

REGULATIONS AND AMENDMENTS PUT INTO EFFECT – FY 2009

Protection of Safeguards Information – Parts 2, 30, 40, 50, 52, 60, 63, 70, 71, 72, 73, 76, and 150 – RIN AH57 – Docket ID NRC-2005-0001

On October 24, 2008 (73 FR 63545), the NRC published an amendment to its regulations, effective February 23, 2009, for the protection of Safeguards Information (SGI) to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security for nuclear facilities and materials. The amendments modify the requirements for the protection of SGI with respect to persons, information, and materials subject to the regulations, as well as those that are not. A document correcting an erroneous authority citation was published on February 12, 2009 (74 FR 6989). A document correcting an erroneous amendatory instruction was published on February 20, 2009 (74 FR 7785).

Regulatory Changes to Implement the Additional Protocol to the US/IAEA Safeguards Agreement – Parts 30, 40, 50, 60, 61, 63, 70, 72, 75, 76, 95, 110, and 150 – RIN AH38 – Docket ID NRC-2008-0543

On December 23, 2008 (73 FR 78599), the NRC published an amendment to its regulations, effective December 23, 2008, that implements the *Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America* (Additional Protocol). The Additional Protocol requires the U.S. to report additional information on various nuclear fuel cycle-related activities and to provide the International Atomic Energy Agency with access to those locations beyond the information currently reported for nuclear facilities under the existing *Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America* (Safeguards Agreement). This amendment codifies the requirement for certain NRC and Agreement State licensees that currently are not subject to inspections or reporting under the Safeguards Agreement to report information and provide access under the Additional Protocol. This amendment enables the U.S. Government to meet its obligations related to the Safeguards Agreement and the Additional Protocol. A document correcting an erroneous amendatory instruction which resulted in two undesignated center headings was published on February 18, 2009 (74 FR 7549).

Implementation of a Dose Standard After 10,000 Years – Part 63 – RIN AH68 – Docket ID NRC-2005-0011

On March 13, 2009 (74 FR 10811), the NRC published an amendment to its regulations, effective April 13, 2009, governing the disposal of high-level radioactive wastes in a proposed geologic repository at Yucca Mountain, Nevada. This rule implements the U.S. Environmental Protection Agency's (EPA) revised standards for doses that could occur after 10,000 years but within the period of geologic stability. This rule also specifies a range of values for the deep percolation rate to be used to represent climate change after 10,000 years, as called for by EPA, and specifies that calculations of radiation doses for workers use the same weighting factors that EPA is using for calculating individual doses to members of the public.

Power Reactor Security Requirements – Parts 50, 52, 72, and 73 – RIN AG63 – Docket ID NRC-2008-0019

On March 27, 2009 (74 FR 13925), the NRC published an amendment to its regulations, effective May 26, 2009, amending its security regulations and adding new security requirements pertaining to nuclear power reactors. This rule establishes and updates generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001. This rulemaking also adds several new requirements not derived directly from the security order requirements but developed as a result of insights gained from implementation of the security orders, review of site security plans, implementation of the enhanced baseline inspection program, and NRC evaluation of force-on-force exercises. This rule also updates the NRC's security regulatory framework for the licensing of new nuclear power plants. This rule resolves three petitions for rulemaking (PRM) that were considered during the development of the final rule (PRM-50-80, PRM-73-11, and PRM-73-13).

Revision of Fee Schedules; Fee Recovery for FY 2009 – Parts 170 and 171 – RIN AI52 – Docket ID NRC-2008-0620

On June 10, 2009 (74 FR 27641), the NRC published an amendment to its regulations, effective August 10, 2009, amending the licensing, inspection, and annual fees charged to its applicants and licensees. The final amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover through fees approximately 90 percent of its budget authority in fiscal year (FY) 2009, less the amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities. A document was published on July 20, 2009 (74 FR 35114), correcting the title of a table listed in the final rule.

Consideration of Aircraft Impacts for New Nuclear Power Reactors – Parts 50 and 52 – RIN AI19 – Docket ID NRC-2007-0009

On June 12, 2009 (74 FR 28111), the NRC published an amendment to its regulations, effective July 13, 2009, to require applicants for new nuclear power reactors to perform a design-specific assessment of the effects of the impact of a large, commercial aircraft. These amendments contain requirements for control of changes to any design features or functional capabilities credited to show that the facility can withstand the effects of an aircraft impact.

Administrative Changes – Parts 55 and 76 – RIN AI69 – Docket ID NRC-2009-0242

On September 3, 2009 (74 FR 45544), the NRC published an amendment to its regulations, effective October 5, 2009, correcting errors published in a rulemaking document published on March 31, 2008 (73 FR 16965). This final rule clarifies the term "Under the Influence" and corrects erroneous citations and typographical errors.

DIRECT FINAL RULES

List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 5 – Part 72 – RIN AI48 – Docket ID NRC-2008-0438

On October 27, 2008 (73 FR 63621), the NRC published a direct final rule, effective January 12, 2009, amending its spent fuel storage cask regulations by revising the NAC International, Inc., NAC-UMS Universal Storage System listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance Number 1015. The companion proposed rule was published on October 27, 2008 (73 FR 63655). The confirmation of effective date was published on January 12, 2009 (74 FR 1143).

List of Approved Spent Fuel Storage Casks: MAGNASTOR Addition – Part 72 – RIN AI51 – Docket ID NRC-2008-0568

On November 21, 2008 (73 FR 70587), the NRC published a direct final rule, effective February 4, 2009, amending its spent fuel storage cask regulations by revising the NAC International MAGNASTOR cask system listing within the list of approved spent fuel storage casks. The companion proposed rule was published on November 21, 2008 (73 FR 70607). The confirmation of effective date was published on February 4, 2009 (74 FR 5983).

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 6 – Part 72 – RIN AI60 – Docket ID NRC-2009-0132

On June 2, 2009 (74 FR 26285), the NRC published a direct final rule, effective August 17, 2009, amending its spent fuel storage cask regulations by revising the Holtec International HI-STORM 100 dry cask storage system listing within the list of approved spent fuel storage casks. The companion proposed rule was published on June 2, 2009 (74 FR 26310). The confirmation of effective date was published on August 11, 2009 (74 FR 40060).

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision 10 – Part 72 – RIN AI62 – Docket ID NRC-2009-0162

On June 10, 2009 (74 FR 27423), the NRC published a direct final rule, effective August 24, 2009, amending its spent fuel storage cask regulations by revising the Transnuclear, Inc., Standardized NUHOMS System listing within the list of approved spent fuel storage casks. The companion proposed rule was published on June 10, 2009 (74 FR 27469). The confirmation of effective date was published on August 11, 2009 (74 FR 40060).

Industry Codes and Standards; Amended Requirements – Part 50 – RIN AI53 – Docket ID NRC-2008-0663

On August 5, 2009 (74 FR 38890), the NRC published a direct final rule, effective October 19, 2009, amending its regulations governing vessel head inspection requirements. This amendment revises the upper range of the percentage of axial flaws permitted in a specimen set used for the qualification of nondestructive examination systems (procedures, personnel, and equipment), which are used in the performance of inservice inspection of pressurized water reactor upper vessel head penetrations. The companion proposed rule was published on August 5, 2009 (74 FR 38987). The confirmation of effective date was published on October 19, 2009 (74 FR 53402).

Medical Use of Byproduct Material-Authorized User Clarification – Part 35 – RIN AI59 – Docket ID NRC-2009-0098

On July 14, 2009 (74 FR 33901), the NRC published a direct final rule, effective September 28, 2009, amending its regulations to clarify that all individuals grandfathered under the applicable regulations may serve as preceptors and work experience supervisors for individuals seeking recognition on an NRC license for the same uses. Additionally, several minor administrative changes are included in this rulemaking. The companion proposed rule was published on July 14, 2009 (74 FR 33925). The confirmation of effective date was published on August 27, 2009 (74 FR 43619).

PROPOSED REGULATIONS AND AMENDMENTS

Categorical Exclusions From Environmental Review – Part 51 – RIN AI27 – Docket ID NRC-2008-0269

On October 9, 2008 (73 FR 59540), the NRC published a proposed rule that would amend its regulations describing the categories of actions which do not require an environmental review under the requirements of the National Environmental Policy Act of 1969, because they have no significant effect on the human environment. The proposed revisions would eliminate the preparation of environmental assessments for NRC actions that are minor, administrative, or procedural in nature. The proposed rule would not change any requirements for licensees, but would provide for more timely NRC action.

Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation – Part 51 – RIN AI47 – Docket ID NRC-2008-0404

On October 9, 2008 (73 FR 59547), the NRC published a proposed rule that would revise its generic determination on the environmental impacts of storage of spent fuel at, or away from, reactor sites after the expiration of reactor operating licenses. The proposed revision reflects findings that the Commission has reached in the “Waste Confidence” decision update (October 9, 2008; 73 FR 59551). A notice extending the public comment period was published on November 28, 2008 (73 FR 72370).

Revision of Fee Schedules; Fee Recovery for FY 2009 – Parts 170 and 171 – RIN AI52 – Docket ID NRC-2008-0620

On March 2, 2009 (74 FR 9129), 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 through fees approximately 90 percent of its budget authority in fiscal year (FY) 2009, less the amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities.

Enhancements to Emergency Preparedness Regulations – Parts 50 and 52 – RIN AI10 – Docket ID NRC-2008-0122

On May 18, 2009 (74 FR 23253), the NRC published a proposed rule that would amend certain emergency preparedness requirements in its regulations that govern domestic licensing of production and utilization facilities. A conforming provision would also be added in the regulations that govern licenses, certifications, and approvals for new nuclear power plants. A notice extending the public comment period was published on June 11, 2009 (74 FR 27724).

Incorporation by Reference of Regulatory Guide 1.84, Revision 35, and Regulatory Guide 1.147, Revision 16, Into 10 CFR 50.55a – Part 50 – RIN AI37 – Docket ID NRC-2009-0014

On June 2, 2009 (74 FR 26303), the NRC published a proposed rule that would amend its regulations to incorporate by reference the latest revisions of two regulatory guides that would approve new and revised code cases published by the American Society of Mechanical Engineers.

Export and Import of Nuclear Equipment and Material; Updates and Clarifications – Part 110 – RIN A116 – Docket ID NRC-2008-0567

On June 23, 2009 (74 FR 29614), the NRC published a proposed rule that would amend its regulations that govern the export and import of nuclear equipment and material. This proposed rule would allow Category 1 and Category 2 quantities of materials listed in the Commission's regulations to be imported under a general license. The proposed rule would also revise the definition of "radioactive waste" and remove the definition of "incidental radioactive material." A notice reopening the public comment period for information collection was published on August 14, 2009 (74 FR 41096).

Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses – Part 51 – RIN A142 – Docket ID NRC-2008-0608

On July 31, 2009 (74 FR 38117), the NRC published a proposed rule that would amend its environmental protection regulations by updating the Commission's 1996 findings on the environmental impacts related to the renewal of a nuclear power plant's operating license.

Limiting the Quantity of Byproduct Material in a Generally Licensed Device – Part 31 – RIN A133 – Docket ID NRC-2008-0272

On August 3, 2009 (74 FR 38372), the NRC published a proposed rule that would amend its regulations to limit the quantity of byproduct material contained in a generally licensed device to below one-tenth of the International Atomic Energy Agency Category 3 thresholds. Individuals possessing devices with byproduct material meeting or exceeding these thresholds would be required to apply for and obtain a specific license. The NRC is also proposing to further clarify the requirements that apply when a device authorized to be used under the general license is instead held under a specific license. The proposed amendments would also modify the Compatibility Categories contained in the NRC's current regulations.

Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements – Parts 50 and 52 – RIN AH29 – Docket ID NRC-2004-0006

On August 10, 2009 (74 FR 40005), the NRC published a supplemental proposed rule that would amend its regulations that govern domestic licensing of production and utilization facilities and licenses, certifications, and approvals for nuclear power plants to allow current and certain future power reactor licensees and applicants to choose to implement a risk-informed alternative to the current requirements for analyzing the performance of emergency core cooling systems (ECCS) during loss-of-coolant accidents. The proposed amendments would also establish procedures and acceptance criteria for evaluating certain changes in plant design and operation based upon the results of the new analysis of ECCS performance. A notice extending the public comment period was published on September 24, 2009 (74 FR 48667).

License and Certificate of Compliance Terms – Part 72 – RIN AI09 – Docket ID NRC-2008-0361

On September 15, 2009 (74 FR 47126), the NRC published a proposed rule that would amend its regulations that govern licensing requirements for the independent storage of spent nuclear fuel. These amendments would enhance the effectiveness and efficiency of the licensing process for spent nuclear fuel storage. Specifically, these amendments would clarify the term limits for dry storage cask Certificates of Compliance (CoCs) and independent spent fuel storage installation (ISFSI) specific licenses. The proposed amendments would also provide consistency between the general and specific ISFSI license requirements, and allow general licensees subject to these regulations to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC (a “previously loaded cask”).

AVAILABILITY OF DRAFT RULE LANGUAGE

Physical Protection of Byproduct Material – Part 37 – RIN A112 – Docket ID NRC-2008-0120

On November 19, 2008 (73 FR 69590), the NRC published a notice of availability of draft rule language to amend its regulations to add a new 10 CFR Part 37. This part would contain the security (physical protection) requirements that are designed to provide reasonable assurance of preventing the theft or diversion of Category 1 and Category 2 quantities of radioactive material as designated by the International Atomic Energy Agency. The new provisions would address background checks, fingerprinting, access control, physical security during use, and physical security during any transport of Category 1 and Category 2 quantities of material. This document notices the preliminary draft rule language for transportation security.

Physical Protection of Byproduct Material – Part 37 – RIN A112 – Docket ID NRC-2008-0120

On April 17, 2009 (74 FR 17794), the NRC published a notice of availability of draft rule language to amend its regulations to add a new 10 CFR Part 37. This document notices the preliminary draft rule language for the background investigations and access control program. These requirements would be contained in subpart B of the new 10 CFR Part 37.

Physical Protection of Byproduct Material – Part 37 – RIN A112 – Docket ID NRC-2008-0120

On May 1, 2009 (74 FR 20235), the NRC published a notice of availability of draft rule language to amend its regulations to add a new 10 CFR Part 37. This document notices the preliminary draft rule language on the proposed requirements for physical security during use and storage. These requirements would be contained in subpart C of the new 10 CFR Part 37.

ADVANCE NOTICES OF PROPOSED RULEMAKING (ANPRM)

Variable Annual Fee Structure for Power Reactors – Part 171 – RIN AI54 – Docket ID NRC-2008-0664

On March 25, 2009 (74 FR 12735), the NRC published an ANPRM to request early input from interested stakeholders and the public on the issues relevant to the establishment of a variable annual fee structure for power reactors. The NRC is considering amending its rule governing annual fees to establish a variable annual fee structure for power reactors based on licensed power limits.

Requirements for Fingerprinting for Criminal History Record Checks of Individuals Granted Unescorted Access to Research and Test Reactors – Part 73 – RIN AI25 – Docket ID NRC-2008-0619

On April 14, 2009 (74 FR 17115), the NRC published an ANPRM requesting public comment on the options that the NRC is considering for implementing the requirements of the Energy Policy Act of 2005, as they pertain to research and test reactor (RTR) licensees. The NRC is establishing generic requirements for NRC RTR licensees to obtain fingerprint-based criminal history record checks on individuals having unescorted access to their facilities.

Performance-Based Emergency Core Cooling System Acceptance Criteria – Part 50 – RIN AH42 – Docket ID NRC-2008-0332

On August 13, 2009 (74 FR 40765), the NRC published an ANPRM requesting public comment on specific questions and issues for consideration related to a possible rulemaking effort to revise the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors as currently required by NRC regulations that govern domestic licensing of production and utilization facilities.

POLICY STATEMENTS

Policy Statement on the Regulation of Advanced Reactors; Final Policy Statement – Part 50 – Docket ID NRC-2008-0237

On October 14, 2008 (73 FR 60612), the NRC published a notice announcing the adoption of a statement of policy, effective November 13, 2008, on the regulation of advanced reactors. This final policy statement reinforces the Commission's current policy regarding advanced reactors and includes new items to be considered during the design of these reactors, including security, emergency preparedness, threat of theft, and international safeguards.

Revision of the NRC Enforcement Policy – Part 50 – Docket ID NRC-2008-0557

On November 28, 2008 (73 FR 72528), the NRC published a notice announcing a revision to its Enforcement Policy to address the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (Act). The Act requires Federal agencies to adjust civil monetary penalties to reflect inflation.

NRC Enforcement Policy Revision; Notice of Availability of Revised Draft Supplements and Request for Comments – Docket ID NRC-2008-0497

On June 8, 2009 (74 FR 27191), the NRC published a notice of availability and request for comments on its draft proposed revised Enforcement Policy.

MEMORANDUM OF UNDERSTANDING (MOU)

Final MOU between the NRC and the Virginia Department of Health – January 16, 2009 (74 FR 3105) – Docket ID NRC-2009-0008.

Final MOU between the NRC and the State of California – January 16, 2009 (74 FR 3107) – Docket ID NRC-2009-0009.

Final MOU between the NRC and the State of Missouri – January 16, 2009 (74 FR 3108) – Docket ID NRC-2009-0007.

Final MOU between the NRC and the State of Texas – February 9, 2009 (74 FR 6430) – Docket ID NRC-2009-0049.

PETITIONS FOR RULEMAKING

Notices of Receipt

C-10 Research and Education Foundation, Inc. – PRM-72-6 – Docket ID NRC-2008-0649

On March 3, 2009 (74 FR 9178), the NRC published a notice of receipt of a petition for rulemaking submitted by the C-10 Research and Education Foundation, Inc. The petitioner requested that the NRC amend its regulations to require licensees to strictly adhere to ASME code requirements for design and use of spent fuel storage casks. The petitioner also requested that 10 CFR 72.42 be amended to clarify requirements for “renewal” and “reapproval” of certificates of compliance of spent fuel storage casks, and to address license requirements for multiple cask designs under different expiration dates at the same independent spent fuel storage installation.

Nuclear Energy Institute – PRM-70-8 – Docket ID NRC-2009-0184

On June 4, 2009 (74 FR 26814), the NRC published a notice of receipt of a petition for rulemaking submitted by Felix M. Killar, JR., on behalf of the Nuclear Energy Institute. The petitioner requested that 10 CFR Part 70, Appendix A, be amended to clarify the requirements for reportable safety events based on experience to date.

Petitions Closed Through the Rulemaking Process

Anthony R. Pietrangelo, Nuclear Energy Institute – PRM-50-75 – Docket ID NRC-2002-0018

On November 6, 2008 (73 FR 66000), the NRC published a notice announcing that the issues raised in the petition for rulemaking submitted by Anthony R. Pietrangelo, on behalf of the Nuclear Energy Institute, will be considered in the ongoing “Risk-Informed Redefinition of Large Break Loss-of-Coolant Accident (LOCA) Emergency Core Cooling System (ECCS) Requirements” rulemaking (RIN AH29; Docket ID NRC-2004-0006). The petitioner requested that the NRC amend its regulations to allow the use of an alternative to the currently required double-ended rupture of the largest pipe in the reactor coolant system in ECCS evaluation models. A document correcting an erroneous NRC docket number and date in this notice was published on November 18, 2008 (73 FR 68364).

David J. Modeen, Nuclear Energy Institute – PRM-50-71 – Docket ID NRC-2000-0004

On November 6, 2008 (73 FR 66000), the NRC published a notice announcing that the issues raised in the petition for rulemaking submitted by David J. Modeen, on behalf of the Nuclear Energy Institute, will be considered in the ongoing “Performance-Based Emergency Core Cooling System (ECCS) Cladding Acceptance Criteria” rulemaking (RIN AH42; Docket ID NRC-2008-0332). The petitioner requested that the NRC 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 been approved by the NRC staff.

Mark Edward Leyse – PRM-50-84 – Docket ID NRC-2007-0013

On November 25, 2008 (73 FR 71564), the NRC published a notice announcing that the issues raised in the petition for rulemaking submitted by Mark Edward Leyse will be considered in the NRC's Common Prioritization of Rulemaking process. The petitioner requested that the NRC amend its regulations to require that nuclear power reactors be operated in a manner to limit the thickness of crud layers and/or the thickness of oxide layers on fuel rod cladding surfaces to ensure that the facilities operate in compliance with the emergency core cooling system (ECCS) acceptance criteria. The petitioner also requested that the requirements pertaining to ECCS evaluation models be amended to explicitly require that the steady-state temperature distribution and stored energy in reactor fuel at the onset of a postulated loss-of-coolant accident be calculated by factoring in the role that the thermal resistance of crud and/or oxide layers on fuel cladding plays in increasing the stored energy of the fuel. Lastly, the petitioner requested that the acceptance criteria for analyses of ECCS cooling performance for light-water nuclear power reactors be amended to stipulate a maximum allowable percentage of hydrogen content in the cladding of fuel rods.

Westinghouse Electric Company LLC – PRM-50-69 – Docket ID NRC-2000-0019

On January 28, 2009 (74 FR 4911), the NRC published a notice announcing that the issues raised in the petition for rulemaking submitted by Westinghouse Electric Company LLC will be considered in the ongoing rulemaking, "Modifications to Pressure-Temperature Limits" (RIN AG98; Docket ID NRC-2008-0582). The petitioner requested that Table 1 in 10 CFR Part 50, Appendix G, be amended by removing requirements related to the metal temperature of the closure head flange and vessel flange regions. Specifically, the petitioner requested that footnotes (2) and (6) be removed from Table 1.

Bob Christie – PRM-50-77 – Docket ID NRC-2002-0020

On April 13, 2009 (74 FR 16802), the NRC published a notice announcing that the issues raised in the petition for rulemaking submitted by Bob Christie, will be considered in an ongoing rulemaking activity "Decoupling of Assumed Loss of Offsite Power (LOOP) From Loss-of-Coolant Accident" (RIN 3150-AH43; Docket ID NRC-2008-0602). The petitioner requested that the NRC amend its regulations to eliminate the requirement for assuming a LOOP coincident with postulated accidents.

Raymond A. West – PRM-50-89 – Docket ID NRC-2007-0018

On April 22, 2009 (74 FR 18303), the NRC published a notice announcing that the issues raised in the petition for rulemaking submitted by Raymond A. West will be considered in the NRC's Common Prioritization of Rulemaking process. The petitioner requested that the NRC amend the regulations that govern domestic licensing of production and utilization facilities at nuclear power plants. Specifically, the petitioner requested that the regulations that govern codes and standards at nuclear power plants be amended to provide a process that could be used for direct approval of changes or modifications to NRC-approved American Society of Mechanical Engineers Boiler and Pressure Vessel code cases.

State of Colorado and the Organization of Agreement States – PRM-40-27 – Docket ID NRC-2008-0435

On September 10, 2009 (74 FR 46512), the NRC published a notice announcing that the issues raised in the petition for rulemaking submitted by the State of Colorado and the Organization of Agreement States will be considered in an ongoing rulemaking, “Distribution of Source Material to Exempt Persons and General Licensees and Revision 10 CFR 40.22 General License,” (RIN AH15; Docket ID NRC-2009-0084). The petitioner requested that the NRC amend its regulations governing small quantities of source material to eliminate the exemption for source material general licensees from the requirements that specify standards of protection against radiation, and require notification and instruction of individuals who participate in licensed activities.

Petitions Denied

Thomas E. Magette, EnergySolutions, LLC – PRM-50-88 – Docket ID NRC-2007-0017

On October 20, 2008 (73 FR 62220), the NRC published a denial of a petition for rulemaking submitted by Thomas E. Magette, on behalf of EnergySolutions, LLC. The petitioner requested that the NRC amend its regulations that govern domestic licensing of production and utilization facilities to provide a regulatory framework that would allow funds from licensees’ decommissioning trust funds to be used for the cost of disposal of “major radioactive components” that have been removed from reactors before the permanent cessation of operations. The Commission denied this petition because the arguments made by the petitioner and the commenters are not sufficiently persuasive to support the proposed rulemaking.

State of Nevada – PRM-2-14 – Docket ID NRC-2007-0011

On October 22, 2008 (73 FR 62931), the NRC published a denial of a petition for rulemaking submitted by the State of Nevada. The petitioner requested that the NRC amend its regulations regarding issues specified for review in a notice of hearing for the Department of Energy application for a high-level waste (HLW) repository construction authorization at Yucca Mountain, Nevada. The Commission denied this petition because it is inconsistent with current NRC rules and inconsistent with the Commission’s intent when it originally established regulations requiring an opportunity for a hearing for all docketed HLW repository construction applications.

Raymond A. Crandall – PRM-50-87 – Docket ID NRC-2007-0016

On January 26, 2009 (74 FR 4346), the NRC published a denial of a petition for rulemaking submitted by Raymond A. Crandall. The petitioner requested that the Commission amend its regulations to eliminate the specific criteria related to the radiological doses for control room habitability at nuclear power plants. The Commission denied this petition because the conclusions upon which the petitioner relies do not substantiate a basis to eliminate the control room radiological dose acceptance criteria from current regulations as requested.

Eric Epstein, Chairman, Three Mile Island Alert, Inc. – PRM-50-85 – Docket ID NRC-2007-0014

On January 29, 2009 (74 FR 5187), the NRC published a denial of a petition for rulemaking submitted by Eric Epstein, on behalf of Three Mile Island Alert, Inc. The petitioner requested that the NRC amend its emergency preparedness regulations to require that all host school pick-up centers be located at least 5 to 10 miles beyond the radiation plume exposure boundary zone to ensure that all school children are protected in the event of a radiological emergency. The Commission denied this petition because current NRC regulations and NRC and FEMA regulatory guidance provide reasonable assurance of adequate protection of all members of the public, including school children, in the event of a nuclear power plant incident. Also, the petition is prescriptive in nature and existing regulations and guidance already cover the petitioner's request.

Technical Specifications Task Force – PRM-170-6 – Docket ID NRC-2008-0496

On February 17, 2009 (74 FR 7382), the NRC published a denial of a petition for rulemaking submitted by the Technical Specifications Task Force, which is a jointly sponsored activity of the Pressurized Water Reactor Owners Group and the Boiling Water Reactor Owners Group. The petitioner requested that the NRC amend its regulations to provide an explicit exemption from NRC review fees for activities associated with generic improvements to the Improved Standard Technical Specifications. The Commission denied this petition because the petition presents issues that the NRC has already carefully considered and addressed. Also, the petition fails to present any significant new information or arguments that would warrant the requested amendment.

**Petitions Withdrawn
None**