

REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 2006

Price-Anderson Act Financial Protection Regulations and Elimination of Antitrust Reviews - Parts 2, 50, 52, and 140 - RIN AH78

On October 27, 2005 (70 FR 61885), the NRC published an amendment to its regulations, effective November 28, 2005, to conform with the requirements of the Energy Policy Act of 2005. The revised regulations include Congress's prescribed increase in the amount of the required annual financial contributions required from commercial reactors in the event of a nuclear accident to pay for third-party liability under the Price-Anderson Act. This revision also provides Congress's accommodation for modular reactors, which permits a defined combination of these reactors to be considered a single reactor for the determination of financial obligations under the Price-Anderson Act. Additional revisions, essentially deletions, result from Congress's terminating NRC's authority and responsibility to conduct antitrust reviews of future applications to construct or operate a nuclear reactor.

Statement of Organization and General Information - Part 1 - RIN AH79

On November 16, 2005 (70 FR 69421), the NRC published an amendment to its regulations, effective immediately, to reflect the renaming of the Office of the Chief Information Officer as the Office of Information Services, the establishment of the Office of Nuclear Security and Incident Response, the transfer of the responsibility for the allegations program from the Office of Nuclear Reactor Regulation to the Office of Enforcement, and other minor changes.

AP1000 Design Certification - Part 52 - RIN AH56

On January 27, 2006 (71 FR 4464), the NRC published an amendment to its regulations, effective February 27, 2006, to certify the AP1000 standard plant design. This action is necessary so that applicants or licensees intending to construct and operate an AP1000 design may do so by referencing this regulation (AP1000 Design Certification Rule). The applicant for certification of the AP1000 design was Westinghouse Electric Company, LLC.

Minor Amendments - Parts 1, 13, 20, 30, 32, 35, 40, 55, 70, 73, 110, and 140 - RIN AH82

On March 27, 2006 (71 FR 15005), the NRC published an amendment to its regulations, effectively immediately, to correct several miscellaneous errors in the Code of Federal Regulations (CFR), update the address for Region III, and remove all references to Subpart J in 10 CFR Parts 32 and 35. This document is necessary to inform the public of these minor changes to NRC regulations.

Implementation of the Nuclear Export and Import Provisions of the Energy Policy Act of 2005 - Part 110 - RIN AH88

On April 20, 2006 (71 FR 20336), the NRC published an amendment to its regulations, effective August 7, 2006, that govern the export and import of nuclear equipment and material to implement provisions of the Energy Policy Act of 2005, signed into law on August 8, 2005. This amendment will facilitate exports to specified countries of highly-enriched uranium for medical isotope production in reactors that are either using low-enriched uranium (LEU) fuel or have agreed to convert to the use of LEU fuel. In addition, this final rule revises the definition of *byproduct material* to include discrete sources of radium-226, accelerator-produced radioactive

material, and discrete sources of naturally occurring radioactive material. The final rule also requires specific licenses for exports and imports of radium-226 that meet the threshold values of the International Atomic Energy Agency's Code of Conduct on the Safety and Security of Radioactive Sources.

Revision of Fee Schedules; Fee Recovery for FY 2006 - Parts 170 and 171 - RIN AH83

On May 30, 2006 (71 FR 30721), the NRC published an amendment to its regulations amending the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments, effective July 31, 2006, are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in fiscal year (FY) 2006, less the amounts appropriated from the Nuclear Waste Fund and for Waste Incidental to Reprocessing activities. The required fee recovery amount for the FY 2006 budget is approximately \$624 million, which is increased by approximately \$0.9 million to account for billing adjustments, resulting in a total of approximately \$625 million that must be recovered through fees in FY 2006.

Relief From Fingerprinting and Criminal History Records Check for Designated Categories of Individuals - Part 73 - RIN AH94

On June 13, 2006 (71 FR 33989), the NRC published an amendment to its regulations, effective immediately, to relieve certain categories of individuals who have been approved by the Commission for access to Safeguards Information from the fingerprinting and criminal history records check requirements of Section 149 of the Atomic Energy Act of 1954, as amended.

Charges for Reproducing Records - Part 9 - RIN AH66

On September 18, 2006 (71 FR 54570), the NRC published an amendment to its regulations, effective October 18, 2006, revising its charges for copying publicly available documents by the copy service at the NRC's Public Document Room. The revised charges for copying publicly available documents are listed in 10 CFR 9.35, "Duplication fees." This document is necessary to inform the public of these changes to the NRC's regulations.

DIRECT FINAL RULES

List of Approved Spent Fuel Storage Casks: VSC-24 (Revision 6) - Part 72 - RIN AH87

On March 21, 2006 (71 FR 14089), the NRC published an amendment to its regulations, effective June 5, 2006, that revises the BNG Fuel Solutions Corporation VSC-24 cask system listing within the List of Approved Spent Fuel Storage Casks to include Amendment No. 6 to Certificate of Compliance (CoC) Number 1007. Amendment No. 6 modifies the present cask system design to revise the Technical Specification (TS) requirements related to periodic monitoring during storage operation under a general license. Specifically, the amendment eliminates TS 1.3.4 that requires daily temperature measurement of the cask. The daily temperature measurement is not required because the daily visual inspection of the cask inlet and outlet vent screens, required by TS 1.3.1, provides the capability to determine when

corrective action needs to be taken to maintain safe storage conditions under the requirements that govern general design criteria for spent fuel storage casks. Visual inspection would determine if the cask inlets and outlets were blocked (the focus of the thermal analysis submitted by the CoC holder). The amendment also revises TS 1.2.3 to correspond with TS 1.3.1 by revising the method of thermal performance evaluation to allow for daily temperature surveillance after the cask has reached thermal equilibrium. In addition, the amendment updates editorial changes associated with the company name change from BNFL Fuel Solutions Corporation to BNG Fuel Solutions Corporation. The companion proposed rule was published on March 21, 2006 (71 FR 14120). The confirmation of effective date was published on May 30, 2006 (71 FR 30576).

Revision of NRC Form 7, Application for NRC Export/Import License, Amendment, or Renewal - Part 110 - RIN AH89

On April 13, 2006 (71 FR 19102), the NRC published an amendment to its regulations that govern the export and import of nuclear material and equipment concerning the use of NRC Form 7, "Application for NRC Export/Import License, Amendment, or Renewal." This final rule, effective June 27, 2006, amends the regulations that govern export and import of nuclear material and equipment to reflect that all license requests are to be made using NRC Form 7, as revised. The companion proposed rule was published on April 13, 2006 (71 FR 19135). The confirmation of effective date was published on June 23, 2006 (71 FR 35995).

List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System (Revision 4) - Part 72 - RIN AH86

On April 18, 2006 (71 FR 19806), the NRC published an amendment to its regulations, effective July 3, 2006, that revises the BNG Fuel Solutions Corporation (FuelSolutions) cask system within the List of Approved Spent Fuel Storage Casks to include Amendment No. 4 to Certificate of Compliance Number 1026. The companion proposed rule was published on April 18, 2006 (71 FR 19831). The confirmation of effective date was published on June 19, 2006 (71 FR 35147).

List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition - Part 72 - RIN AH93

On May 2, 2006 (71 FR 25740), the NRC published an amendment to its regulations that would have added the NUHOMS HD cask system to the List of Approved Spent Fuel Storage Casks. This amendment would have allowed the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license. The companion proposed rule was published on May 2, 2006 (71 FR 25782). This direct final rule was withdrawn on July 13, 2006 (71 FR 39520).

Submission of Annual Financial Reports: Elimination of Requirement - Parts 50 and 72 - RIN AH39

On May 22, 2006 (71 FR 29244), the NRC published an amendment to its regulations, effective August 7, 2006, so that licensees who file financial reports with the Securities and Exchange Commission (SEC) or the Federal Energy Regulatory Commission (FERC) need not submit annual financial reports, including the certified financial statement, to the NRC. The

NRC is also amending its regulations so that Independent Spent Fuel Storage Installation licensees who file financial reports with the SEC or the FERC, need not submit annual financial reports, including the certified financial statements, to the NRC. The companion proposed rule was published on May 22, 2006 (71 FR 29273). The confirmation of effective date was not published.

Facility Change Process Involving Items Relied on for Safety - Part 70 - RIN AH96

On September 27, 2006 (71 FR 56344), the NRC published an amendment to its regulations to clarify a requirement pertaining to items relied on for safety (IROFS). This rulemaking corrects an inconsistency in the regulations pertaining IROFS. The companion proposed rule was published on September 27, 2006 (71 FR 56413).

REGULATIONS AND AMENDMENTS PROPOSED

Design Basis Threat - Part 73 - RIN AH60

On November 7, 2005 (70 FR 67380), the NRC published a proposed amendment to its regulations that would govern the requirements pertaining to design basis threat (DBT). The proposed rule would amend the Commission's regulations to make generically applicable the security requirements previously imposed by the Commission's April 29, 2003, DBT orders, which applied to existing licensees, and redefine the level of security requirements necessary to ensure that the public health and safety and common defense and security are adequately protected. The proposed rule would revise the DBT requirements for radiological sabotage (applied to power reactors and Category I fuel cycle facilities), and theft or diversion of NRC-licensed Strategic Special Nuclear Material (SSNM) (applied to Category I fuel cycle facilities). The NRC has developed draft Regulatory Guides (RGs) that provide guidance to licensees concerning the DBT for radiological sabotage and theft and diversion. These draft RGs have limited distribution because they contain either safeguards or classified information. The specific details related to the threat, which contain both safeguards information and classified information, are contained in adversary characteristics documents that are not publicly available. These documents include specific details of the attributes of the threat consistent with the requirements imposed in the April 29, 2003, DBT orders. Additionally, a Petition for Rulemaking (PRM-73-12), filed by the Committee to Bridge the Gap, was considered as part of this proposed rulemaking. The NRC's disposition of this petition is contained in this proposed rulemaking.

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

On November 7, 2005 (70 FR 67597), the NRC published a proposed rule to amend its regulations to permit current power reactor licensees to implement a voluntary, risk-informed alternative to the current requirements for analyzing the performance of emergency core cooling systems (ECCS) during loss-of-coolant accidents (LOCAs). In addition, the proposed rule would establish procedures and criteria for requesting changes in plant design and procedures based upon the results of the new analyses of ECCS performance during LOCAs.

Use of Electronic Submissions in Agency Hearings - Parts 1, 2, 13, and 110 - RIN AH74

On December 16, 2005 (70 FR 74949), the NRC published a proposed rule to amend its regulations to require the use of electronic submissions in all agency hearings, except for those conducted on a high-level radioactive waste repository application (which are covered under a separate set of regulations). The amendments would require the electronic transmission of electronic documents in submissions made to the NRC's adjudicatory boards, and in serving copies of those submissions on all participants to the proceedings. Although exceptions to these requirements would be established to allow paper filings in limited circumstances, the NRC would maintain a strong preference for fully electronic filing and service. The proposed rule builds upon prior NRC rules and developments in the Federal courts regarding the use of electronic submissions.

Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements - Parts 30, 31, 32, and 150 - RIN AH41

On January 4, 2006 (71 FR 275), the NRC published a proposed rule to amend its regulations governing the use of byproduct material to revise requirements for reporting transfers to persons exempt from licensing, simplify the licensing of smoke detector distribution, remove obsolete provisions, and clarify certain regulatory provisions. These actions are intended to better ensure the protection of public health and safety in the future, make the licensing of distribution to exempt persons more effective and efficient, and reduce unnecessary regulatory burden to certain general licensees. These changes would affect licensees who distribute byproduct material to exempt persons, users of some generally licensed devices, and some exempt persons.

Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities - Parts 30, 40, 50, 60, 61, 63, 70, 71, 72, and 76 - RIN AH59

On January 31, 2006 (71 FR 5015), the NRC published a proposed rule to amend its regulations to clarify the Commission's authority to impose a civil penalty upon a non-licensee contractor or subcontractor of a Commission licensee, or applicant for a Commission license who violates the NRC's regulations by discriminating against employees for engaging in protected activity. The NRC is also proposing to amend its employee protection regulations related to the operation of Gaseous Diffusion Plants to conform with the NRC's other employee protection regulations and to allow the NRC to impose a civil penalty on the United States Enrichment Corporation (USEC), as well as a contractor of USEC.

Revision of Fee Schedules; Fee Recovery for FY 2006 - Parts 170 and 171 - RIN AH83

On February 10, 2006 (71 FR 7349), the NRC published a proposed rule 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 90 percent of its budget authority in fiscal year (FY) 2006, less the amounts appropriated from the Nuclear Waste Fund and for Waste Incidental to Reprocessing activities. The required fee recovery amount for the FY 2006 budget is approximately \$624 million, which is increased by

approximately \$0.9 million to account for billing adjustments, resulting in a total of approximately \$625 million that must be recovered through fees in FY 2006.

Fire Protection Program - Post-Fire Operator Manual Actions - Part 50 - RIN AH54

On March 6, 2006 (71 FR 11169), the NRC published a notice of withdrawal of proposed rulemaking that was published on March 7, 2005 (70 FR 10901). The NRC is withdrawing its proposed amendment to the Commission's fire protection regulations for nuclear power facilities operating prior to January 1, 1979. The proposed amendment pertained to the use of manual actions by plant operators coincident with fire detectors and an installed automatic fire suppression system in the fire area as an alternative method to achieve hot shutdown conditions in the event of fires in certain plant areas. Based on stakeholder comments, the Commission believes that the proposed rule would not achieve intended objectives of effectiveness and efficiency.

Licenses, Certifications, and Approvals for Nuclear Power Plants - Parts 1, 2, 10, 19, 20, 21, 25, 26, 50, 51, 52, 54, 55, 72, 73, 75, 95, 140, 170, and 171 - RIN AG24

On March 13, 2006 (71 FR 12781), the NRC published a proposed rule that would amend its regulations by revising the provisions applicable to the licensing and approval processes for nuclear power plants and making necessary conforming amendments throughout the NRC's regulations to enhance the NRC's regulatory effectiveness and efficiency in implementing its licensing and approval processes. The proposed changes would clarify the applicability of various requirements to each of the licensing processes (i.e., early site permit, standard design approval, standard design certification, combined license, and manufacturing license). On July 3, 2003, the NRC published a proposed rulemaking to clarify and correct the NRC's regulations related to nuclear power plant licensing. Upon further consideration, the NRC is now proposing new requirements to enhance its licensing and approval processes and changes throughout the NRC's regulations to support these processes. This proposed rule supersedes the July 3, 2003, proposed rule. The Commission believes that this rulemaking action will improve the effectiveness and efficiency of the licensing and approval processes for future applicants.

National Source Tracking of Sealed Sources - Parts 20 and 32 - RIN AH48

On June 13, 2006 (71 FR 34024), the NRC published a proposed rule that would establish a National Source Tracking System for certain sealed sources. The NRC is proposing to change the basis for the rule from the NRC's authority to promote the common defense and security to protection of the public health and safety.

Requirements for Expanded Definition of Byproduct Material - Parts 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, 110, 150, 170, and 171 - RIN AH84

On July 28, 2006 (71 FR 42951), the NRC published a proposed rule that would amend its regulations to include jurisdiction over certain radium sources, accelerator-produced radioactive materials, and certain naturally occurring radioactive material, as required by the Energy Policy Act of 2005 (EPAAct), which was signed into law on August 8, 2005. The EPAAct expanded the Atomic Energy Act of 1954 definition of *byproduct material* to include any discrete source of radium-226, any material made radioactive by use of a particle accelerator, and any discrete source of naturally occurring radioactive material, other than source material, that the

Commission, in consultation with other Federal officials named in the EAct, determines would pose a similar threat to the public health and safety or the common defense and security as a discrete source of radium-226, that are extracted or converted after extraction for use for a commercial, medical, or research activity. In so doing, these materials were placed under the NRC's regulatory authority. The EAct also mandated that the Commission, after consultation with States and other stakeholders, issue final regulations establishing requirements that the Commission determines necessary under the EAct. This rulemaking effort is being undertaken in response to that mandate and includes significant contributions from many States that have regulated the naturally occurring and accelerator-produced radioactive material, the Organization of Agreement States, Inc., and the Conference of Radiation Control Program Directors, Inc. (CRCPD). In addition, this proposed rule was informed and guided by the CRCPD's applicable Suggested State Regulations for the Control of Radiation. Licensees and individuals who are engaged in activities involving the newly defined byproduct material in both Agreement States and non-Agreement States and United States Territories may be affected by this rulemaking.

Secure Transfer of Nuclear Materials - Part 73 - RIN AH90

On August 30, 2006 (71 FR 51534), the NRC published a proposed rule that would amend its regulations to implement requirements for secure transfer of nuclear materials as required by Section 656 of the Energy Policy Act of 2005, signed into law on August 8, 2005. The proposed amendment would implement Section 656 by specifically excepting certain licensees from provisions of Section 170I of the Atomic Energy Act, as amended.

Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent - Parts 19, 20, and 50 - RIN AH40

On September 22, 2006 (71 FR 55382), the NRC published a proposed rule that would amend its regulations related to the reporting of annual dose to workers, the definition of the total effective dose equivalent (TEDE), the labeling of certain containers holding licensed material, and the determination of cumulative occupational radiation dose. The proposed rule would limit the routine reporting of annual doses to workers to those whose annual dose exceeds a specific dose threshold or who request a report. The proposed rule also would amend the definition of TEDE to be consistent with current Commission policy. The proposed rule also would modify the labeling requirements for certain containers holding licensed material within posted areas in nuclear power facilities. Finally, the proposed rule would remove the requirement that licensees attempt to obtain cumulative exposure records for workers unless these individuals are being authorized to receive a planned special exposure. These revisions would reduce the administrative and information collection burdens on NRC and Agreement State licensees without affecting the level of protection to either the health and safety of workers and the public or the environment.

ADVANCE NOTICES OF PROPOSED RULEMAKING

Disposal of Radioactive Material by Release Into Sanitary Sewer Systems; Withdrawal of Advance Notice of Proposed Rulemaking - Part 20 - RIN AE90

On November 10, 2005 (70 FR 68350), the NRC published a notice withdrawing an ANPRM (February 25, 1994; 59 FR 9146), that presented possible changes to the regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer

systems. Changes were proposed to account for the potential for radionuclide concentration during some types of wastewater treatment processes. NRC is withdrawing this ANPRM because it has determined that there are no widespread public health and safety concerns due to potential radiation exposures associated with the handling, beneficial use, and disposal of sewage sludge containing radioactive materials. This notice of withdrawal acknowledges public comments sent in response to the ANPRM.

Approaches to Risk-Informed and Performance-Based Requirements for Nuclear Power Reactors - Parts 50 and 53 - RIN AH81

On May 4, 2006 (71 FR 26267), the NRC published an ANPRM in which the NRC is considering modifying its approach to develop risk-informed and performance-based requirements applicable to nuclear power reactors. The NRC is considering an approach that, in addition to the ongoing effort to revise some specific regulations to make them risk-informed and performance-based, would establish a comprehensive set of risk-informed and performance-based requirements applicable for all nuclear power reactor technologies as an alternative to current requirements. This new requirement would take advantage of operating experience, lessons learned from the current rulemaking activities, advances in the use of risk-informed technology, and would focus NRC and industry resources on the most risk-significant aspects of plant operations to better ensure public health and safety. The set of new alternative requirements would be intended primarily for new power reactors, although they would be available to existing reactor licensees.

AVAILABILITY OF DRAFT RULE LANGUAGE

None

PETITIONS FOR RULEMAKING - NOTICE OF RECEIPT

Organization of Agreement States (PRM-31-05)

On December 20, 2005 (70 FR 75423), the NRC published a notice of receipt of a petition for rulemaking, which was filed with the Commission by the Organization of Agreement States (OAS). The petitioner requested that the NRC amend its regulations to require specific licensing for devices that are currently regulated by a combination of general licensing and registration, and to revise the compatibility category for 10 CFR 31.6 from "B" to "C." The petitioner believes that these actions are needed to establish a higher national standard of regulation for higher risk, generally licensed (GL) devices, and to allow retention of a tool used by Agreement States to track the location and movement of device manufacturers and service providers in their State. This action also addresses a request filed by the Bureau of Radiation Control (BRC) of the Florida Department of Health for the NRC to change the compatibility category of 10 CFR 31.5(c)(13)(I) from category "B" to category "C." Florida BRC believes that NRC regulations are less stringent and that assigning a compatibility category "B" will require the State to reduce its current health, safety, and security regulatory control of GL devices.

Peter G. Crane (PRM-35-18)

On December 21, 2005 (70 FR 75752), the NRC published a notice of receipt of a

petition for rulemaking, which was filed with the Commission by Peter G. Crane. The petitioner requested that the NRC amend its regulation that governs medical use of byproduct material concerning release of individuals who have been treated with radiopharmaceuticals. The petitioner believes that this regulation is defective on legal and policy grounds. The petitioner requests that the patient release rule be partially revoked to not allow patients to be released from radioactive isolation with more than the equivalent of 30 millicuries of radioactive iodine I-131 in their bodies.

Organization of Agreement States (PRM-34-06)

On December 28, 2005 (70 FR 76724), the NRC published a notice of receipt of a petition for rulemaking, which was filed with the Commission by the Organization of Agreement States. The petitioner requested that the NRC amend its regulations to require that an individual receive at least 40 hours of radiation safety training before using sources of radiation for industrial radiography, by clarifying the requirements for at least two individuals to be present at a temporary job site, and by clarifying how many individuals are required to meet surveillance requirements. The petitioner also requests that NUREG-1556, Volume 2, be revised to reflect the performance-based changes in the proposed amendments.

William Stein III, M.D. (PRM-35-19)

On June 14, 2006 (71 FR 34285), the NRC published a notice of receipt of a petition for rulemaking, which was filed with the Commission by William Stein III, M.D. The petitioner requested that the Commission amend its regulations that govern medical use of byproduct material concerning training for the parenteral administration of certain radioactive drugs used to treat cancer. The petitioner believes that these regulations do not adequately consider the training necessary for a class of physicians, namely medical oncologists and hematologists, to qualify as an Authorized User (AU) physician to administer these drugs. The petitioner requests that the regulations be clarified to codify an 80-hour training and experience requirement as appropriate and sufficient for oncologists and hematologists to qualify as an AU for these unsealed byproduct materials.

PETITIONS FOR RULEMAKING - DENIED

Mr. Lawrence T. Christian, et al. (PRM-50-79)

On December 19, 2005 (70 FR 75085), the NRC published a denial of petition for rulemaking submitted by Mr. Lawrence T. Christian, et al. The petitioner requested that the NRC amend its regulations regarding offsite State and local government emergency plans for nuclear power plants to ensure that all daycare centers and nursery schools in the vicinity of nuclear power facilities are properly protected in the event of a radiological emergency. The NRC has denied this petition because current NRC requirements and NRC and FEMA guidance provide reasonable assurance of adequate protection of all members of the public, including children attending daycare centers and nursery schools, in the event of a nuclear power plant incident. Many of the specific requests of the petitioner are either already covered by regulations and/or guidance documents or are inappropriate for inclusion in NRC regulations due to their very prescriptive nature. This notice of denial was republished on August 7, 2006 (71 FR 44593).

American National Standards Institute N43.10 Committee (PRM-36-01)

On August 18, 2006 (71 FR 47751), the NRC published a denial of petition for rulemaking submitted by the American National Standards Institute N43.10 Committee. The petitioner requested that the NRC amend its regulations to provide relief from the requirements to have an operator present on site whenever an irradiator is operated using an automatic product conveyor system and whenever product is moved into or out of the radiation room when an irradiator is operated in a batch mode. In addition, the petitioner requested relief from the requirement to have a person who has received training, described in the regulations, on how to respond to alarms on site at a panoramic irradiator where static irradiations (no movement of the product) are occurring. The NRC denied the petition for the following two reasons:

(1) In February 1993, the NRC amended its regulations to specify radiation safety requirements and licensing requirements for the use of licensed radioactive materials in irradiators. After the rule became effective, the NRC received numerous licensee event reports that described failures or non-functions of source mechanisms and related systems that needed intervention by personnel who had received training described in the regulations on how to respond to alarms. The information reported to the NRC from 1990 to 2006 about events at irradiator facilities indicates no reduction in the number of events or the nature of events. The NRC determined that the data on events do not support the petitioner's request or indicate that the requirements should be revised. Rather, the NRC continues to believe that there is a need for individuals to be on site to evaluate and respond to these emergencies, as well as to ensure day-to-day radiation safety.

(2) The NRC does not believe that reliance on an automated communication system to notify a remote human operator via an electronic mechanism provides the same level of safety as currently provided by an on site operator and/or a second individual who is trained to respond to irradiator alarms. In addition, the NRC believes that the operator should have some backup in case of problems. The petitioner has not provided a sufficient basis from which to conclude that this NRC judgment is no longer correct. Specifically, no new information has been provided by the petitioner that would warrant revising the existing regulations. The existing NRC regulations provide the basis for reasonable assurance that the common defense and security and public health and safety are adequately protected.

Terrence O. Hee, Ion Technology (PRM-40-29)

On August 31, 2006 (71 FR 51786), the NRC published a denial of petition for rulemaking submitted by Terrence O. Hee, Ion Technology. The petitioner requested that the NRC amend its regulations regarding unimportant quantities of source material to exempt end users of a catalytic device containing thorium from the NRC's licensing requirements. The NRC denied the petition because the petitioner did not submit information of sufficient scope and depth for NRC to find that authorizing this exemption would adequately ensure protection of public health and safety and the environment.

PETITIONS FOR RULEMAKING - PARTIAL GRANT

Union of Concerned Scientists and San Luis Obispo Mothers for Peace (PRM-50-80)

On November 17, 2005 (70 FR 69690), the NRC published a notice granting in part, a petition for rulemaking submitted by the Union of Concerned Scientists (UCS) and San Luis Obispo Mothers for Peace (MFP). The petitioners requested two rulemaking actions in

PRM-50-80. First, the petitioners requested the regulations establishing conditions of licenses and requirements for evaluating proposed changes, tests, and experiments for nuclear power plants be revised to require licensee evaluation of whether the proposed actions cause protection against radiological sabotage to be decreased and, if so, that the changes, tests, and experiments only be conducted with prior NRC approval. The NRC is contemplating a rulemaking action that would address the petitioners' request and, if issued as a final rule, essentially grant this portion of the petition. Second, the petitioners requested that regulations governing the licensing and operation of nuclear power plants be amended to require licensees to evaluate facilities against specified aerial hazards and make changes to provide reasonable assurance that the ability of the facility to reach and maintain safe shutdown will not be compromised by such aerial hazards. The NRC is deferring resolution of the second issue of the petition at this time. The NRC intends to address this issue when the NRC responds to comments on its proposed Design Basis Threat rulemaking. The petitioners further requested the Commission to suspend the Diablo Canyon Independent Spent Fuel Storage Installation proceeding during the NRC's consideration of PRM-50-80. That request was denied by Commission Memorandum and Order CLI-03-04, dated May 16, 2003.