

## **REGULATIONS AND AMENDMENTS PUT INTO EFFECT – FY 2008**

### **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 – NRC-2006-0011**

On October 1, 2007 (72 FR 55863), the NRC published an amendment to its regulations, effective November 30, 2007, to include jurisdiction over discrete sources of radium-226, accelerator-produced radioactive materials, and discrete sources of naturally occurring radioactive material, as required by the Energy Policy Act of 2005, which was signed into law on August 8, 2005. On March 18, 2008 (73 FR 14376), the NRC published a notice of impending waiver termination to provide advance notification that on September 30, 2008, the Commission will terminate the time-limited waivers for the certain non-Agreement States and remaining U.S. Territories.

### **Limited Work Authorizations for Nuclear Power Plants – Parts 2, 50, 51, 52, and 100 – RIN AI05 – NRC-2008-0222**

On October 9, 2007 (72 FR 57415), the NRC published an amendment to its regulations, effective November 8, 2007, applicable to limited work authorizations (LWAs), which allow certain construction activities on production and utilization facilities to commence before a construction permit or combined license is issued. This final rule modifies the scope of activities that are considered construction for which a construction permit, combined license, or LWA is necessary, specifies the scope of construction activities that may be performed under an LWA, and changes the review and approval process for LWA requests. The NRC is adopting these changes to enhance the efficiency of its licensing and approval process for production and utilization facilities, including new nuclear power reactors. A document correcting erroneous language to the preamble and codified language of this final rule was published on April 28, 2008 (72 FR 22786).

### **Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements – Parts 30, 31, 32, and 150 – RIN AH41 – NRC-2006-0001**

On October 16, 2007 (72 FR 58473), the NRC published an amendment to its regulations, effective December 17, 2007, governing the distribution of byproduct material. The reporting requirements for licensees distributing byproduct material to persons exempt from licensing are being changed, obsolete provisions are being deleted, certain regulatory provisions are being clarified, and smoke detector distribution regulations are being simplified. In addition, this rule modifies the process for transferring a generally licensed device for use under a specific license. These actions are intended to make the licensing of distribution to exempt persons more effective and efficient, reduce unnecessary regulatory burden to certain general licensees, and better ensure the protection of public health and safety.

**National Source Tracking of Sealed Sources; Revised Compliance Dates – Part 20 – RIN AI22 – NRC-2008-0544**

On October 19, 2007 (72 FR 59162), the NRC published an amendment to its regulations to revise the compliance dates for licensees to begin reporting source transactions and initial source inventory information to the National Source Tracking System for nationally tracked sources. This final rule is effective immediately. Compliance with the reporting provisions in 10 CFR 20.2207 is required by January 31, 2009, for both Category 1 sources and Category 2 sources.

**Clarification of NRC Civil Penalty Authority Over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities – Parts 30, 40, 50, 52, 60, 61, 63, 70, 71, 72, and 76 – RIN AH59 – NRC-2006-0002**

On November 14, 2007 (72 FR 63969), the NRC published an amendment to its employee protection regulations, effective December 14, 2007, 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. This rule is also amending NRC's 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 or subcontractor of USEC.

**Use of Electronic Submissions in Agency Hearings; Correction – Parts 2 and 13 – RIN AH74 – NRC-2005-0014**

On November 16, 2007 (72 FR 64529), the NRC published a document correcting a final rule appearing in the Federal Register on August 28, 2007 (72 FR 49139), that requires the use of electronic submissions in all agency hearings, consistent with the existing practice for the high-level radioactive waste repository application. This document corrects two typographical errors. This correction is effective November 16, 2007.

**Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent – Parts 19, 20, and 50 – RIN AH40 – NRC-2006-0013**

On December 4, 2007 (72 FR 68043), the NRC published an amendment to its regulations, effective January 3, 2008, related to the reporting of annual dose to workers, the definition of Total Effective Dose Equivalent (TEDE), the labeling of certain containers holding licensed material, and the determination of cumulative occupational radiation dose. This rule limits the routine reporting of annual doses to those workers whose annual dose exceeds a specific dose threshold or who request a report. This rule also modifies the labeling requirements for certain containers holding licensed material within posted areas in nuclear power facilities. This rule also amends the definition of TEDE to be consistent with current Commission policy. Finally, this amendment removes 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 reduce the administrative and information collection burdens on NRC and Agreement State licensees without affecting the level of protection for either the health and safety of workers and the public, or for the environment. A notice deferring the effective date of this rule was published on December 20, 2007 (72 FR 72233). A confirmation of effective date of this rulemaking was published on February 14, 2008; 73 FR 8588. The effective date for this final rule is February 15, 2008.

**Incorporation by Reference of American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases – Part 50 – RIN AH80 – NRC-2006-0017**

On December 19, 2007 (72 FR 71750), the NRC published an amendment to its regulations, effective January 18, 2008, to incorporate by reference the latest revisions of two previously incorporated regulatory guides that approve Code Cases published by the American Society of Mechanical Engineers (Regulatory Guides 1.84, Revision 34, and Regulatory Guide 1.147, Revision 15).

**Minor Amendments: Re-organization – Parts 1, 20, 30, 31, 32, 34, 35, 40, 50, 51, 52, 55, 61, 62, 73, 75, 100, 140, and 150 – RIN AI07 – NRC-2008-0054**

On January 31, 2008 (73 FR 5709), the NRC published an amendment to its regulations, effective immediately, to reflect the addresses of two additional Headquarters buildings, the reorganization of the Office of Nuclear Materials Safety and Safeguards, the creation of the Office of Federal and State Materials and Environmental Management Programs, the reorganization of the Office of Nuclear Reactor Regulation, the creation of the Office of New Reactors, and other minor changes.

**Delegated Authority To Order Use of Procedures for Access to Certain Sensitive Unclassified Information – Part 2 – RIN AI32 – NRC-2008-0118**

On February 29, 2008 (73 FR 10978), the NRC published an amendment to its regulations, effective March 31, 2008, that delegates authority to the Office of the Secretary of the Commission to issue orders requiring the use of certain procedures for access to sensitive unclassified information in adjudicatory proceedings. The NRC is also making available final procedures that would allow potential parties to NRC adjudications to gain access to Sensitive Unclassified Non-Safeguards Information or Safeguards Information.

**Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information – Part 2 – RIN AI08 – NRC-2007-0005**

On March 10, 2008 (73 FR 12627), the NRC published an amendment to its regulations, effective April 9, 2008, to provide for expedited (and, in this case, interlocutory) review by the Commission of orders on requests by potential parties for access to certain sensitive unclassified non-safeguards information and Safeguards Information.

**Fitness for Duty Programs – Part 26 – RIN AF12 – NRC-2002-0002**

On March 31, 2008 (73 FR 16965), the NRC published an amendment to its regulations, effective April 30, 2008, for Fitness for Duty (FFD) programs to update the FFD requirements and enhance consistency with advances in other relevant Federal rules and guidelines, including the U.S. Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs, and other Federal drug and alcohol testing programs that impose similar requirements on the private sector. A document correcting the table of contents for Subparts N and O was published on April 22, 2008 (73 FR 21690).

**Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Changes – Parts 1, 19, 20, 30, 40, 50, 52, 55, 60, 61, 63, 70, 71, 72, 73 and 76 – RIN AI39 – NRC-2008-0270**

On May 28, 2008 (73 FR 30456), the NRC published an amendment to its regulations, effective immediately, to update the street address for its Region IV office, and to update a telephone number and e-mail address for the Office of Information Services.

**Licenses, Certifications, and Approvals for Nuclear Power Plants; Correction – Part 50 – RIN AG24 – NRC-2001-0010**

On June 3, 2008 (73 FR 31607), the NRC published a correction to a final rule published on August 28, 2007 (72 FR 40352). The final rule revised the provisions applicable to the licensing and approval processes for nuclear power plants (i.e., early site permit, standard design approval, standard design certification, combined license, and manufacturing license). This correction, effective immediately, is necessary to include a paragraph that was inadvertently omitted in that final rule.

**Revision of Fee Schedules; Fee Recovery for FY 2008 – Parts 170 and 171 – RIN AI28 – NRC-2008-0080**

On June 6, 2008 (73 FR 32385), the NRC published an amendment to its regulations, effective August 5, 2008, to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in fiscal year 2008, less the amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing activities, and amounts appropriated for generic homeland security activities.

**Regulatory Improvements to the Nuclear Materials Management and Safeguards System – Parts 40, 72, 73, 74, and 150 – RIN AH85 – NRC-2007-0002**

On June 9, 2008 (73 FR 32453), the NRC published an amendment to its regulations, effective January 1, 2009, to amend its licensee reporting requirements for source material and special nuclear material (SNM) to the Nuclear Materials Management and Safeguards System (NMMSS). The amendments lower the threshold of the quantities of SNM and certain source materials that require the submission of material status reports to the NMMSS. Also, the amendments modify the types and timing of submittals of some transaction reports to the NMMSS. The amendment also requires licensees to reconcile any material inventory discrepancies that NRC identifies in the NMMSS database. The amendments reduce some regulatory burden by reducing the current reporting requirements related to the export of certain source material and SNM. The annual reporting requirements are new requirements for licensees who possess 350 grams or less of SNM.

**List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5 – Part 72 – RIN AI24 – NRC-2008-0013**

On June 12, 2008 (73 FR 33291), the NRC published an amendment to its regulations, effective July 14, 2008, to revise the Holtec International HI-STORM 100 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance Number 1014.

**Administrative Changes – Parts 2, 30, 31, 32, 40, 50, 61, 62, and 70 – RIN AI46 – NRC-2008-0397**

On July 23, 2008 (73 FR 42671), the NRC published an amendment to its regulations, effective immediately, to remove obsolete text, restore material removed inadvertently from the NRC's regulations, and make administrative changes to the NRC's regulations to correct errors published in recent rulemaking documents. This final rule also updates the definition of a not-for-profit organization.

**Price-Anderson Act Financial Protection Regulations and Elimination of Antitrust Reviews; Correction – Parts 2 and 50 – RIN AH78 – NRC-2005-0032**

On July 31, 2008 (73 FR 44619), the NRC published a correction to a final rule published on October 27, 2005 (70 FR 61885). The final rule revised the Commission's regulations to conform to the provisions of the Energy Policy Act of 2005 that, among other things, terminated the NRC's authority and responsibility to conduct antitrust reviews of future applications to construct or operate a nuclear reactor. Inadvertently, the final rule failed to remove some references to the NRC's authority and responsibility to conduct antitrust reviews. This correction document removes those provisions.

**Industry Codes and Standards; Amended Requirements – Part 50 – RIN AH76 – NRC-2007-0003**

On September 10, 2008 (73 FR 52729), the NRC published an amendment to its regulations, effective October 10, 2008, to incorporate by reference the 2004 Edition of Section III, Division 1, and Section XI, Division 1, of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code), and the 2004 Edition of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) to provide updated rules for constructing and inspecting components and testing pumps, valves, and dynamic restraints (snubbers) in light-water nuclear power plants. The NRC also is incorporating by reference ASME Code Cases N-722, and N-729-1, both with conditions. The amendment also removes certain obsolete requirements specified in the NRC's regulations. This action is in accordance with the NRC's policy to periodically update the regulations to incorporate by reference new editions and addenda of the ASME Codes and is intended to maintain the safety of nuclear reactors and make NRC activities more effective and efficient.

**Adjustment of Civil Penalties for Inflation – Parts 2 and 13 – RIN AI45 – NRC-2008-0412**

On September 23, 2008 (73 FR 54671), the NRC published an amendment to its regulations, effective October 23, 2008, to adjust the maximum Civil Monetary Penalties (CMPs) it can assess under statutes within the jurisdiction of the NRC. These changes were mandated by Congress in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The NRC is amending its regulations to adjust the maximum CMP for a violation of the Atomic Energy Act of 1954, as amended, (AEA) or any regulation or order issued under the AEA from \$130,000 to \$140,000 per violation per day. Further, the provisions concerning program fraud civil penalties are being amended by adjusting the maximum CMP under the Program Fraud Civil Remedies Act from \$6,000 to \$7,000 for each false claim or statement.

**Technical Specifications-Restoring the Original Paragraph Designations – Part 50 – RIN AI41 – NRC-2008-0263**

On September 24, 2008 (73 FR 54931), the NRC published an amendment to its regulations, effective October 24, 2008, to resolve an administrative issue raised in a petition for rulemaking (PRM) submitted by the Strategic Teaming and Resource Sharing Integrated Regulatory Affairs Group (PRM-50-91). This final rule restores the original paragraph designations as existed in 10 CFR 50.36 before the 2007 Part 52 final rulemaking. This final rule eliminates the need for licensees to expend resources on administrative redesignations that have no safety benefit.

**Inflation Adjustment to the Price-Anderson Act Financial Protection Regulations – Part 140 – RIN AI44 – NRC-2008-0512**

On September 29, 2008 (73 FR 56451), the NRC published an amendment to its regulations, effective October 29, 2008, to adjust the maximum total and annual standard deferred premiums specified in the Price-Anderson Act for inflation at least once during each 5-year period following August 20, 2003.

## DIRECT FINAL RULES

### **List of Approved Spent Fuel Storage Casks: HI-STORM 100, Revision 4 – Part 72 – RIN AI23 – NRC-2008-0121**

On October 25, 2007 (72 FR 60543), the NRC published a direct final rule, effective January 8, 2008, amending its spent fuel storage cask regulations by revising the Holtec International HI-STORM 100 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 4 to Certificate of Compliance number 1014. The companion proposed rule was published on October 25, 2007 (72 FR 60589). The confirmation of effective date was published on January 2, 2008 (73 FR 17).

### **List of Approved Spent Fuel Storage Casks: HI-STORM 100, Revision 5 – Part 72 – RIN AI24 – NRC-2008-0013**

On December 31, 2007 (72 FR 74162), the NRC published a direct final rule, effective March 17, 2008, amending its spent fuel storage cask regulations by revising the Holtec International HI-STORM 100 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 5 to Certificate of Compliance number 1014. The companion proposed rule was published on December 31, 2007 (72 FR 74209). A notice withdrawing this direct final rule was published in the *Federal Register* on March 12, 2008 (73 FR 13071).

## **PROPOSED REGULATIONS AND AMENDMENTS**

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

On October 3, 2007 (72 FR 56275), the NRC published a proposed rule that would amend its regulations to provide updated fracture toughness requirements for protection against pressurized thermal shock (PTS) events for pressurized water reactor (PWR) pressure vessels. The proposed amendments would provide new PTS requirements based on updated analysis methods. This action would reduce regulatory burden for licensees, specifically those licensees that expect to exceed the existing requirements before the expiration of their licenses, while maintaining adequate safety. These new requirements would be voluntarily utilized by any PWR licensee as an alternative to complying with the existing requirements. A notice reopening the comment period specific to the information collection aspects of this rule was published on November 21, 2007 (72 FR 65470).

### **Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs – Part 52 – RIN AI19 – NRC-2007-0009**

On October 3, 2007 (72 FR 56287), the NRC published a proposed rule that would amend its regulations to require applicants for new standard design certifications that do not reference a standard design approval; new standard design approvals; combined licenses that do not reference a standard design certification, standard design approval, or manufactured reactor; and new manufacturing licenses that do not reference a standard design certification or standard design approval to assess the effects of the impact of a large, commercial aircraft on the nuclear power plant. This rule would require nuclear power plant designers to perform a rigorous assessment of design features that could provide additional inherent protection to avoid or mitigate, to the extent practicable, the effects of an aircraft impact, with reduced reliance on operator actions.

### **Geologic Repository Operations Area Security and Material Control and Accounting Requirements – Parts 60, 63, 73, and 74 – RIN AI06 – NRC-2007-0670**

On December 20, 2007 (72 FR 72521), the NRC published a proposed rule that would revise the security requirements and material control and accounting (MC&A) requirements for a geologic repository operations area (GROA). This rulemaking would ensure that effective security measures are in place for the protection of high-level radioactive waste and other radioactive material at a GROA given the post-September 11, 2001, threat environment. New requirements for specific training enhancements, improved access authorization, enhancements to defensive strategies, and enhanced reporting requirements would be incorporated. The proposed rule would establish general performance objectives and corresponding system capabilities for the GROA MC&A Program, with a focus on strengthening, streamlining, and consolidating all MC&A regulations specific to a GROA. The proposed rule also would require the emergency plan to address radiological emergencies. A notice extending the public comment period was published on February 26, 2008 (73 FR 10187).



**Decommissioning Planning – Parts 20, 30, 40, 50 70, and 72 – RIN AH45 – NRC-2008-0030**

On January 22, 2008 (73 FR 3811), the NRC published a proposed rule that would amend its regulations to improve decommissioning planning, and thereby reduce the likelihood that any current operating facility will become a legacy site. The amended regulations would require licensees to conduct their operations to minimize the introduction of residual radioactivity into the site, including subsurface soil and groundwater. Licensees also would be required to survey certain quantities or concentrations of residual radioactivity, including in subsurface areas, and keep records of surveys of subsurface residual radioactivity identified at the site with records important for decommissioning. The amended regulations would require licensees to report additional details in their decommissioning cost estimates, would eliminate two currently approved financial assurance mechanisms, and would modify the parent company guarantee and self-guarantee financial assurance mechanisms to authorize the NRC to require that guaranteed funds be immediately due and payable to a standby trust if the guarantor is in financial distress. Finally, the amended regulations would require decommissioning power reactor licensees to report additional information on the costs of decommissioning and spent fuel management. A notice of extension of comment period was published on March 20, 2008 (73 FR 14946).

**Revision of Fee Schedules; Fee Recovery for FY 2008 – Parts 170 and 171 – RIN AI28 – NRC-2008-0080**

On February 13, 2008 (73 FR 8507), 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 2008, 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 notice correcting erroneous tables in the proposed rule was published on March 28, 2008 (73 FR 16747).

**Power Reactor Security Requirements; Supplemental Proposed Rule – Part 50 – RIN AG63 – NRC-2008-0019**

On April 10, 2008 (73 FR 19443), the NRC published a supplemental proposed rule that would add new provisions regarding licensee procedures for responding to notifications of potential aircraft threat and for the mitigation of the loss of large areas of their facilities due to large fires or explosions. These provisions were previously noticed for public comment in the October 26, 2006 (71 FR 62664) proposed power reactor security rulemaking. The NRC is publishing this supplemental proposed rule to obtain additional stakeholder feedback on the additional regulatory text that has been added to these provisions since the original proposed rule was published for public comment.

**Expansion of the National Source Tracking System – Parts 20 and 32 – RIN AI29 – NRC-2008-0200**

On April 11, 2008 (73 FR 19749), the NRC published a proposed rule that would expand the current National Source Tracking System (NSTS) to include certain additional sealed sources. The proposed amendments would require licensees to report certain transactions involving these sealed sources to the NSTS. These transactions would include the manufacture, transfer, receipt, disassembly, or disposal of the nationally tracked source. The proposed amendment would also require each licensee to provide its initial inventory of nationally tracked sources to the NSTS and annually verify and reconcile the information in the system with the licensee's actual inventory.

**Medical Use of Byproduct Material–Amendments/Medical Event Definitions – Part 35 – RIN AI26 – NRC-2008-0071**

On August 6, 2008 (73 FR 45635), the NRC published a proposed rule that would amend its regulations that govern medical use of byproduct material related to reporting and notifications of medical events (MEs) to clarify requirements for permanent implant brachytherapy. The proposed amendments would change the criteria for defining an ME for permanent implant brachytherapy from dose-based to activity-based; add a requirement to report, as an ME, any administration requiring a written directive (WD) if a WD was not prepared; clarify requirements for WDs for permanent implant brachytherapy; and make certain administrative and clarification changes.

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

On August 11, 2008 (73 FR 46557), the NRC published a proposed rule that would adopt the provisions regarding applicability of the rule and new provisions regarding procedures to perform surveillance data checks related to the updated fracture toughness requirements for protection against pressurized thermal shock events for pressurized water reactor pressure vessels. This document is a supplemental proposed rule to a rule published on October 3, 2007 (72 FR 56275).

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

On September 3, 2008 (73 FR 51378), the NRC published a proposed rule that would 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.

## AVAILABILITY OF DRAFT RULE LANGUAGE

### **Enhancements to Emergency Preparedness Regulations – Part 50 – A110 – NRC-2008-0122**

On March 12, 2008 (73 FR 13157), the NRC published a notice of availability of draft rule language that would constitute amendments to its regulations on emergency preparedness (EP). The release of the preliminary draft requirements is intended to inform stakeholders of the current status of the NRC's activities on its EP rulemaking. The goal of this rulemaking is to enhance EP regulations based on operating experiences and the post-September 11, 2001, threat environment.

### **License and Certificate of Compliance Terms – Part 72 – RIN A109 – NRC-2008-0361**

On August 4, 2008 (73 FR 45173), the NRC published a notice of availability of draft rule language that would clarify the license term limits for dry storage cask Certificates of Compliance (CoCs) and independent spent fuel storage installation (ISFSI) licenses, provide consistency between the general license requirements and the site-specific ISFSI license requirements, and allow Part 72 general licensees 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). More specifically, the proposed amendments would allow for longer initial and renewal terms for Part 72 CoCs and licenses, clarify the general license storage term, clarify the difference between CoC approval and renewal, allow a licensee to apply the changes associated with a CoC amendment to a previously loaded cask without express NRC approval, provided the cask then fully conforms to the terms, conditions, and specifications of the amended CoC, and make certain administrative and clarification changes.

## **ADVANCE NOTICES OF PROPOSED RULEMAKING (ANPRM)**

### **Medical Use of Byproduct Material—Amendments/Medical Event Definitions – Part 35 – AI26 – NRC-2008-0071**

On February 15, 2008 (73 FR 8830), the NRC published an ANPRM to request comments on preliminary draft rule language. This rule would define medical events arising from permanent implant brachytherapy procedures. The proposed amendments would change the criteria for defining a medical event for permanent implant brachytherapy from dose based to activity based, would add a requirement to report as a medical event any administration requiring a written directive if a written directive was not prepared, and would make certain administrative and clarification changes.

## POLICY STATEMENTS

### **Conduct of New Reactor Licensing Proceedings; Final Policy Statement – NRC-2008-0223**

On April 17, 2008 (73 FR 20963), the NRC published a notice announcing that it is adopting a statement of policy concerning the conduct of new reactor licensing proceedings. This policy statement is effective immediately.

### **Regulation of Advanced Nuclear Power Plants; Draft Statement of Policy – Part 50 – NRC-2008-0237**

On May 9, 2008 (73 FR 26349), the NRC published a draft policy statement that would improve the licensing environment for advanced nuclear power reactors to minimize complexity and uncertainty in the regulatory process. This statement would provide the Commission's policy regarding the review of, and desired characteristics associated with, advanced reactors. This policy statement would be the second revision of the policy statement titled "Regulation of Advanced Nuclear Power Plants; Statement of Policy." The purpose of this revision is to update the Commission's policy statement on advanced reactors to integrate the Commission's expectations for security and preparedness with the current expectations for safety.

### **NRC Enforcement Policy: Extension of Discretion Period of Interim Enforcement Policy – NRC-2008-0486**

On September 10, 2008 (73 FR 52705), the NRC published a notice revising the NRC "Interim Enforcement Policy Regarding Enforcement Discretion for Certain Fire Protection Issues" (10 CFR 50.48 Fire Protection), which will allow a licensee the option to request an extended enforcement discretion period if they are pursuing transition to 10 CFR 50.48(c), "National Fire Protection Association Standard NFPA 805." This revision is effective immediately.

### **NRC Enforcement Policy Revision – NRC-2008-0497**

On September 15, 2008 (73 FR 53286), the NRC published a notice of availability and request for comment on the revision of its Enforcement Policy. This revision would more appropriately address the various areas that the NRC regulates, providing a framework that supports consistent implementation of the Enforcement Policy.

## MEMORANDUM OF UNDERSTANDING (MOU)

### **Notice of Availability of Memorandum of Understanding Between U.S. Army Corps of Engineers and U.S. Nuclear Regulatory Commission on Environmental Reviews Related to the Issuance of Authorizations to Construct and Operate Nuclear Power Plants – NRC-2008-0534**

On September 25, 2008 (73 FR 55546), the NRC published an MOU between the U.S. Army Corps of Engineers and the NRC, which establishes a framework for early coordination and participation among the agencies. The MOU is an effort to facilitate the timely review of proposed nuclear power plant applications. The MOU establishes a commitment to early agency involvement; proactive participation and information communication throughout the review process; sharing of information gathered, considered and relied upon by each agency, and, if requested, interagency participation in public hearings. Interagency cooperation under the MOU will facilitate each agency's compliance with its review responsibilities under the National Environmental Policy Act and other related statutes with respect to the authorizations required to construct and operate nuclear power plants licensed by the NRC. It is anticipated that the Corps will act as a cooperating agency in most circumstances. However, the MOU does not preclude different forms of coordination (e.g., Corps participation as a consulting agency).

## PETITIONS FOR RULEMAKING

### NOTICE OF RECEIPT

#### **Natural Resources Defense Council – PRM-50-90 – NRC-2008-0279**

On May 27, 2008 (73 FR 30321), the NRC published a notice of receipt of petition for rulemaking submitted by the Natural Resources Defense Council. The petitioner requested that the NRC amend the regulations that govern domestic licensing of production and utilization facilities, and special nuclear material to establish a date when the NRC will no longer license the use or export of highly enriched uranium except for restricted use by a few specialized facilities. A notice reopening the public comment period was published on August 25, 2008 (73 FR 49965).

### **Petitions Closed Through the Rulemaking Process**

#### **Barbara Hamrick, Chair, Organization of Agreement States, Inc. – PRM-34-06 – NRC-2005-0019**

On May 14, 2008 (73 FR 27771), the NRC published a notice announcing consideration of the issues raised in a petition for rulemaking submitted by Barbara Hamrick, Chair, Organization of Agreement States, Inc. 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; to revise the requirements for at least two qualified individuals to be present at a temporary job site; and to clarify how many individuals are required to meet surveillance requirements. The petitioner also requested that NUREG-1556, Volume 2, be revised to reflect the proposed amendments. The NRC has determined that this petition will be considered through NRC's rulemaking process in a future rulemaking.

#### **E. Russell Ritenour, PhD – PRM-35-20 – NRC-2006-0020**

On May 14, 2008 (73 FR 27773), the NRC published a notice announcing consideration of the issues raised in the petition for rulemaking submitted by E. Russell Ritenour, PhD. The petitioner requested that the NRC amend its regulations that address training requirements for experienced Radiation Safety Officers and Authorized Medical Physicists. The NRC concluded that the issues raised in the petition will be considered in the rulemaking process in the following way. The NRC will attempt to develop a technical basis to support a rulemaking that would address the issues raised in the petition. If a technical basis which supports rulemaking can be developed, the issues will be addressed in a future rulemaking. If a technical basis to support a rulemaking cannot be developed, the issues will not be considered further by the NRC.

**Christine O. Gregoire, Governor of the State of Washington – PRM-71-13 – NRC-2007-0022**

On July 16, 2008 (73 FR 40767), the NRC published a notice announcing consideration of the issues raised in the petition for rulemaking submitted by Christine O. Gregoire, Governor of the State of Washington. The petitioner requested that the NRC amend its regulations to require the use of global positioning satellite (GPS) for tracking vehicles transporting highly radioactive mobile or portable radioactive devices. The petitioner stated that another alternative was for the Commission to grant states the flexibility to impose more stringent requirements than those required under NRC's current increased controls. The NRC has concluded that this petition merits further consideration, and therefore, will be included in NRC's ongoing rulemaking efforts on the security requirements for the transportation of Radioactive Material in Quantities of Concern.

**Scott Portzline, Three Mile Island Alert – PRM-73-11 – NRC-2001-0023**

On July 29, 2008 (73 FR 43874), the NRC published a notice announcing consideration of the issues raised in the petition for rulemaking submitted by Scott Portzline, Three Mile Island Alert. The petitioner requested that the NRC regulations governing physical protection of plants and materials be amended to require NRC licensees to post at least one armed guard at each entrance to the "owner controlled areas" (OCAs) surrounding all U.S. nuclear power plants. The petitioner stated that this should be accomplished by adding armed site protection officers (SPOs) to the security forces—not by simply moving SPOs from their protected area posts to the OCA entrances. This petition is being considered in a proposed rulemaking, "Power Reactor Security Requirements," published in the *Federal Register* on October 26, 2006 (71 FR 62664).

**David Lochbaum, Union of Concerned Scientists – PRM-73-13 – NRC-2007-0023**

On July 29, 2008 (73 FR 43874), the NRC published a notice announcing consideration of the issues raised in the petition for rulemaking submitted by David Lochbaum, Union of Concerned Scientists. The petitioner requested that the NRC amend its regulations to require that licensees implement procedures to ensure that when information becomes known to a licensee about an individual that would prevent that individual from gaining unescorted access to the protected area of a nuclear power plant, the licensee will implement measures to ensure the individual does not enter the protected area, whether escorted, or not; and when sufficient information is not available to a licensee about an individual to determine whether the criteria for unescorted access are satisfied, the licensee will implement measures to allow that individual to enter the protected area only when escorted at all times by an armed member of the security force who remains in periodic communication with security supervision. This petition is being considered in a proposed rulemaking, "Power Reactor Security Requirements," published in the *Federal Register* on October 26, 2006 (71 FR 62664).



## Petitions Denied

### **William Stein, III, M.D. – PRM-35-19 – NRC-2006-0019**

On October 24, 2007 (72 FR 60285), the NRC published a denial of a petition for rulemaking submitted by William Stein, III, M.D. The petitioner requested that the NRC amend its regulations that govern medical use of byproduct material concerning training for parenteral administration of certain radioactive drugs—samarium-153 lexidronam (Quadramet), iodine-131 tositumomab (Bexxar), and yttrium-90 ibritumomab tiuxetan (Zevalin) —used to treat cancer. The Commission denied this petition because the NRC determined that the current requirements establish the appropriate amount of training and experience for a physician to become an authorized user for the parenteral administration of Quadramet, Bexxar, and Zevalin, and that the NRC requirements do not impose an unnecessary regulatory burden for the use of Quadramet, Bexxar, Zevalin, and similar radiopharmaceuticals. The existing NRC regulations provide the basis for NRC to have reasonable assurance that public health and safety is adequately protected. Neither the petitioner nor the commenters supporting the petition have provided sufficient information that would warrant the regulatory relief sought by the petitioner.

### **State of Nevada – PRM-63-2 – NRC-2006-0024**

On October 24, 2007 (72 FR 60288), 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 for the proposed geologic repository at Yucca Mountain, Nevada (YM), to specify the limits of permissible spent fuel storage at the YM site. The Commission denied this petition because NRC's regulations are consistent with law and do not permit storage of spent nuclear fuel at the YM site unless such storage is integral to waste handling, necessary treatment, and disposal at the proposed repository, including storage which is integral to the thermal-loading strategy for disposal that the Department of Energy may include in its design of the entire repository system.

### **Susan Shapiro, Esquire, Friends United for Sustainable Energy – PRM-54-4 – NRC-2007-0020**

On November 8, 2007 (72 FR 63141), the NRC published a denial of a petition for rulemaking submitted by Susan Shapiro, Esquire, Friends United for Sustainable Energy. The petitioner requested that the NRC issue an order to enjoin the NRC from considering any new license applications until the NRC can amend its regulations so that the regulations do not suppress and/or eliminate a stakeholder's right to redress, due process and equal protection in the licensing renewal process. The Commission denied this petition because the petitioner did not provide any new information that was not previously considered by the NRC in denying the petitions submitted by County Executive Andrew Spano of Westchester County, New York, in PRM-54-2, and Mayor Joseph Scarpelli of Brick Township, New Jersey in PRM-54-3 (December 13, 2006; 71 FR 74848). The petitioner did not present any new information that contradicts positions taken by the Commission when the December 13, 1991, license renewal rule was established, or demonstrate that sufficient reasons exist to modify the NRC's regulations.

**Sally Shaw – PRM-51-11 – NRC-2006-0023**

On December 14, 2007 (72 FR 71083), the NRC published a denial of a petition for rulemaking submitted by Sally Shaw. The petitioner requested that NRC prepare a rulemaking to reconcile NUREG-1437, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants” (May 1996)(GEIS), for nuclear power plant operating license renewal applications with the National Academy of Sciences’ (NAS), “Health Risks From Exposure to Low Levels of Ionizing Radiation: Biological Effects of Ionizing Radiation (BEIR) VII, Phase 2,” Seventh Ed., 2005 report. The Commission denied this petition because the specific issues contained in the petition are already adequately addressed in the NRC’s radiation protection regulations and standards. The commission has concluded that nuclear plants that are in compliance with NRC radiation protection regulations and standards remain protective of public health and safety and the environment. The radiological health and environmental impacts contained in the GEIS, which are based on regulatory compliance, remain valid.

**Lincoln County, Nevada – PRM-2-13 – NRC-2007-0010**

On December 28, 2007 (72 FR 73676), the NRC published a denial of a petition for rulemaking submitted by Lincoln County, Nevada. The petitioner requested that NRC amend its regulations to allow units of local government to be represented in the NRC proceeding concerning the Department of Energy’s proposed repository for high-level radioactive waste at Yucca Mountain, Nevada, by any duly authorized individual, including a non-attorney consultant. The Commission denied this petition because the NRC’s regulations allow the petitioner the representation it seeks.

**George Barnet – PRM-20-27 – NRC-2008-0028**

On January 17, 2008 (73 FR 3221), the NRC published a denial of a petition for rulemaking submitted by George Barnet. The petitioner requested that NRC amend its regulations that govern standards for protection against radiation to broaden the scope of the requirements pertaining to approval of proposed disposal methods to include recovery of material for recycling. The Commission denied this petition because the issues raised by the petitioner fall within the scope of the rationale for a Commission decision to not conduct rulemaking in the area of setting radiological criteria for controlling the disposition of solid materials. The rationale for the Commission decision was that the current NRC approach for disposition of solid materials is fully protective of public health and safety, and that NRC is currently faced with several high priority and complex tasks.

**State of Nevada – PRM-51-9 – NRC-2005-0023**

On January 31, 2008 (73 FR 5762), the NRC published a denial of a petition for rulemaking submitted by the State of Nevada. The petitioner requested that NRC modify its regulation setting criteria for adoption of an environmental impact statement prepared by the Secretary of the Department of Energy in proceedings for issuance of a construction authorization and materials license with respect to a geologic repository. The petitioner asserted that the regulation must be “corrected” because it is at odds with a recent court of appeals decision. Further, the petitioner asserted that certain litigation procedures that would be used in the proceedings to consider the adoption question violate the National Environmental Policy Act of 1969, as amended (NEPA). The Commission denied this petition because the court found no reason for NRC to correct its adoption criteria and because the petition does not demonstrate that NRC’s litigation procedures violate NEPA.

**New England Coalition on Nuclear Pollution – PRM-51-1 – NRC-2008-0172**

On March 20, 2008 (73 FR 14946), the NRC published a denial of a petition for rulemaking submitted by the New England Coalition on Nuclear Pollution. The petitioner requested that the NRC revise the value for radon-222 in Table S-3, “Table of Uranium Fuel Cycle Environmental Data,” of 10 CFR Part 51, because it did not disclose the long-term and long-range health effects of radon gas released from uranium mill tailings piles. Originally, there were six issues raised in this petition. Issues one through six were addressed previously by the Commission. The Commission denied this remaining issue from the petition because the NRC has made a generic determination that the radiological impacts of the uranium fuel cycle, including those from radon-222 emissions, on individuals off-site will remain at or below the Commission’s regulatory limits and as such, are of small significance.

**Peter G. Crane – PRM-35-18 – NRC-2005-0020**

On May 21, 2008 (73 FR 29445), the NRC published a denial of a petition for rulemaking submitted by Peter G. Crane. The petitioner requested that the NRC amend the regulations that govern medical use of byproduct material concerning release of individuals who have been treated with radiopharmaceuticals. The petitioner requested that the patient release rule be partially revoked insofar as it allows patients to be released from radioactive isolation with more than the equivalent of 30 millicuries of radioactive iodine I-131 in their bodies. The Commission denied the petition because the issues raised in the petition do not justify a rule change. The NRC believes that the current NRC regulations provide adequate protection to family members and other members of the public.

**James Salsman – PRM-20-26 – NRC-2005-0017**

On July 25, 2008 (73 FR 43381), the NRC published a denial of a petition for rulemaking submitted by James Salsman. The petitioner requested that the NRC amend the regulations to modify exposure and environmental limits for heavy metal radionuclides, in particular uranium. The Commission denied the petition because current NRC regulations provide adequate protection of public health and safety. The petitioner did not present sufficient peer-reviewed data, pertinent to the types and levels of exposures associated with the concentration values used in NRC’s regulations, to provide sufficient reason for NRC to initiate a revision of its regulations.

**Eric Epstein – PRM-54-5 – NRC-2007-0021**

On July 31, 2008 (73 FR 44671), the NRC published a denial of a petition for rulemaking submitted by Eric Epstein. The petitioner requested that the NRC conduct a comprehensive review of U.S. nuclear power plant licensees' emergency planning during the license renewal proceedings. The Commission denied this petition because the petition presents issues that the Commission carefully considered when it first adopted the license renewal rule and denied petitions for rulemaking submitted by Andrew J. Spano, County Executive, Westchester County, New York (PRM-54-2), and Mayor Joseph Scarpelli of Brick Township, New Jersey (PRM-54-3). The Commission's position is that the NRC's emergency planning system is part of a comprehensive regulatory process that is intended to provide continuing assurance that emergency planning for every nuclear plant is adequate. Thus, the Commission has already extensively considered and addressed the types of issues raised in the petition. Also, the petition fails to present any significant new information or arguments that would warrant the requested amendment.

**The Attorney General of Commonwealth of Massachusetts – PRM-51-10 – NRC-2006-0022; The Attorney General of California – PRM-51-12 – NRC-2007-0019**

On August 8, 2008 (73 FR 46204), the NRC published a denial of two petitions for rulemaking submitted by the Attorney General of Commonwealth of Massachusetts and the Attorney General of California. These petitions presented nearly identical issues and requests for rulemaking concerning the environmental impacts of the high-density storage of spent nuclear fuel in large water pools, known as spent fuel pools (SFPs). The petitioners asserted that new and significant information shows that the NRC incorrectly characterized the environmental impacts of high-density spent fuel storage as "insignificant" in its National Environmental Policy Act (NEPA) generic environmental impact statement for the renewal of nuclear power plant licenses. Specifically, the petitioners asserted that spent fuel stored in high-density SFPs is more vulnerable to a zirconium fire than the NRC concluded in its NEPA analysis. A supplement to PRM-51-12 was published on November 14, 2007 (72 FR 64003). The petitioner provided clarification to the original petition for rulemaking. The NRC has determined that the studies upon which the petitioners rely do not constitute new and significant information. The NRC has further determined that its findings related to the storage of spent nuclear fuel in pools, as presented in NUREG-1437 and in Table B-1, of Appendix B to Subpart A of 10 CFR Part 51, remain valid. Thus, the NRC has met and continues to meet its obligations under NEPA.

**David Lochbaum on Behalf of the Project on Government Oversight and the Union of Concerned Scientists – PRM-50-83 – NRC-2007-0012**

On September 23, 2008 (73 FR 54744), the NRC published a denial of a petition for rulemaking submitted by David Lochbaum. The petitioner requested that the NRC amend its regulations governing domestic licensing of production and utilization facilities to require periodic demonstrations by applicable local, State, and Federal entities to ensure that nuclear power plants can be adequately protected against radiological sabotage by adversaries with capabilities that exceed those posed by the design basis threat (DBT). The Commission denied this petition because the NRC has determined that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, whether or not the event is the result of sabotage. In addition, the petitioner has misinterpreted Appendix E to 10 CFR Part 50. The petitioner's reliance on Appendix E to 10 CFR Part 50 to support the request that the NRC require local, State, and Federal governments to participate in demonstrations of their capability to respond to beyond-DBT events is misplaced because the NRC cannot compel local, State, or Federal entities to take part in biennial emergency exercises if those entities do not choose to participate in emergency planning activities.

## **Petitions Withdrawn**

### **North Carolina Utilities Commission Public Staff – PRM-50-57 – NRC-2008-0113**

On February 11, 2008 (73 FR 7690), the NRC published a document withdrawing a petition submitted by the North Carolina Utilities Commission Public Staff. The petitioner requested that the Commission amend its regulations to substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shut down or are awaiting decommission, and all nuclear fuel has been removed from the reactor site. On October 29, 2007, the petitioner submitted an e-mail to the NRC requesting that his petition be withdrawn.