

FINAL RULES – FY 2010

Criminal Penalties; Unauthorized Introduction of Weapons – Part 73 – RIN AI31 – Docket ID NRC-2008-0458

On October 14, 2009 (74 FR 52667), the NRC published an amendment to its regulations, effective April 12, 2010, to authorize the imposition of Federal criminal penalties on those who, without authorization, introduce weapons or explosives into specified classes of facilities and installations subject to the regulatory authority of the NRC. This action is necessary to implement section 229, "Trespass on Commission Installations," of the Atomic Energy Act of 1954, as amended.

Administrative Changes: Clarification of the Location of Guidance for Electronic Submission and Other Miscellaneous Corrections – 10 CFR Chapter 1 – RIN AI73 – Docket ID NRC-2009-0397

On December 1, 2009 (74 FR 62676), the NRC published an amendment to its regulations, effective December 31, 2009, to clarify where persons may obtain detailed guidance for making electronic submissions to the NRC, as well as to make other miscellaneous corrections.

Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events – Part 50 – RIN AI01 – Docket ID NRC-2007-0008

On January 4, 2010 (75 FR 13), the NRC published an amendment to its regulations, effective February 3, 2010, to provide alternate fracture toughness requirements for protection against pressurized thermal shock (PTS) events for pressurized water reactor (PWR) pressure vessels. This final rule provides alternate PTS requirements based on updated analysis methods. This action is desirable because the existing requirements are based on unnecessarily conservative probabilistic fracture mechanics analyses. This action reduces regulatory burden for those PWR licensees who expect to exceed the existing requirements before the expiration of their licenses, while maintaining adequate safety, and may choose to comply with the final rules as an alternative to complying with the existing requirements. Correction documents to this rule were published on February 3, 2010 (75 FR 5495), and March 8, 2010 (75 FR 10410).

Increase in the Primary Nuclear Liability Insurance Premium – Part 140 – RIN AI74 – Docket ID NRC-2009-0516

On April 2, 2010 (75 FR 16645), the NRC published an amendment to its regulations, effective May 3, 2010, that govern financial protection requirements and indemnity agreements to increase the primary nuclear liability insurance layer from \$300 million to \$375 million for liability insurance coverage in the event of nuclear incidents at licensed, operating, commercial nuclear power plants with a rated capacity of 100,000 kW or more.

**Categorical Exclusions From Environmental Review – Part 51 –
RIN AI27 – Docket ID NRC-2009-0269**

On April 19, 2010 (75 FR 20248), the NRC published an amendment to its regulations, effective immediately, that describe the categories of actions which do not require an environmental review under the requirements of the National Environmental Policy Act of 1969, as the NRC has determined that such actions do not individually or cumulatively have a significant effect on the human environment. This amendment eliminates the need for the preparation of environmental assessments for NRC actions that are minor, administrative, or procedural in nature.

**NRC Region II Address and Main Telephone Number Changes – Parts 1, 20, 30, 40,
55, 70, and 73 – RIN AI80 – Docket ID NRC-2010-0083**

On April 27, 2010 (75 FR 21979), the NRC published an amendment to its regulations, effective May 27, 2010, that updates the street address for its Region II office and updates the main telephone number. Also, the relevant regulations that govern communications are amended to reflect that Virginia is now an Agreement State.

**Nonprocurement Debarment and Suspension – 2 CFR Chapter XX – RIN AI76 –
Docket ID NRC-2010-0005**

On May 19, 2010 (75 FR 27923), the NRC published an amendment to its regulations, effective June 18, 2010, that govern nonprocurement debarment and suspension. These regulations cover grants, cooperative agreements and other nonprocurement transactions and adopt and supplement, to a limited extent, Office of Management and Budget (OMB) guidance on nonprocurement debarment and suspension found in OMB's regulations.

**Revision of Fee Schedules; Fee Recovery for FY 2010 – Parts 170 and 171 – RIN
AI70 – Docket ID NRC-2009-0333**

On June 16, 2010 (75 FR 34219), the NRC published an amendment to its regulations, effective August 16, 2010, that amends the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments implement the Omnibus Budget Reconciliation Act of 1990, as amended, which requires the NRC to recover through fees approximately 90 percent of its budget authority in fiscal year (FY) 2010, not including amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities. Based on the Energy and Water Development and Related Agencies Appropriation Act, 2010, signed by the President on October 28, 2009, the NRC's required fee recovery amount for the FY 2010 budget is approximately \$912.2 million. After accounting for billing adjustments, the total amount to be billed as fees is approximately \$911.1 million.

Public Records – Part 9 – RIN AI87 – Docket ID NRC-2010-0157

On July 16, 2010 (75 FR 41368), the NRC published an amendment to its regulations, effective August 16, 2010, to change the fees for search and review of agency records by NRC personnel.

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

On July 28, 2010 (75 FR 44072), the NRC published an amendment to its regulations, effective August 27, 2010, that govern the export and import of nuclear equipment and material. This rule allows International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources Category 1 and Category 2 quantities of radioactive materials to be imported under a general license. This rule also revises the definition of “radioactive waste” and removes the definition of “incidental radioactive material.” In addition, this rule updates, clarifies, and corrects several provisions.

DIRECT FINAL RULES

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 7 – Part 72 – RIN AI71 – Docket ID NRC-2009-0349

On October 13, 2009 (74 FR 52387), the NRC published a direct final rule, effective December 28, 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,” to include Amendment No.7 to Certificate of Compliance Number 1014. The companion proposed rule was published on October 13, 2009 (74 FR 52430). The confirmation of effective date was published on December 11, 2010 (75 FR 65679).

List of Approved Spent Fuel Storage Casks: NUHOMS® HD System Revision 1 – Part 72 – RIN AI75 – Docket ID NRC-2009-0538

On May 6, 2010 (75 FR 24786), the NRC published a direct final rule that would amend its spent fuel storage cask regulations by revising the Transnuclear, Inc., NUHOMS® HD System listing within the “List of Approved Spent Fuel Storage Casks,” to include Amendment No.1 to Certificate of Compliance Number 1030. The companion proposed rule was published on May 7, 2010 (75 FR 25120). Corrections to the direct final rule and companion proposed rule were published on May 17, 2010 (75 FR 27401 and 75 FR 27463, respectively). A notice withdrawing the direct final rule and companion proposed rule were published on July 16, 2010 (75 FR 41369 and 75 FR 41404, respectively).

List of Approved Spent Fuel Storage Casks: MAGNASTOR System Revision 1 – Part 72 – RIN AI86 – Docket ID NRC-2010-0140

On June 15, 2010 (75 FR 33678), the NRC published a direct final rule, effective August 30, 2010, amending its spent fuel storage regulations by revising the NAC International Inc., MAGNASTOR System listing within the “List of Approved Spent Fuel Storage Casks,” to include Amendment No. 1 to Certificate of Compliance Number 1031. The companion proposed rule was published on June 15, 2010 (75 FR 33736). The confirmation of effective date was published on August 16, 2010 (75 FR 49813).

List of Approved Spent Fuel Storage Casks: NAC-MPC System Revision 6 – Part 72 – RIN AI88 – Docket ID NRC-2010-0183

On July 21, 2010 (75 FR 42292), the NRC published a direct final rule, effective October 4, 2010, amending its spent fuel storage regulations by revising NAC International Inc., NAC-MPC System listing within the “List of Approved Spent Fuel Storage Casks,” to include Amendment No. 6 to Certificate of Compliance Number 1025. The companion proposed rule was published on July 21, 2010 (75 FR 42339). The confirmation of effective date was published on September 23, 2010 (75 FR 57841).

PROPOSED RULES

Revision of Fee Schedules; Fee Recovery for FY 2010 – Parts 170 and 171 – RIN AI70 – Docket ID NRC-2009-0333

On March 10, 2010 (75 FR 11375), 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, as amended, which requires the NRC to recover through fees approximately 90 percent of its budget authority in fiscal year (FY) 2010, not including amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities. Based on the Energy and Water Development and Related Agencies Appropriation Act, 2010, signed by the President on October 28, 2009, the NRC's required fee recovery amount for the FY 2010 budget is approximately \$912.2 million. After accounting for billing adjustments, the total amount to be billed as fees is approximately \$911.1 million.

American Society of Mechanical Engineers (ASME) Codes and New and Revised ASME Code Cases – Part 50 – RIN AI35 – Docket ID NRC-2008-0554

On May 4, 2010 (75 FR 24323), the NRC published a proposed rule that would incorporate by reference the 2005 Addenda through 2008 Addenda of Section III, Division 1, and the 2005 Addenda through 2008 Addenda of Section XI, Division 1, of the ASME Boiler and Pressure Vessel Code; and the 2005 Addenda and 2006 Addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants. The Proposed rule would also incorporate by reference ASME Code Case N-722-1, "Additional Examinations for PWR Pressure Retaining Welds in Class 1 Components Fabricated With Alloy 600/82/182 Materials Section XI, Division 1," and Code Case N-770, "Alternative Examination Requirements and Acceptance Standards for Class 1 PWR [Pressurized-Water Reactor] Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS W86182 Weld Filler Material with or without Application of Listed Mitigation Activities."

Physical Protection of Byproduct Material – Parts 30, 32, 33, 34, 35, 36, 37, 39, 51, 71, and 73 – RIN AI12 – Docket ID NRC-2008-0120

On June 15, 2010 (75 FR 33901), the NRC published a proposed rule that would amend its regulations to establish security requirements for the use and transport of Category 1 and Category 2 quantities of radioactive material, which the NRC considers to be risk-significant and therefore to warrant additional protection. Category 1 and Category 2 thresholds are based on those established in the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources which NRC endorses. The objective of this proposed rule is to provide reasonable assurance of preventing the theft or diversion of Category 1 and Category 2 quantities of radioactive material. The proposed regulations would also include security requirements for the transportation of irradiated reactor fuel that weighs 100 grams or less in net weight of irradiated fuel. The proposed rule would affect any licensee that is authorized to possess Category 1 or Category 2 quantities of radioactive material, any licensee that transports these materials using ground transportation, and any licensee that transports small quantities of irradiated reactor fuel. On July 14, 2010 (75 FR 40756), the NRC published a notice of availability of draft guidance for public comment. This guidance would address the implementation of the proposed regulations.

Requirements for Distribution of Byproduct Material – Parts 30, 31, 32, 40, and 70 – RIN AH91 – Docket ID NRC-2008-0338

On June 24, 2010 (75 FR 36211), the NRC published a proposed rule that would amend its regulations to make requirements for distributors of byproduct material clearer, less prescriptive, and more risk-informed and up to date. This rule would also redefine categories of devices to be used under exemptions, add explicit provisions regarding the sealed source and device registration process, and add flexibility to the licensing of users of sealed sources and devices. This action is primarily intended to make licensing processes more efficient and effective. These changes would affect manufacturers and distributors of sources and devices containing byproduct material and future users of some products currently used under a general or specific license.

Requirements for Fingerprint-Based Criminal History Records Checks for Individuals Seeking Unescorted Access to Research or Test Reactors – Part 73 – RIN AI25 – Docket ID NRC-2008-0619

On July 20, 2010 (75 FR 42000), the NRC published a proposed rule that would amend its regulations to require research and test reactor licensees (also called nonpower reactor licensees) to obtain a fingerprint-based criminal history records check before granting any individual unescorted access to their facilities. This action is necessary to comply with the requirements of Section 652 of the Energy Policy Act of 2005, which amended Section 149 of the Atomic Energy Act of 1954, as amended, to require fingerprinting and a Federal Bureau of Investigation identification and a criminal history records check of any person who is permitted unescorted access to a utilization facility.

Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions – Parts 30, 40, 70, 170, and 171 – RIN AH15 – Docket ID NRC-2009-0084

On July 26, 2010 (75 FR 43425), the NRC published a proposed rule that would amend its regulations to require that the initial distribution of source material to exempt persons or general licensees be explicitly authorized by a specific license, which would include new reporting requirements. The proposed rule is intended to provide the Commission with more complete and timely information on the types and quantities of source material distributed for use either under exemption or by general licensees. In addition, the NRC is proposing to modify the existing possession and use requirements of the general license for small quantities of source material to better align the requirements with current health and safety standards. Finally, this rule would revise, clarify, or delete certain source material exemptions from licensing to make the exemptions more risk informed.

Licenses, Certifications, and Approvals for Material Licensees – Parts 30, 36, 39, 40, 51, 70, and 150 – RIN AI79 – Docket ID NRC-2010-0075

On July 27, 2010 (75 FR 43865), the NRC published a proposed rule that would revise the provisions applicable to the licensing and approval processes for byproduct, source and special nuclear material licenses, and irradiators. The proposed changes would clarify the definitions of “construction” and “commencement of construction” with respect to materials licensing actions instituted under the NRC's regulations. This rule would improve the effectiveness and efficiency of the licensing and approval processes for future applications, as well as resolve certain inconsistencies that currently exist within the NRC's regulations with respect to the use and definition of the terms “construction” or “commencement of construction” for certain materials licensees. In addition, this action contains a correction to a typographical error. A notice reopening the comment period was published on September 30, 2010 (75 FR 60341).

ADVANCE NOTICES OF PROPOSED RULEMAKING

None

AVAILABILITY OF DRAFT RULE LANGUAGE

Draft Technical Basis for Rulemaking Revising Security Requirements for Facilities Storing SNF and HLW; Notice of Availability and Solicitation of Public Comments – Parts 72 and 73 – Docket ID NRC-2009-0558

On December 16, 2009 (74 FR 66589), the NRC published a notice seeking input on a draft technical basis for a proposed rulemaking that would revise the NRC's security requirements for the storage of spent nuclear fuel (SNF) at an Independent Spent Fuel Storage Installation (ISFSI) and the storage of SNF and/or high-level radioactive waste at a Monitored Retrievable Storage Installation (MRS). This contemplated rulemaking would also make conforming changes to the ISFSI and MRS licensing requirements for security plans and programs.

POLICY STATEMENTS

Draft Safety Culture Policy Statement – Docket ID NRC-2009-0485

On November 6, 2009 (74 FR 57525), the NRC published a notice requesting public comment on the draft safety culture policy statement. The draft policy statement presents the Commission's expectation that all licensees and certificate holders establish and maintain a positive safety culture that protects public health and safety and the common defense and security when carrying out licensed activities. An extension of the comment period for this notice was published on January 12, 2010 (75 FR 1656).

Draft Policy Statement on the Protection of Cesium-137 Chloride Sources – Docket ID NRC-2010-0209

On June 29, 2010 (75 FR 37483), the NRC published a notice requesting public comment on the draft policy statement on the protection of cesium-137 chloride sources. This policy statement would provide the Commission's policy regarding secure uses of these sources at the present and express the Commission's potential actions in the event that changes in the threat environment necessitate these actions. This policy statement would delineate the Commission's expectations for security and safety of these sources.

Draft Safety Culture Policy Statement – Docket ID NRC-2010-0282

On September 17, 2010 (75 FR 57081), the NRC published a notice requesting public comment on the draft safety culture policy statement. The draft policy statement focuses on the interface of nuclear safety and security in a positive safety culture, and highlights the Commission's expectation that all licensees and certificate holders establish and maintain a positive safety culture that protects public health and safety and the common defense and security when carrying out licensed activities.

NRC Enforcement Policy Revision – Docket ID NRC-2008-0497

On September 30, 2010 (75 FR 60485), the NRC published a notice announcing that it has revised its Enforcement Policy (Policy) to clarify the use of terms and update the Policy, removing outdated information, and adding information addressing enforcement issues in areas that are not currently directly addressed in the Policy.

MEMORANDUM OF UNDERSTANDING (MOU)

Final MOU between the NRC and the Bureau of Land Management – Docket ID NRC-2009-0578

On January 8, 2010 (75 FR 1088), the NRC published an MOU between the NRC and the Bureau of Land Management which defines the cooperative working relationship between the agencies in each agency's preparation of the National Policy Act documents related to the extraction of uranium and thorium on public lands administered by the Bureau of Land Management.

PETITIONS FOR RULEMAKING (PRM)

Notices of Receipt

Professional Reactor Operator Society – PRM-26-3 – Docket ID NRC-2009-0482

On November 27, 2009 (74 FR 62257), the NRC published a notice of receipt of a petition for rulemaking submitted by the Professional Reactor Operator Society. The petitioner requested that the NRC amend its regulations that govern fitness-for-duty programs. Specifically, the petitioner requests that the definition of “unit outage” be changed to “site outage,” and be amended to clarify the way licensees schedule manpower on the front and back of outages.

Association of State and Territorial Solid Waste Management Officials – PRM-32-6 – Docket ID NRC-2009-0547

On January 12, 2010 (75 FR 1559), the NRC published a notice of receipt of a petition for rulemaking submitted by the Association of State and Territorial Solid Waste Management Officials. The petitioner requested that the NRC amend its regulations and/or guidance to improve the labeling and accountability of tritium exit signs.

Mark Edward Leyse – PRM-50-93 – Docket ID NRC-2009-0554

On January 25, 2010 (75 FR 3876), the NRC published a notice of receipt of a petition for rulemaking submitted by Mark Edward Leyse. The petitioner requested that the NRC amend its regulations regarding the domestic licensing of production and utilization facilities. Specifically, the petitioner requested that the NRC revise its regulations based on data from multi-rod (assembly) severe fuel damage experiments. The petitioner also requested that the NRC issue a regulation that would stipulate minimum allowable core reflood rates in the event of a loss-of-coolant accident.

Sherwood Martinelli – PRM-50-94 – Docket ID NRC-2010-0004

On February 26, 2010 (75 FR 8843), the NRC published a notice of receipt of a petition for rulemaking submitted by Sherwood Martinelli. The petitioner requested that the NRC amend its regulations regarding the domestic licensing of production and utilization facilities. Specifically, the petitioner requested that the NRC revise its regulations as they relate to decommissioning and decommissioning funding.

Dan Kane – PRM-51-13 – Docket ID NRC-2010-0088

On April 1, 2010 (75 FR 16360), the NRC published a notice of receipt of a petition for rulemaking submitted by Dan Kane. The petitioner requested that the NRC amend its regulations that govern environmental protection for domestic licensing and related regulatory functions. Specifically, the petitioner requested that the provisions that govern temporary storage of spent fuel after cessation of reactor operation be revoked, that licensing of new nuclear power plants cease, and that existing operating nuclear power plants be phased out.

California Association of Marriage and Family Therapists – PRM-26-4 – Docket ID NRC-2010-0269

On August 24, 2010 (75 FR 51958), the NRC published a notice of receipt of a petition for rulemaking submitted by the California Association of Marriage and Family Therapists. The petitioner requested that the NRC amend its regulations to add marriage and family therapists as substance abuse experts.

Earth Day Commitment/Friends of the Coast, Beyond Nuclear, Seacoast Anti-Pollution League, C-10 Research and Education Foundation, Pilgrim Watch, and New England Coalition – PRM-54-6 – Docket ID NRC-2010-0291

On September 27, 2010 (75 FR 59158), the NRC published a notice of receipt of a petition for rulemaking submitted by Raymond Shadis and Mary Lampert on behalf of Earth Day Commitment/Friends of the Coast, Beyond Nuclear, Seacoast Anti-Pollution League, C-10 Research and Education Foundation, Pilgrim Watch, New England Coalition, and Robin Read, State Representative for New Hampshire. The petitioners requested that the NRC amend its regulations to permit a license renewal application no sooner than 10 years before the expiration of the current license and to apply the rule to all license renewal applications that have not yet been issued an NRC staff final Safety Evaluation Report.

Denied Petitions for Rulemaking

State of Nevada – PRM-73-10 – Docket ID NRC-2000-0026

On December 7, 2009 (74 FR 64012), the NRC published a notice denying, in part, a petition for rulemaking submitted by the State of Nevada. The petitioner requested that NRC amend its regulations governing safeguards for shipments of spent nuclear fuel against sabotage and terrorism. The petitioner also requested that the NRC 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. The NRC has denied the following two specific requests from the petitioner:

1. Amending the design basis threat (DBT) to clarify the meaning of hand-carried equipment and to include the use of explosives devices, other weapons larger than those considered hand-carried, and vehicles other than four-wheel drive.

On March 19, 2007 (72 FR 12705), the Commission issued a final rule amending 10 CFR 73.1, "Design Basis Threat." This rule contained the DBT with which affected licensees must comply. The Commission was careful to present rule text that did not compromise licensee security, but also balance the necessity to keep the public informed of the types of attacks against which nuclear power plants and Category I facilities are required to defend. Consequently, the petitioner's suggested changes to this regulation would be inconsistent with the Commission's recent revision of 10 CFR 73.1.

2. Comprehensive assessment of the consequences of terrorist attacks.

The NRC is denying this request because it does not involve (i.e., contain) a request to amend, create, or revise the NRC's existing regulations, as is required by the provisions of 10 CFR 2.802, "Petition for Rulemaking." Instead of requesting changes to the NRC's regulations (as it has specified for other topics elsewhere in its petition) the petitioner has requested the NRC to complete a comprehensive assessment. A comprehensive assessment is not a change to the language of the NRC's regulations.

The remaining petition requests are being considered in the NRC rulemaking process.

Natural Resources Defense Council – PRM-50-90 – Docket ID NRC-2008-0279

On January 28, 2010 (75 FR 4493), the NRC published a notice denying a petition for rulemaking submitted by the Natural Resources Defense Council. The petitioner requested that the NRC amend the regulations that govern domestic licensing of highly enriched uranium (HEU) production and utilization facilities to establish a date when the NRC would no longer license the domestic use or export of HEU except for restricted use by a few specialized facilities. The NRC has denied this petition because the petitioner has not demonstrated that the existing NRC licensing, security and export regulations do not currently provide for reasonable assurance of adequate protection of the public health and safety, and the common defense and security of the United States.

Nuclear Energy Institute – PRM-73-14 – Docket ID NRC-2009-0493

On March 8, 2010 (75 FR 10444), the NRC published a notice denying a petition for rulemaking submitted by the Nuclear Energy Institute. The petitioner requested that NRC amend the compliance date for specific requirements in the NRC’s regulations. The NRC has denied this petition because the data contained in the petition does not provide enough information to currently support the NRC assembling a proposed rule that would contain a sufficiently robust regulatory basis. The NRC would need to interact with external stakeholders to develop the additional supporting information necessary for completing an adequate notice and comment rulemaking. The NRC believes there is not sufficient time, before the new Power Reactor Security rule compliance date of March 31, 2010, to allow the NRC to collect and analyze the necessary data and complete an adequate notice and comment rulemaking.

Petitions for Rulemaking Closed Through the Rulemaking Process

None

Withdrawn Petitions for Rulemaking

None