

REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 2004

Financial Assurance for Materials Licensees - Parts 30, 40, and 70 - RIN AG85

On October 3, 2003 (68 FR 57327), the NRC published an amendment to its regulations to bring the amount of financial assurance required more in line with current decommissioning costs. The final rule is necessary to ensure that licensees maintain adequate financial assurance so that timely decommissioning can be carried out following shutdown of a licensed facility. The final rule is effective December 2, 2003.

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-24P, -52B, -61BT, -32PT, and -24PHB Revision 6 - Part 72 - RIN AH27

On October 7, 2003 (68 FR 57785), the NRC published an amendment to its regulations revising the Transnuclear, Inc., Standardized NUHOMS® Horizontal Modular Storage System (Standardized NUHOMS® System) listing within the list of approved spent fuel storage casks to include Amendment No. 6 in Certificate of Compliance (CoC) Number 1004. Amendment No. 6 will add the NUHOMS®-24PHB cask design to the Standardized NUHOMS® System. The NUHOMS®-24PHB cask will permit a part 72 licensee to store high burnup Babcock & Wilcox 15x15 spent fuel assemblies with an average burnup of up to 55,000 megawatt-days/metric ton of uranium, enrichment equal to 4.5 weight percent uranium-235, a maximum decay heat load of 1.3 kilowatt (kW) per assembly, and a maximum heat load of 24 kW per cask, under a general license. The final rule is effective December 22, 2003. The companion proposed rule was published on October 7, 2003 (68 FR 57839). The notice of confirmation of the effective date was published on December 17, 2003 (68 FR 70121).

Electronic Maintenance and Submission of Information - 10 CFR Chapter I - RIN AH33

On October 10, 2003 (68 FR 58792), the NRC published an amendment to its regulations to clarify when and how licensees and other members of the public may use electronic means such as CD-ROM and e-mail to communicate with the agency. These amendments are necessary to implement the Government Paperwork Elimination Act. The final rule is effective January 1, 2004.

Assessment of Access Authorization Fees - Parts 11 and 25 - RIN AH30

On November 5, 2003 (68 FR 62509), the NRC published an amendment to its regulations to change the way the NRC assesses access authorization fees. The NRC is replacing its set fee schedules for special nuclear material access authorization and national security information or restricted data access authorization with a formula for calculating fees based on current Office of Personnel Management (OPM) billing rates for personnel background investigations. The new formula is designed to recover the full cost of processing a request for access authorization from the licensee. The use of a fee assessment formula tied to current OPM billing rates will eliminate the need for the NRC to update its access authorization fee schedules through regular rulemakings. The final rule is effective November 5, 2003.

Minor Changes to Decommissioning Trust Fund Provisions - Part 50 - RIN AH32

On November 20, 2003 (68 FR 65386), the NRC published an amendment to its regulations related to decommissioning trust fund provisions to correct typographical errors and make minor changes to a final rule issued by the NRC in December 2002. This action adds clarifying language to amendments regarding notification requirements, investment prohibitions, and the option for licensees to retain their existing license conditions. The final rule is effective December 24, 2003. The companion proposed rule was published on November 20, 2003 (68 FR 65415). The confirmation of effective date was published on February 4, 2004 (69 FR 5267).

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-24P, -52B, -61BT, -32PT, and -24PHB Revision 7 - Part 72 - RIN AH28

On December 18, 2003 (68 FR 70423), the NRC published an amendment to its regulations revising the Transnuclear, Inc., Standardized NUHOMS® Horizontal Modular Storage System (Standardized NUHOMS® System) listing within the list of approved spent fuel storage casks to include Amendment No. 7 in Certificate of Compliance (CoC) Number 1004. Amendment No. 7 will incorporate changes in support of the Amergen Corporation plans to load damaged fuel and additional fuel types at its Oyster Creek Nuclear Station. Specifically, the amendment will add damaged Boiling Water Reactor spent fuel assemblies and additional fuel types to the authorized contents of the NUHOMS®-61BT Dry Shielded Canister under a general license. In addition, the amendment includes three minor changes to the Technical Specifications to correct inconsistencies and remove irrelevant references. The final rule is effective March 2, 2004. The companion proposed rule was published on December 18, 2003 (68 FR 70463). The notice of confirmation of effective date was published on February 27, 2004 (69 FR 9199).

Minor Correction Amendments - Parts 1, 4, 19, 35, 39, 40, and 50 - RIN AH34

On December 31, 2003 (68 FR 75388), the NRC published an amendment to its regulations to correct several miscellaneous errors in the Code of Federal Regulations. This document is necessary to inform the public of these corrective changes to NRC regulations. The final rule is effective December 31, 2003.

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-24P, -52B, -61BT, -32PT, and -24PHB, and -32PT, Revision 5 - Part 72 - RIN AH36

On January 7, 2004 (69 FR 849), the NRC published an amendment to its regulations to revise the Transnuclear, Inc. (TN) Standardized NUHOMS®-24P, -52B, -61BT, and -24PHB cask 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, designated NUHOMS®-32PT DSC, to the authorized contents of the Standardized NUHOMS®-24P, -52B, -61BT, and -24PHB cask 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 the existing NUHOMS® Horizontal Storage Module and NUHOMS® Transfer Cask under a general license. The final rule is effective January 7, 2004.

Changes to Adjudicatory Process - Parts 1, 2, 50, 51, 52, 54, 60, 63, 70, 72, 73, 75, 76, and 110 - RIN AG49

On January 14, 2004 (69 FR 2182), the NRC published an amendment to its regulations concerning its rules of practice to make the NRC's hearing process more effective and efficient. The final rule will fashion hearing procedures that are tailored to the differing types of licensing and regulatory activities the NRC conducts and will better focus the limited resources of involved parties and the NRC. The final rule is effective February 13, 2004.

List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 3 - Part 72 - RIN AH25

On January 16, 2004 (69 FR 2497), the NRC published an amendment to its regulations revising the NAC International, Inc., 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 an alternate poison material, revise the structural analysis, revise the thermal analyses, revise fuel assembly weight and dimensions, and revise allowable fuel cladding temperature. The amendment also revises the criticality analyses and reorganizes the Safety Analysis Report Criticality Section, revises Technical Specification A.5.5 to remove the effluent reporting requirements, and makes several editorial and administrative changes. The final rule is effective March 31, 2004. The companion proposed rule was published on January 16, 2004 (69 FR 2528). The confirmation of effective date was published in the Federal Register on March 31, 2004 (69 FR 16769).

Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments - Part 71 - RIN AG71

On January 26, 2004 (69 FR 3698), the NRC published an amendment to its regulations on packaging and transporting radioactive material. This rulemaking makes the regulations compatible with the latest version of the International Atomic Energy Agency (IAEA) standards and codify other applicable requirements. This final rule also makes changes in fissile material exemption requirements to address the unintended economic impact of NRC's emergency final rule entitled "Fissile Material Shipments and Exemptions" (February 10, 1997; 62 FR 5907). Lastly, this rule addresses a petition for rulemaking submitted by International Energy Consultants, Inc. The final rule is effective October 1, 2004. Portions of §§ 71.19 and 71.20 expire on October 1, 2008.

Financial Information Requirements for Applications To Renew or Extend the Term of an Operating License for a Power Reactor - Part 50 - RIN AG84

On January 30, 2004 (69 FR 4439), the NRC published an amendment to its regulations to remove the requirement that non-electric utility power reactor licensees submit financial qualifications information in their license renewal applications, and to add a new requirement that electric utility licensees of nuclear power reactors who become non-electric utility entities without a license transfer must notify the NRC and submit information on their financial qualifications. The final rule will reduce unnecessary regulatory burden on licensees seeking renewal of operating licenses and ensure that licensees that become non-electric utility entities continue to be financially qualified to operate their facilities and maintain the public health and safety. The final rule is effective March 1, 2004.

Revision of Fee Schedules; Fee Recovery for FY 2004 - Parts 170 and 171 - RIN AH37

On April 26, 2004 (69 FR 22664), the NRC published an amendment to its licensing, inspection, and annual fees charged to its applicants and licensees. The amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 92 percent of its budget authority in fiscal year (FY) 2004, less the amounts appropriated from the Nuclear Waste Fund. The amount to be recovered for FY 2004 is approximately \$545.3 million. The final rule is effective June 25, 2004.

Licensing Proceeding for a High-Level Radioactive Waste Geologic Repository; Licensing Support Network, Submissions to the Electronic Docket - Part 2 - AH31

On June 14, 2004 (69 FR 32836), the NRC published an amendment to its regulations to establish the basic requirements and standards for the submission of adjudicatory materials to the electronic hearing docket by parties to the high-level radioactive waste licensing proceeding. The amendments also address the issue of reducing the unnecessary loading of duplicate documents on individual participant Licensing Support Network (LSN) document collection servers (Web sites); the continuing obligation of LSN participants to update their documentary material after the initial certification; the Secretary of the Commission's determination that the DOE license application is electronically accessible; and the provisions on material that may be excluded from the LSN. The final rule is effective July 14, 2004.

Voluntary Fire Protection Requirements for Light Water Reactors; Adoption of NFPA 805 as a Risk-Informed, Performance-Based Alternative - Part 50 - RIN AG48

On June 16, 2004 (69 FR 33536), the NRC published an amendment to its fire protection requirements for nuclear power reactor licensees to permit existing reactor licensees to voluntarily adopt fire protection requirements contained in the National Fire Protection Association Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition" (NFPA 805). These fire protection requirements are an alternative to the existing deterministic, prescriptive fire protection requirements. The final rule is effective July 16, 2004.

List of Approved Spent Fuel Storage Casks: NAC-MPC Revision - Part 72 - AH50

On August 13, 2004 (69 FR 50053), the NRC published an amendment to its regulations to revise the NAC International, Inc., NAC-MPC cask system listing, within the list of approved spent fuel storage casks, to include Amendment No. 4 to Certificate of Compliance Number 1025. Amendment No. 4 will modify the present cask system design to incorporate vacuum drying enhancements under a general license. Specifically, the amendment will increase vacuum drying time limits, delete canister removal from concrete cask requirements, revise surface contamination removal time limits, and revise allowable contents fuel assembly limits. The direct final rule is effective October 27, 2004. The companion proposed rule was published on August 13, 2004 (69 FR 50089).

Medical Use of Byproduct Material Minor Amendments: Extending Expiration Date for Subpart J - Part 35 - AH47

On September 16, 2004 (69 FR 55736), the NRC published an amendment to its regulations governing the medical use of byproduct material to extend the expiration date for training and experience requirements that will be superseded (Subpart J) for 1 year, from October 24, 2004, to October 24, 2005. The rulemaking is necessary to allow sufficient time for implementation of the final rule that amends the training and experience requirements, including new requirements for recognition of specialty board certifications. The final rule is effective October 22, 2004.

REGULATIONS AND AMENDMENTS PROPOSED

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-24P, -52B, -61BT, -32PT, and -24PHB Revision 6 - Part 72 - RIN AH27

On October 7, 2003 (68 FR 57839), the NRC published an amendment to its regulations revising the Transnuclear, Inc., Standardized NUHOMS® Horizontal Modular Storage System (Standardized NUHOMS® System) listing within the list of approved spent fuel storage casks to include Amendment No. 6 in Certificate of Compliance Number 1004. Amendment No. 6 will add the NUHOMS®-24PHB cask design to the Standardized NUHOMS® System. The NUHOMS®-24PHB cask design will permit a part 72 licensee to store high burnup Babcock & Wilcox 15x15 spent fuel assemblies with an average burnup of up to 55,000 megawatt-days/metric ton of uranium, enrichment equal to 4.5 weight percent uranium-235, a maximum decay heat load of 1.3 kilowatt (kW) per assembly, and a maximum heat load of 24 kW per cask, under a general license. The companion direct final rule was published on October 7, 2003 (68 FR 57785).

Minor Changes to Decommissioning Trust Fund Provisions - Part 50 - RIN AH32

On November 20, 2003 (68 FR 65415), the NRC published an amendment to its regulations that would correct typographical errors and make minor changes to a final rule issued by the NRC in December 2002. This action would add clarifying language to amendments regarding notification requirements, investment prohibitions, and the option for licensees to retain their existing license conditions. The companion direct final rule was published on November 20, 2003 (68 FR 65386).

Licensing Proceeding for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Submissions to the Electronic Docket - Part 2 - RIN AH31

On November 26, 2003 (68 FR 66372), the NRC published an amendment to its regulations that would establish the basic requirements and standards for the submission of adjudicatory materials to the electronic hearing docket by parties to the high-level radioactive waste licensing proceeding. The proposed amendments would also address the issue of reducing the unnecessary loading of duplicate documents on individual participant Licensing Support Network (LSN) document collection servers; the continuing obligation of LSN

participants to update their documentary material after the initial certification; the Secretary of the Commission's determination that the DOE license application is electronically accessible; and the provisions on material that may be excluded from the LSN.

Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35 - RIN AH19

On December 9, 2003 (68 FR 68549), the NRC published an amendment to its regulations that would change its requirements for recognition of specialty boards whose certifications may be used to demonstrate the adequacy of the training and experience of individuals to serve as radiation safety officers, authorized medical physicists, authorized nuclear pharmacists or authorized users. The proposed rule would also revise the requirements for demonstrating the adequacy of training and experience for pathways other than the board certification pathway.

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS®-24P, -52B, -61BT, -32PT, and -24PHB Revision 7 - Part 72 - RIN AH28

On December 18, 2003 (68 FR 70463), the NRC published an amendment to its regulations that would revise the Transnuclear, Inc., Standardized NUHOMS® Horizontal Modular Storage System (Standardized NUHOMS® System) listing within the list of approved spent fuel storage casks to include Amendment No. 7 in Certificate of Compliance Number 1004. Amendment No. 7 would incorporate changes in support of the Amergen Corporation plans to load damaged fuel and additional fuel types at its Oyster Creek Nuclear Station. Specifically, the amendment would add damaged Boiling Water Reactor spent fuel assemblies and additional fuel types to the authorized contents of the NUHOMS®-61BT Dry Shielded Canister under a general license. In addition, the amendment includes three minor changes to the Technical Specifications to correct inconsistencies and remove irrelevant references. The companion direct final rule was published on December 18, 2003 (68 FR 70423).

Industry Codes and Standards; Amended Requirements - Part 50 - RIN AH24

On January 7, 2004 (69 FR 879), the NRC published an amendment to its regulations that would incorporate by reference the 2001 Edition and the 2002 and 2003 Addenda of Division 1 of Section III of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code); the 2001 Edition and the 2002 and 2003 Addenda of Division 1 rules of Section XI of the ASME BPV Code; and the 2001 Edition and the 2002 and 2003 Addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) to provide updated rules for constructing and inspecting components and testing pumps and valves in light-water cooled nuclear power plants.

List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 3 - Part 72 - RIN AH25

On January 16, 2004 (69 FR 2528), the NRC published an amendment to its regulations that would revise the NAC International, Inc., 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. The companion direct final rule was published on January 16, 2004 (69 FR 2497).

Revision of Fee Schedules; Fee Recovery for FY 2004 - Parts 170 and 171 - RIN AH37

On February 2, 2004 (69 FR 4865), the NRC published an amendment to its regulations that would amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 92 percent of its budget authority in fiscal year (FY) 2004, less the amounts appropriated from the Nuclear Waste Fund (NWF). The amount to be recovered for FY 2004 is approximately \$545.6 million.

Public Records - Part 9 - AH12

On April 27, 2004 (69 FR 22737), the NRC published an amendment to its regulations that would reflect changes regarding officials who initially deny access to records or deny access to records whose initial denial has been appealed, and to reflect a change of an appellate official due to a reorganization. This amendment would have the Executive Assistant to the Secretary of the Commission, rather than the Assistant Secretary, make the initial determination to deny NRC records in whole or in part under the Commission's regulations. An appeal of a denial of request for 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. The proposed rule would establish NRC procedures to give predislosure notification to submitters of confidential business or commercial information, and would make a number of additional clarifying and conforming amendments.

Incorporation by Reference of American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases - Part 50 - AH35

On August 3, 2004 (69 FR 46452), the NRC published an amendment to its regulations that would incorporate by reference the latest revisions of two previously incorporated regulatory guides (RGs) which address NRC review and approval of Code cases published by the American Society of Mechanical Engineers (ASME).

List of Approved Spent Fuel Storage Casks: NAC-MPC Revision 4 - Part 72 - AH50

On August 13, 2004 (69 FR 50089), the NRC published an amendment to its regulations that would revise the NAC International, Inc., NAC-MPC cask system listing, within the list of approved spent fuel storage casks, to include Amendment No. 4 to Certificate of Compliance Number 1025. Amendment No. 4 would modify the present cask system design to incorporate vacuum drying enhancements under a general license. Specifically, the amendment would increase vacuum drying time limits, delete canister removal from concrete cask requirements, revise surface contamination removal time limits, and revise allowable contents fuel assembly limits. The companion direct final rule was published on August 13, 2004 (69 FR 50053).

Export and Import of Nuclear Equipment and Radioactive Materials: Security Policies - Part 110 - AH44

On September 16, 2004 (69 FR 55785), the NRC published an amendment to its regulations that would require a specific license for the import and export of high-risk

radioactive material. This proposed rule is intended to reflect changes to the nuclear and radioactive material security policies of the Commission and the Executive Branch for the import and export of radioactive material.

ADVANCE NOTICES OF PROPOSED RULEMAKING

None

AVAILABILITY OF DRAFT RULE LANGUAGE

Collection, Reporting, or Posting of Information - Parts 19, 20, and 50

On February 24, 2004 (69 FR 8350), the NRC published the draft wording of possible changes to its regulations. The changes under consideration would clarify or revise the regulations to reduce unnecessary regulatory burden associated with the collecting, reporting, and posting of information. The draft rule language was published to inform stakeholders of the NRC staff's consideration of possible changes to its regulations, and to solicit comments on the staff's direction and draft language.

Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements - Part 50 - AH29

On August 2, 2004 (69 FR 46110), the NRC published draft rule language concerning emergency core cooling systems (ECCS) for light-water nuclear power reactors. The amended regulations would permit power reactor licensees to implement voluntary risk-informed alternative to the current requirements for analysis of loss-of-coolant accidents and for ECCS in 10 CFR 50.46. The draft rule language was published to inform stakeholders of the current status of the NRC's activities to risk-inform 10 CFR 50.46.