150-AH07

Abstract: The direct final rule amends the Commission's requirements for filing written Event Reports submitted to the NRC concerning individuals occupationally overexposed to radiation and radioactive materials. Licensees will be required to clearly label any section of the event report containing personal information "Privacy Act Information: Not for Public Disclosure." This action is necessary to ensure that personal information filed with the NRC is segregated from the Event Report and maintained in a separate, non-public document.

Timetable: Direct Final Rule Published 03/25/03 68 FR 14307
 Direct Final Rule Effective 06/09/03
 Confirmation of Effective Date Published 05/22/03 68 FR 27903

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,
 (310) 415-8126, e-mail mlh1@nrc.gov

4. Medical Use of Byproduct Material; Clarifying and Minor Amendments (Part 35)

RIN: 3150-AH08

Abstract: The direct final rule amends the Commission's regulations regarding the medical use of byproduct material. The amendment clarifies the definitions of authorized users, authorized medical physicists, authorized nuclear pharmacists, and radiation safety officers; clarifies the notification requirements if the patient is in a medical emergency or dies; clarifies the recordkeeping requirements for calibration of brachytherapy sources; and eliminates a restriction that training for ophthalmic use of strontium-90 can only be conducted in medical institutions. These amendments were necessary to clarify certain inconsistencies within the regulations and to allow training in

ophthalmic treatment to be conducted in eye clinics or private practices, in addition to medical institutions.

Timetable:

Direct Final Rule Published	04/21/03	68 FR 19321
Direct Final Rule Effective	07/07/03	
Confirmation of Effective Date Published	06/16/03	68 FR 35534

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Dr. Anthony Tse, Office of Nuclear Material Safety and Safeguards,
(310) 415-6233, e-mail ant@nrc.gov

5. Source Material Reporting Under International Agreements (Parts 40 and 150)

RIN: 3150-AH10

Abstract: The direct final rule amends the Commission's regulations which require licensees to report their holdings of source material (uranium and thorium) to the NRC. The amendment requires licensees to report the receipt or transfer of source material controlled under any of the various international Agreements for Peaceful Nuclear Cooperation. This change enables the U.S. Government to maintain the comprehensive national inventory of nuclear materials required under these agreements. This rule also allows licensees additional flexibility in submitting their annual source material inventory statements. The amended regulations permit licensees to submit these statements along with their Material Balance Reports for special nuclear material.

Timetable:

Direct Final Rule Published	03/05/03	68 FR 10362
Direct Final Rule Effective	10/01/03	
Confirmation of Effective Date Published	05/12/03	68 FR 25281

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Merri Hom, Office of Nuclear Material Safety and Safeguards,
(310) 415-8126, e-mail mlh1@nrc.gov

6. Filing and Notification Requirements For the Shipment of Certain Radioactive Materials (Parts 70, 71, and 73)

RIN: 3150-AH09

Final Rules**NRC Regulatory Agenda**

Abstract: The final rule amends the Commission's regulations to revise filing and advance notification requirements for the shipments of certain radioactive materials. These amendments are necessary to reflect the recent organizational and administrative changes within NRC and to inform the public and licensees of these changes.

Timetable:

Final Rule Published	03/26/03	68 FR 14528
Final Rule Effective	03/26/03	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entitles: None

Agency Contact: Kim Karcagi, Office of Nuclear Material Safety and Safeguards,
(310) 415-6701, e-mail kxk2@nrc.gov

7. List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System Revision (Amendment No. 3) (Part 72)

RIN: 3150-AH13

Abstract: The direct final rule amends the Commission's regulations revising the BNFL Fuel Solutions (FuelSolutions™) cask system listing within the list of approved spent fuel storage casks to include Amendment 3 to Certificate of Compliance Number 1026. Amendment 3 modifies the Technical Specifications to provide an alternative to returning the canister to the spent fuel building by returning it to the transfer cask. Specifically, Technical Specifications 3.3.2 and 3.3.3 require returning the W-21 canister to the transfer cask while restoring normal storage conditions. The amendment also includes several editorial changes to Technical Specifications 3.1.1, 3.3.2, and 3.3.3.

Timetable:

Direct Final Rule Published	02/21/03	68 FR 8445
Direct Final Rule Effective	05/07/03	
Confirmation of Effective Date Published	05/01/03	68 FR 23183

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entitles: None

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards,
(301) 415-6219, e-mail jmm2@nrc.gov

8. Event Notification Requirements (Parts 72 and 73)

RIN: 3150-AG90

Abstract: The final rule changes several event notification and security reporting requirements to conform, where appropriate, the independent spent fuel storage installation (ISFSI) and monitored retrievable storage (MRS) facility licensees to more closely align them with those of nuclear reactor facilities. In addition, the final rule changes the requirements for the submittal of written follow-up reports on safeguards events. This change affects power reactors, ISFSI's, and several other categories of facilities that produce, possess, or transport spent fuel or special nuclear material. The changes reduce, consolidate, and remove some licensee reporting notifications and lengthen the reporting period for other notifications. Some new requirements are added to permit NRC to effectively carry out its regulatory responsibilities and respond to public and media inquiries during emergencies. Overall, the final rule helps the NRC and its licensees to better focus their efforts on the most safety-significant issues and to communicate timely information on recent and ongoing events.

Timetable: Final Rule Published 06/05/03 68 FR 33611
Final Rule Effective 10/06/03

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.

9. Revision of Fee Schedules; Fee Recovery, FY 2003 (Parts 170 and 171)

RIN: 3150-AH14

Abstract: The final rule amends the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 94 percent of the NRC's budget authority for Fiscal Year 2003, less the amounts appropriated from the Nuclear Waste Fund as required by the Omnibus Budget Reconciliation Act (OBRA) of 1990, as amended.

The FY 2001 Energy and Water Development Appropriations Act amended OBRA-90 to decrease the NRC's fee recovery amount by two percent per year beginning in FY 2001 until the fee recovery amount is 90 percent for FY 2005. The purpose of this amendment is to address the fairness and equity concerns related to charging NRC license holders for agency expenses that do not provide a direct benefit to the licensee. The dollar amount to be recovered for FY 2003 is approximately \$526.3 million. OBRA-90, as amended, requires that the fees for FY 2003 be collected by September 30, 2003.

Timetable: Final Rule Published 06/18/03 68 FR 36713
Final Rule Effective 08/18/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

Agency Contact: Ann Norris, Office of the Chief Financial Officer,
(301) 415-7807, e-mail ame@nrc.gov

(B) Proposed Rules

B

10. Changes to Adjudicatory Process (Parts 1, 2, 50, 51, 52, 54, 60, 70, 73, 75, 76, and 110)**RIN: 3150-AG49**

Abstract: The proposed rule would amend the Commission's regulations concerning its rules of practice to make the NRC'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. The final rule was submitted to the Commission on April 26, 2002.

Timetable:	Proposed Rule Published	04/16/01	66 FR 19610
	Comment Period Closed	09/14/01	66 FR 27045
	Final 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**11. 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 final rule amends the Commission's regulations to permit voluntary electronic submission of documents and provide procedures for submitting documents electronically. Amending the regulations to permit electronic submission will facilitate the electronic capture of externally generated documents into NRC's Agencywide Document Access and Management System (ADAMS). The rulemaking addresses and improves the document control and records management issues that are of concern to the NRC, its applicants, licensees, and members of the public by improving the process of communication, dissemination, and storage of records. The rule incorporates 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. This rule was published as a direct final rule on September 6, 2002. Significant adverse comments were received on the companion proposed rule. The direct final rule was withdrawn on December 4, 2002. A subsequent final rule addressing the comments received will be published in the Federal Register.

Timetable:	Direct Final Rule Published	09/06/02	67 FR 57084
	Direct Final Rule Effective	12/05/02	
	Direct Final Rule Withdrawn	12/04/02	67 FR 72091
	Final Rule Published	09/00/03	

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

Proposed Rules**NRC Regulatory Agenda**

Agency Contact: Brenda J. Shelton, Office of the Chief Information Officer,
(301) 415-7233, e-mail bjs1@nrc.gov
John A. Skoczlas, Office of the Chief Information Officer,
(301) 415-7186, e-mail jas1@nrc.gov

12. Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance (Part 4)

RIN: 3150-AG65

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

Timetable:	Proposed Rule Published	12/06/00	65 FR 76460
	Comment Period Closed	01/05/01	
	Final Rule Published	10/00/03	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Marva C. Gary, Office of Small Business and Civil Rights,
(301) 415-7382, e-mail mcg@nrc.gov

13. Risk-Informing Special Treatment Requirements (Parts 21, 50, 54, and 100)

RIN: 3150-AG42

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

Timetable:	Proposed Rule Published	05/16/03	68 FR 26511
	Comment Period Closed	07/30/03	
	Final Rule Published	07/00/04	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Timothy A. Reed, Office of Nuclear Reactor Regulation,
(301) 415-1462, e-mail tar@nrc.gov

14. 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. This rulemaking would address the petition for rulemaking submitted by the Virginia Electric and Power Company (VEPCO) (PRM-26-1). In addition, this rulemaking subsumes a previously separate rulemaking, "Reduction in the Scope of Random Fitness-for-Duty Testing Requirements for Nuclear Power Reactor Licensees" (Part 26)(RIN AG62). Because of the issues raised in response to the earlier affirmed rule, a new proposed rule will be published.

Timetable:	Proposed Rule Published	05/09/96	61 FR 21105
	Comment Period Closed	08/07/96	
	Proposed Rule Published	06/00/04	
	Final Rule Published	11/00/05	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Garmon West, Jr., Office of Nuclear Security and Incident Response,
(301) 415-0211, e-mail fitnessforduty@nrc.gov
Mark C. Nolan, Office of Nuclear Security and Incident Response,
(301) 415-8171, e-mail mcn@nrc.gov

15. Financial Assurance Amendments for Materials Licenses (Parts 30, 40, and 70)

RIN: 3150-AG85

Abstract: The proposed rule would amend the Commission's financial assurance regulations for certain materials licenses to bring the amount of financial assurance required more in line with current decommissioning costs. The proposed amendment would include waste brokers. The proposed amendment would maintain adequate financial assurance so that timely decommissioning can be carried out following shutdown of a licensed facility.

Timetable:	Proposed Rule Published	10/07/02	67 FR 62403
	Comment Period Closed	12/23/02	
	Final Rule Published	09/00/03	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

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

16. Transfers of Certain Source Materials by Specific Licensees (Part 40)**RIN:** 3150-AG64

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

Timetable:	Proposed Rule Published	08/28/02	67 FR 55175
	Comment Period Closed	11/12/02	
		Final Rule Published	06/00/03

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Gary Comfort, Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

17. 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 establish a performance-based, risk-informed alternative to the NRC's existing reactor fire protection requirements through the adoption of an industry consensus standard: NFPA 805, "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants." Draft rule language was posted for public comment on the NRC Rulemaking Forum website on December 20, 2001. Draft proposed rule language was posted on the NRC Rulemaking Forum website on April 2, 2002, and again on May 30, 2002, for public information. The proposed rule package was provided to the Commission on July 15, 2002 (SECY-02-132). Comments are being categorized and evaluated.

Timetable:	Proposed Rule Published	11/01/02	67 FR 66578
	Comment Period Closed	01/15/03	
		Final Rule Published	04/00/04

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Joseph L. Birmingham, Office Nuclear Reactor Regulation,
(301) 415-2829, e-mail jlb4@nrc.gov

18. Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors (Part 50)**RIN: 3150-AG76**

Abstract: The proposed rule would amend the Commission's regulations to improve safety by better focusing on the risk-significant challenges from combustible gases; ensure combustible gas control during all risk-significant events; and eliminate those aspects of current requirements that provide no safety benefit. A staff requirements memorandum dated January 19, 2001, directed the staff to proceed expeditiously with rulemaking on the risk-informed alternative of § 50.44, including completion of outstanding technical work (e.g., development of combustible gas source terms) and necessary regulatory analyses. This rulemaking also would address the petition for rulemaking submitted by Bob Christie (PRM-50-68), and partially address the petition for rulemaking submitted by the Nuclear Energy Institute (PRM-50-71). Draft rule language was posted for public comment on the NRC Ruleforum website on November 14, 2001. Comments are being categorized and evaluated.

Timetable:	Proposed Rule Published	08/02/02	67 FR 50374
	Comment Period Closed	10/16/02	
	Final Rule Published	Undetermined	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Anthony W. Markley, Office of Nuclear Reactor Regulation,
(301) 415-3165, e-mail awm@nrc.gov

19. Financial Information Requirements for Applications to Renew or Extend the Term of an Operating License for a Power Reactor (Part 50)**RIN: 3150-AG84**

Abstract: The proposed rule would amend the Commission's regulations to remove the requirement that non-electric utility power reactor licensees submit financial qualifications information as part of the license renewal process. The proposed rule would recognize the need for a reduced level of regulatory burden for licensees falling in this category because the NRC has alternate means to ensure that these licensees are financially viable to operate their facilities and maintain public health and safety. Non-power reactor licensees would continue to submit the financial qualifications information as part of the license renewal process and would not be affected by this proposed rule change. Comments are being categorized and evaluated.

Timetable:	Proposed Rule Published	06/04/02	67 FR 38427
	Comment Period Closed	08/19/02	
	Final Rule Published	08/00/03	

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** George J. Mencinsky, Office of Nuclear Reactor Regulation,
(301) 415-3093, e-mail gjm@nrc.gov

20. Incorporation by Reference of ASME BPV and OM Code Cases (Part 50)**RIN: 3150-AG86**

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

Timetable:	Proposed Rule Published	03/19/02	67 FR 12488
	Comment Period Closed	06/03/02	
	Final Rule Published	07/08/03	

Legal Authority: 42 USC 2201; 42 USC 5841

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

21. Update Fuel Performance Considerations and Other Fuel Cycle Issues (Part 51)**RIN: 3150-AA31**

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

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

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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: Stewart Schneider, Office of Nuclear Reactor Regulation,
(301) 415-4123, e-mail sxs4@nrc.gov

22. Compatibility With IAEA Transportation Safety Standards (Part 71)**RIN:** 3150-AG71

Abstract: The proposed rule would amend the Commission's regulations on packaging and transporting radioactive material to make them compatible with the International Atomic Energy Agency (IAEA) standards and to codify other applicable requirements. These changes are compatible with TS-R-1, the latest revision of the IAEA transportation standards. This rulemaking also would address the unintended economic impact of NRC's emergency final rule entitled "Fissile Material Shipments and Exemptions" (February 10, 1997; 62 FR 5907), and a petition for rulemaking submitted by International Energy Consultants, Inc., (PRM-71-12). This rulemaking is closely related to a corresponding Department of Transportation proposed rule to amend transportation regulations (April 30, 2002; 67 FR 21328). NRC's final rule is scheduled to be published concurrently with the DOT's final rule. Therefore, the publication date is also dependent on DOT's schedule.

Timetable:	Proposed Rule Published	04/30/02	67 FR 21390
	Comment Period Closed	07/29/02	
	Final Rule Published	12/00/03	

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

23. Geological and Seismological Characteristics of Spent Fuel Storage Systems (Part 72)**RIN:** 3150-AG93

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

Timetable:	Proposed Rule Published	07/22/02	67 FR 47745
	Comment Period Closed	10/22/02	67 FR 56876
	Final Rule Published	09/00/03	

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Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

24. General License for Import of Major Nuclear Reactor Components* (Part 110)

RIN: 3150-AH21

Abstract: The direct final rule amends the Commission's regulations to abolish the specific license and issue a general license for the import of major reactor components of utilization facilities for end-use by 10 CFR Part 50 or 52 licensees at NRC-licensed nuclear power reactors. The rule is necessary to facilitate the import of major components of domestic nuclear reactors, not currently manufactured in the United States, in furtherance of the protection of public health and safety. It also reduces the unnecessary regulatory burden imposed by specific licensing related to the maintenance of NRC-licensed reactor.

Timetable:	Direct Final Rule Published	05/28/03	68 FR 31588
	Direct Final Rule Effective	08/11/03	
	Confirmation of Effective Date Published	09/00/03	

Legal Authority: 42 USC 2133

Effects on Small Business and Other Entities: None

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

(C) Advance Notices of Proposed Rulemaking

C

25. 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. Though the Interagency Steering Committee on Radiation Standards (ISCORS), the NRC and the Environmental Protection Agency conducted a joint survey of sewage treatment plants. The need for and the extent of a rulemaking will be evaluated pending the result of the survey and the associated dose assessment. This rulemaking would also address a petition for rulemaking submitted by the Northeast Ohio Sewer District (PRM-20-22).

Timetable:	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:** Lydia Chang, Office of Nuclear Material Safety and Safeguards,
(301) 415-6319, e-mail lwc1@nrc.gov

26. Entombment Options for Power Reactors (Parts 20 and 50)**RIN: 3150-AG89**

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

Timetable:	ANPRM Published	10/16/01 66 FR 52551
	Comment Period Closed	12/31/01
	Proposed Rule Published	Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841**Effects on Small Business and Other Entities:** None**Agency Contact:** Patricia Eng, Office of Nuclear Material Safety and Safeguards,
(301) 415-7206, e-mail ple@nrc.gov

27. 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 has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE, as a courtesy, provides Indian Tribes with notification of spent fuel shipments. NRC's current regulations do not address notification of Indian Tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. A rulemaking plan was approved by the Commission on February 20, 2001. This rulemaking was put on hold by the Commission pending review of NRC rules in response to events of September 11, 2001.

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

(D) Unpublished Rules

D

28. Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants (Parts 2, 20, 50, 51, 52, 72, 73, 140, and 171)**RIN: 3150-AG24**

Abstract: The proposed rule would amend the Commission's requirements for early site permits, standard design certifications, and combined licenses for nuclear power plants, and for other licensing processes. The amendments are based on the NRC staff's experience with the previous design certification reviews and on discussions with stakeholders about the early site permit (ESP), design certification, and combined license (COL) processes. This action is expected to improve the effectiveness of the licensing processes for future applicants. The rulemaking also would make conforming clarifications and corrections to the NRC's regulations.

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

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

The proposed rule would amend § 52.1 to clarify that all seven licensing processes are within the scope of 10 CFR Part 52. Sections within current Appendices M, N, O, and Q would also become new sections of the revised part. In addition, the proposed rule would reserve sections for future licensing processes. In doing so, the NRC hopes to convey that 10 CFR Part 52 is the preferred location in 10 CFR for nuclear power plant licensing processes. The proposed rule subsumed the rulemaking, "Standardized Plant Designs, Early Review of Sites Suitability Issues; Clarifying Amendments" (RIN 3150-AE25), that would remove redundant Appendices M, N, O, and Q from Part 50. The Part 52 rulemaking plan (SECY-98-282) was approved by the Commission on January 14, 1999.

Timetable:	Proposed Rule Published	07/03/03
	Final Rule Published	04/00/04

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
Nanette Giles, Office of Nuclear Reactor Regulation,
(301) 415-1180, e-mail nvg@nrc.gov

29. Public Records (Part 9)

RIN: 3150-AH12

Abstract: The proposed rule would amend the Commission's regulations to reflect changes in officials who initially deny access to records or deny access to records whose initial denial has been appealed, and to reflect a change in an appellate official due to a reorganization. The amendment would allow the Executive Assistant to the Secretary of the Commission, rather than the Assistant Secretary, to make the initial determination to deny NRC records in whole or in part under the Commission's regulations. Also, an appeal of a denial of a request for a waiver or reduction of fees, or denial of a request for expedited processing would be appealed to the Executive Director for Operations rather than the Secretary of the Commission.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Carol Ann Reed, Office of the Chief Information Officer,
(310) 415-7169, e-mail car2@nrc.gov

30. Control of Disposition of Solid Material* (Part 20)

RIN: 3150-AH18

Abstract: The proposed rule would amend the Commission's regulations to evaluate alternatives for the control of disposition of solid materials with very low, or no levels of radioactivity. There are currently non-codified guidance and practices for the control of solid materials. Current practice is to apply, on a case-by-case basis, either Regulatory Guide 1.86 surface contamination values or no detectable activity using environmental measurements methods. In addition, there are no current release levels established generally for volumetrically contaminated materials. An examination of approaches to the control of disposition of solid materials would help the NRC staff evaluate the cost effectiveness of means to handle requests for clearance of materials during both operations and decommissioning.

Timetable: Proposed Rule Published 09/00/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Frank P. Cardile, Office of Nuclear Material Safety and Safeguards,
(301) 415-6185, e-mail fpc@nrc.gov.

31. Nuclear Power Plant Worker Fatigue (Part 26)

RIN: 3150-AG99

Abstract: The proposed rule would amend the Commission's regulations to establish thresholds for the control of working hours to ensure that working hours in excess of the thresholds are controlled through a risk-informed deviation process. This rule would provide significantly greater assurance that worker fatigue does not adversely affect the operational safety of nuclear power plants. This rulemaking also would address a petition for rulemaking submitted by Barry Quigley (PRM-26-02).

Timetable: Proposed Rule Published 06/00/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

32. Security Requirements for Portable Gauges Containing Byproduct Material (Part 30)

RIN: 3150-AH06

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

Timetable: Proposed Rule Published 08/00/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Lydia Chang, Office of Nuclear Material Safety and Safeguards,
(310) 415-6319, e-mail lwc1@nrc.gov

33. Options for Addressing Training and Experience Issues Associated with Recognition of Specialty Boards by NRC* (Part 35)

RIN: 3150-AH19

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

Timetable: Proposed Rule Published 10/00/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

34. Distribution of Source Material to Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License* (Part 40)

RIN: 3150-AH15

Abstract: The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make Part 40 more risk-informed. The proposed rule would also govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in Part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution

of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in 10 CFR 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of Parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 and PRM-40-28 submitted by the State of Colorado and organization of Agreement States and Donald A. Barbour, Philotechnics, respectively.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Gary Comfort, Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov.

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

RIN: 3150-AG47

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

In SECY-00-0145, dated June 28, 2000, the NRC staff recommended a decommissioning rulemaking plan in the areas of emergency planning, insurance, safeguards, operator staffing, and backfit (the integrated decommissioning rulemaking plan). The rulemaking plan relied on a draft decommissioning risk study as the basis for its recommendations. The Commission returned the rulemaking plan to the staff for rework in September 2000, based on changes to the decommissioning risk study findings. The decommissioning risk study, NUREG-1738, was issued in January 2001. After assessing the findings in the risk study, the staff presented a policy options

paper to the Commission, SECY-01-0100, dated June 4, 2001, that provided options and made recommendations on issues to be addressed in the integrated rulemaking. Following the terrorist events of September 11, 2001, the NRC staff recommended and the Commission approved the withdrawal of SECY-01-0101 because of the likely changes in the staff's position on decommissioning plant safeguards. The decommissioning policy position will be revisited when a broad-scope NRC safeguards policy is developed in response to potential terrorist acts at nuclear facilities. The schedule for the integrated rulemaking cannot be determined at this time.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: George Mencinsky, Office of Nuclear Reactor Regulation,
(301) 415-3093, e-mail gjm@nrc.gov

36. Modifications to Pressure-Temperature Limits (Part 50)

RIN: 3150-AG98

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

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Matthew Mitchell, Office of Nuclear Reactor Regulation,
(301) 415-3303, e-mail mam4@nrc.gov

37. Changes to Emergency Action Levels - Appendix E (Part 50)

RIN: 3150-AH00

Abstract: The proposed rule would resolve an ambiguity in the regulations regarding NRC approval of nuclear power plant licensee-initiated changes to emergency action levels (EALs). The

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proposed rule would allow licensees to make minor changes to EALs without prior NRC approval.

Timetable: Proposed Rule Published 07/00/03

Final Rule Published 08/00/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

38. Acceptable Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors* (Part 50)

RIN: 3150-AH22

Abstract: The proposed rule would amend NRC regulations to add M5, a zirconium-niobium alloy to the alloys currently approved by the NRC for use as fuel cladding. The proposed amendment would eliminate the agency's practice of approving the use of this alloy by exemptions. This action is intended to increase NRC's effectiveness and efficiency and to reduce unnecessary regulatory burden for licensees without adversely affecting public health and safety.

Timetable: Proposed Rule Published 09/00/03

Final Rule Published 06/00/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Merilee Banic, Office of Nuclear Reactor Regulations,
(301) 415-2771, e-mail mjb@nrc.gov

39. Industry Codes and Standards; Amended Requirements* (Part 50)

RIN: 3150-AH24

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the 2001 Edition and 2002 Addenda of Division 1 rules in Section III, "Rules for Construction of Nuclear Power Plant Components," of the American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* (ASME BPV Code); the 2001 Edition and 2002 Addenda of Division 1 rules in Section XI, "Rules for Inservice Inspection of Nuclear Power Plant

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Components," of the ASME BPV Code; and the 2001 Edition and 2002 Addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code).

Timetable: Proposed Rule Published 12/00/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: No

Agency Contact: Stephen Tingen, Office of Nuclear Material Safety and Safeguards,
(301) 415-1280, e-mail sgt@nrc.gov

**40. List of Approved Spent Fuel Storage Casks: NAC-MPC Revision (Amendment 3)*
(Part 72)**

RIN: 3150-AH20

Abstract: The direct final rule will amend the Commission's regulations by revising the NAC-MPC cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1025. Amendment No. 3 incorporates changes in support of the Yankee Nuclear Power Station (Yankee Rowe) fuel loading campaign and makes corrections to the Connecticut Yankee technical specifications. The amendment incorporates fuel enrichment tolerances; incorporates fuel assemblies with up to 20 damaged fuel rods, recaged assemblies, the Yankee Rowe damaged fuel can, and assembly weights up to 950 pounds; revises the average surface dose rate limits for the concrete cask; incorporates administrative changes in the ASME Code Alternatives; corrects the Connecticut Yankee tables for fuel assembly limits and intact fuel assembly characteristics; and incorporates editorial and administrative changes in the Certificate of Compliance.

Timetable: Direct Final Rule Published 07/18/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards,
(301) 415-6219, e-mail jmm2@nrc.gov

**41. List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (Amendment 3)*
(Part 72)**

RIN: 3150-AH25

Abstract: The direct final rule will amend the Commission's regulations by revising the NAC-UMS cask system listing within the list of approved spent fuel storage casks to include Amendment No. 3 to Certificate of Compliance Number 1015. Amendment No. 3 modifies the present cask system design to add the 100-ton transfer cask design, adds an alternate poison material, revises fuel assembly dimensions, revises thermal analyses, increases Boiling Water Reactor fuel assembly weight, and incorporates Interim Staff Guidance-11 revision provisions. The amendment will also reorganize Section 6.5 of the Safety Evaluation Report, revise Technical Specification A.5.5, and request several editorial and administrative changes.

Timetable: Direct Final Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards,
(301) 415-6219, e-mail jmm2@nrc.gov

42. List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® System Revision (Amendment 5)* (Part 72)

RIN: 3150-AH26

Abstract: The direct final rule will amend the Commission's regulations by revising the Standardized NUHOMS® System listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance Number 1004. Amendment No. 5 adds another Dry Shielded Canister (DSC), designated the NUHOMS®-32PT DSC, to the authorized contents of the Standardized NUHOMS® System. This canister is designed to accommodate 32 Pressurized Water Reactor assemblies with or without Burnable Poison Rod assemblies. It is designed for use with existing NUHOMS® Horizontal Storage Module and NUHOMS® Transfer Cask.

Timetable: Direct Final Rule Published 08/00/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards,
(301) 415-6219, e-mail jmm2@nrc.gov

43. List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® System Revision (Amendment 6)* (Part 72)**RIN:** 3150-AH27

Abstract: The direct final rule will amend the Commission's regulations by revising the Transnuclear, Inc., (TN) Standardized NUHOMS® System listing within the list of approved spent fuel storage casks to include Amendment No. 6 to Certificate of Compliance Number 1004. Amendment No. 6 amends the TN Standardized NUHOMS® Horizontal Modular Storage System to accommodate the NUHOMS®-24PHB System. The 24 PHB is designed to store high burnup B&W 15x15 spent fuel assemblies with an average burnup of up to 55,000 MWd/MTU; enrichment equal to 4.5 weight percent uranium-235; maximum decay heat load of 1.3kW per assembly; and maximum heat load of 24 kW per dry shielded canister.

Timetable: Direct Final Rule Published 08/00/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards,
(301) 415-6219, e-mail jmm2@nrc.gov

44. List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® System Revision (Amendment 7)* (Part 72)**RIN:** 3150-AH28

Abstract: The direct final rule will amend the Commission's regulations by revising the Transnuclear, Inc., (TN) Standardized NUHOMS® System listing within the list of approved spent fuel storage casks to include Amendment No. 7 to Certificate of Compliance Number 1004. Amendment 7 incorporates changes in support of the Amergen Corporation plans to load damaged fuel and additional fuel types as its Oyster Creek Nuclear Station. The amendment specifically adds damaged Boiling Water Reactor spent fuel assemblies and additional fuel types to the authorized contents of the NUHOMS®-61BT Dry Storage Canister.

Timetable: Direct Final Rule Published 09/00/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards,
(301) 415-6219, e-mail jmm2@nrc.gov

45. 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 include risk insights, supporting guidance documents, and be more performance based. Following the events of September 11, 2001, the staff recommended and the Commission approved the withdrawal of SECY-01-0101, "Proposed Rule Changes to 10 CFR 73.55," which contained the staff's recommendations in the subject rulemaking. This withdrawal was requested to allow the staff to incorporate its post-September 11, 2001, considerations in a revised recommended rule revision, then later resubmit 10 CFR 73.55 to the Commission for its consideration.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Undetermined

Agency Contact: Scott A. Norris, Office of Nuclear Security and Incident Response,
(301) 415-7083, e-mail sam1@nrc.gov

46. Electronic Submission of Fingerprint Records* (Part 73)**RIN: 3150-AH16**

Abstract: The final rule will amend the Commission's regulations concerning the submittal of fingerprint cards and fingerprint records and the payment of the user fee for processing fingerprints. The amendments will provide licensees additional flexibility in submitting fingerprint records and in paying the user fee applicable to processing fingerprint records.

Timetable: Final Rule Published 06/00/04

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Cheryl Stone, Office of Administration,
(301) 415-7404, e-mail cms2@nrc.gov.

47. Facility Security Clearance and Safeguarding of National Security Information and Restricted Data-Minor Changes* (Part 95)**RIN:** 3150-AH17

Abstract: The final rule will amend the Commission's regulations to reflect organizational changes resulting from the creation of the new Office of Nuclear Security and Incident Response. This final rule is necessary to inform the public of these organizational changes to NRC regulations.

Timetable: Final Rule Published 07/11/03

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: J. Keith Everly, Office of Nuclear Security and Incident Response,
(301) 415-7048, e-mail jke@nrc.gov.

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

II PETITIONS

A

1. Petitioner/Petition Docket Number: State of Nevada* (PRM-63-1)**Federal Register Citation: N/A****Subject: Geologic Repository at Yucca Mountain, Nevada**

Summary: The petitioner requested that the NRC amend its regulations governing the disposal of high-level radioactive waste in a proposed geologic repository at Yucca Mountain, Nevada. The petitioner believes that the present regulations are deficient because, in petitioner's view, they do not provide the regulatory framework to ensure that the repository isolates high-level radioactive waste over the long term primarily by geologic means and they do not demand that the applicant provide an "affirmative safety case" for the repository.

Timetable: A notice denying this petition was published in the Federal Register on February 27, 2003 (68 FR 9023).

Agency Contact: Timothy McCartin, Office of Nuclear Material Safety and Safeguards,
(301) 415-7285, e-mail: tjm3@nrc.gov
Clark Prichard, Office of Nuclear Material Safety and Safeguards,
(301) 415-6203, e-mail: cwp@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 final resolution of the petition has been deferred pending the outcome of the 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). Publication of the proposed rule is undetermined.

Agency Contact: Lydia Chang, Office of Nuclear Material Safety and Safeguards,
(301) 415-6319, e-mail lwc1@nrc.gov

3. 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, "Fitness-for-Duty Program" (RIN AF12). The proposed rule was published in the Federal Register on May 9, 1996 (61 FR 21105). A new proposed rule is scheduled to be published in June 2004, and the final rule is scheduled to be published in November 2005.

Agency Contact: Garmon West, Jr., Office of Nuclear Security and Incident Response,
(301) 415-0211, e-mail fitnessforduty@nrc.gov
Chris Nolan, Office of Nuclear Security and Incident Response,
(301) 415-8171, e-mail mcn@nrc.gov

4. 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. 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. This petition is being addressed by rulemaking (Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors (RIN AG76)). The proposed rule was published in the Federal Register on August 2, 2002 (67 FR 50374). The public comment period closed on October 16, 2002. Comments have been categorized and evaluated. The final rule is being provided to the Commission for approval.

Agency Contact: Richard F. Dudley, Office of Nuclear Reactor Regulation,
(301) 415-1116, e-mail rfd@nrc.gov

5. 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 rulemaking (Compatibility With the International Atomic Energy Agency Transportation Safety Standards (AG71)). The proposed rule was published in the Federal Register on April 30, 2002 (67 FR 21390). The final rule is scheduled to be published in December 2003. This final rule is scheduled to be published concurrently with the companion rule from the Department of Transportation (DOT). Therefore, the publication date is also dependent on DOT's publication date.

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

(C) Petitions Incorporated Into Unpublished Rules

C

6. 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. This petition is scheduled to be addressed through rulemaking. Publication of the proposed rule is scheduled for June 2004.

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

7. 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 staff plans to provide further information and recommendations to the Commission in July 2004.

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Agency Contact: Gary Comfort, Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

8. 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. This petition is scheduled to be addressed by rulemaking. Publication of the proposed rule is scheduled for late 2004.

Agency Contact: Gary Comfort, Office of Nuclear Material Safety and Safeguards,
(301) 415-8106, e-mail gcc1@nrc.gov

9. 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 shut down 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. Completion of the rulemaking plan is undetermined.

Agency Contact: George Mencinsky, Office of Nuclear Reactor Regulation,
(301) 415-3093, e-mail gjm@nrc.gov

10. 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, "Update Fuel Performance Considerations and Other Fuel Cycle Issues (RIN-AA31)." Publication of the proposed rule is undetermined.

Agency Contact: Stewart Schneider, Office of Nuclear Reactor Regulation,
(301) 415-4123, e-mail sxs4@nrc.gov

(D) Petitions Pending Staff Review

D

11. 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. The staff is working to complete action documenting the resolution of the petition.

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

12. Petitioner/Petition Docket Number: Sander C. Perle, Technical Director of ICN Worldwide Dosimetry Service* (PRM-20-25)

Federal Register Citation: May 2, 2003 (68 FR 23618)

Subject: Require dosimeter accreditation from the NVLAP of the National Institute of Standards and Technology

Summary: The petitioner requested that the Commission amend its regulations to require that any dosimeter, without exception, that is used to report dose of record and demonstrate compliance with the dose limits specified in the Commission's regulations be processed and evaluated by a dosimetry processor holding accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology. The petitioner also requests that the definition of *individual monitoring devices (individual monitoring equipment)* be revised to include "electronic dosimeters, optically stimulated dosimeters" as examples of certain devices.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 5, 2003 (68 FR 23618). The public comment period closes on July 21, 2003. The staff is working to complete action documenting the resolution of the petition.

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

13. 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-line 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 regulations.**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. The staff is working to complete NRC action documenting resolution of the petition.**Agency Contact:** Anthony DiPalo, Office of Nuclear Material Safety and Safeguards,
(301) 415-6191, e-mail ajd@nrc.gov

14. 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; clarifying the current regulations for radiography equipment performance standards that the petitioner believes are not clearly defined, and amending regulations to require routine inspection and maintenance of associated equipment.**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 30, 1996. The staff is working to complete NRC action documenting resolution of the petition**Agency Contact:** Thomas Young, Office of Nuclear Material Safety and Safeguards,
(301) 415-5795, e-mail tfy@nrc.gov

15. 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. This action is on hold pending a review of NRC rules in response to events of September 11, 2001.

Agency Contact: Lydia Chang, Office of Nuclear Material Safety and Safeguards,
(301) 415-6319, e-mail lwc1@nrc.gov

16. 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. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Matthew Mitchell, Office of Nuclear Reactor Regulation,
(301) 415-3303, e-mail mam4@nrc.gov

17. 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 closed on August 14, 2000. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Eileen M. McKenna, Office of Nuclear Reactor Regulation,
(301) 415-2189, e-mail emm@nrc.gov

18. Petitioner/Petition Docket Number: Robert H. Leyse (PRM-50-73)

Federal Register Citation: October 12, 2001 (66 FR 52065)

Subject: Impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident

Summary: The petitioner requested that the Commission amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 12, 2001 (66 FR 52065). The comment period closed on December 26, 2001. The staff has determined that PRM-73A (Robert H. Leyse) is a supplement to PRM-50-73 and will be resolved as one action. The staff is working to complete action documenting the resolution of the petition.

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

19. Petitioner/Petition Docket Number: Robert H. Leyse (PRM-50-73A)

Federal Register Citation: January 29, 2002 (67 FR 4214)

Subject: Impact of crud deposits on fuel bundle capability during normal operation of a light-water-reactor

Summary: The petitioner requested that the Commission amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of severe crud deposits on fuel bundle coolability during normal operation of a light-water-reactor.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 29, 2002 (67 FR 4214). The comment period closed on April 15, 2002. This petition was determined by the staff to be a supplement to PRM-50-73 (Robert H. Leyse), and the two petitions are being resolved as one action. The staff is working to complete action documenting the resolution of the petition.

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

20. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-74)

Federal Register Citation: October 11, 2001 (66 FR 51884)

Subject: Emergency Core Cooling System Evaluation Models

Summary: The petitioner requested that the Commission amend its regulations regarding Emergency Core Cooling System Evaluation Models to allow licenses to voluntarily adopt the most current industry consensus standard for decay heat power, as well as any subsequent NRC-endorsed revisions to this standard.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 11, 2001 (66 FR 51884). The comment period closed on December 26, 2001. Resolution of this petition is scheduled for September 2003.

Agency Contact: Peter C. Wen, Office of Nuclear Reactor Regulation,
(301) 415-2832, e-mail pxw@nrc.gov

21. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-75)

Federal Register Citation: April 8, 2002 (67 FR 16654)

Subject: ECCS Models: Alternate maximum break size

Summary: The petitioner requested that the Commission amend its Emergency Core Cooling System (ECCS) regulations to allow the use of an alternative maximum pipe break size for the largest pipe in the reactor coolant system in ECCS evaluation models for Light-Water Nuclear Power Reactors.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 8, 2002 (67 FR 16654). The comment period closed on June 24, 2002. Resolution of the petition is scheduled for March 2004.

Agency Contact: Eileen M. McKenna, Office of Nuclear Reactor Regulation,
(301) 415-2189, e-mail emm@nrc.gov

22. Petitioner/Petition Docket Number: Robert H. Leyse (PRM-50-76)

Federal Register Citation: August 9, 2002 (67 FR 51783)

Subject: Models for Emergency Core Cooling Systems and associated guidance documents

Summary: The petitioner requested that the Commission amend its regulations concerning evaluation models for Emergency Core Cooling Systems (ECCS) and associated guidance documents. The petitioner believes the amendments are necessary to correct technical deficiencies that do not consider the complex thermal hydraulic conditions during a Loss-of-Coolant-Accident (LOCA), including the potential for very high fluid temperatures.

Timetable: A notice of receipt for this petition was published in the Federal Register on August 9, 2002 (67 FR 51783). The public comment period closed on October 23, 2002. Resolution of this petition is scheduled for August 2003.

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

23. Petitioner/Petition Docket Number: Performance Technology (PRM-50-77)

Federal Register Citation: June 13, 2002 (67 FR 40622)

Subject: Short-term equipment response times of emergency diesel generators

Summary: The petitioner requested that the Commission amend its regulations to increase short-term equipment response times of emergency diesel generators that it believes are inappropriate and detrimental to safety. The petitioner requested that the NRC increase emergency diesel generator start times, enhance operator training, and delete the requirement that offsite electrical power is assumed disconnected from the nuclear unit switchyard during postulated accidents. The petitioner believes that its proposed amendments would increase safety at licensed nuclear facilities.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 13, 2002 (67 FR 40622). The comment period closed on August 27, 2002. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Eileen M. McKenna, Office of Nuclear Reactor Regulation,
(301) 415-2189, e-mail emm@nrc.gov

24. Petitioner/Petition Docket Number: Robert H. Leyse (PRM-50-78)

Federal Register Citation: October 31, 2002 (67 FR 66347)

Subject: Impact of CRUD deposition on the performance of all heat transfer surfaces in nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations to address the impact of fouling on the performance of all heat transfer surfaces in nuclear power plants. The petitioner alleges that this fouling is generally not adequately considered in the licensing and the compliance inspections at nuclear power plants.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 31, 2002 (67 FR 66347). The public comment period closed on January 16, 2002. Resolution of the petition is scheduled for October 2003.

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

25. Petitioner/Petition Docket Number: Union of Concerned Scientists and Mothers for Peace* (PRM-50-80)

Federal Register Citation: June 16, 2003 (68 FR 35585)

Subject: Security regulations and implementation procedures for nuclear power plant reactors and their spent fuel

Summary: The petitioner requested that the Commission amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased, and to require licensees to formally evaluate specified intentional or accidental aerial hazards and make necessary changes to ensure that the plant can reach and maintain safe shutdown.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 16, 2003 (68 FR 35585). The public comment period closes on September 2, 2003. Resolution of the petition is scheduled for June 2004.

Agency Contact: Rebecca L. Karas, Office of Nuclear Reactor Regulation,
(301) 415-3711, e-mail rlk@nrc.gov

26. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-52-1)

Federal Register Citation: September 24, 2001 (66 FR 48832)

Subject: Application and review process for early site permits or combined licenses at licensed facilities

Summary: The petitioner requested that the Commission amend its regulations to improve the efficiency of the application and review process for companies seeking early site permits or combined licenses at licensed facilities. The petitioner believes that these proposed amendments would enhance the focus and efficiency of the early site permit and combined license process. The petitioner proposes to eliminate the need for an applicant to produce and the NRC review existing information relating to a licensed facility that has been previously approved by the NRC and was subject to a public hearing.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 24, 2001 (66 FR 48832). The public comment period closed on November 8, 2001. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Stephen Koenick, Office of Nuclear Reactor Regulation,
(301) 415-1239, e-mail ssk2@nrc.gov

27. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-52-2)

Federal Register Citation: September 24, 2001 (66 FR 48828)

Subject: Siting, construction, and operation of nuclear power plants

Summary: The petitioner requested that the Commission eliminate the requirement that an early site permit applicant evaluate, and that the NRC review, alternative sites, and remove provisions regarding the siting, construction, and operation of nuclear power plants which require applicants and licenses to analyze, and the NRC to evaluate, alternative sites, alternative energy sources, and the need for power.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 24, 2001 (66 FR 48828). The public comment period closed on November 8, 2001. The staff is working to complete action documenting the resolution of the petition.

Agency Contact: Nanette Gilles, Office of Nuclear Reactor Regulation,
(301) 415-1180, e-mail nvq@nrc.gov

28. 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. In light of the September 11, 2001, terrorist attack on the United States, the Commission directed the staff to reevaluate NRC's safeguards and physical security programs for licensed facilities and activities, including transportation of spent nuclear fuel and high level waste. Any revision to NRC's regulations and guidance will be based on that review. Resolution of the petition is undetermined.

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

29. Petitioner/Petition Docket Number: Three Mile Island Alert (PRM-73-11)

Federal Register Citation: November 2, 2001 (66 FR 55603)

Subject: Post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations governing the physical protection of plants and materials to require NRC licensees to post at least one armed guard at each entrance to the "owner controlled areas" surrounding all U.S. nuclear power plants by adding armed site protection officers to the security forces.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 2, 2001 (66 FR 55603). The public comment period closed on January 16, 2002. Resolution of this petition is scheduled for September 2003.

Agency Contact: George J. Mencinski, Office of Nuclear Reactor Regulation,
(301) 415-3093, e-mail gjm@nrc.gov

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. 22, No. 1

2. TITLE AND SUBTITLE

NRC Regulatory Agenda
Semiannual Report
January - June 2003

3. DATE REPORT PUBLISHED

MONTH	YEAR
August	2003

4. FIN OR GRANT NUMBER

5. AUTHOR(S)

6. TYPE OF REPORT

Semiannual

7. PERIOD COVERED (Inclusive Dates)

January - June 2003

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.)

10. SUPPLEMENTARY NOTES

11. ABSTRACT (200 words or less)

The NRC Regulatory Agenda is a compilation of all rules on which 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)

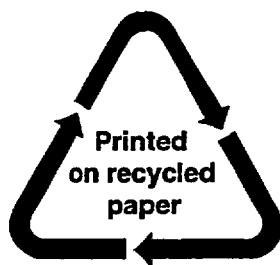
Unclassified

(This Report)

Unclassified

15. NUMBER OF PAGES

16. PRICE



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