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Part XXIII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on April 26, 2010 (75 FR 21960).

For this edition of the NRC’s regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Comments may

also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda. Public comments on NRC’s published rulemaking actions are available on the Federal rulemaking website at <http://www.regulations.gov>.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying for a fee at the Nuclear Regulatory Commission’s Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F21, Rockville, Maryland.

The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact: Cindy Bladey, Chief, Rules, Announcements and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-492-3667 (e-mail: Cindy.Bladey@nrc.gov). Persons outside the Washington, DC, metropolitan area may call, toll-free: 1-800-368-5642. For further information

on the substantive content of any rule listed in the agenda, contact the individual listed under the heading “Agency Contact” for that rule.

SUPPLEMENTARY INFORMATION: The information contained in this semiannual publication is updated to reflect any action that has occurred on rules since publication of the last NRC semiannual agenda on April 26, 2010 (75 FR 21960). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through September 10, 2010. The date for the next scheduled action under the heading “Timetable” is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

The NRC agenda lists all open rulemaking actions. Three rules affect small entities.

Dated at Rockville, Maryland, this 10th day of September 2010.

For the Nuclear Regulatory Commission.

Cindy Bladey,
Chief, Rules, Announcements, and Directives Branch,
Division of Administrative Services,
Office of Administration.

Nuclear Regulatory Commission—Long-Term Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 608 | Distribution of Source Material To Exempt Persons and General Licensees and Revision of 10 CFR 40.22 General License [NRC-2009-0084] | 3150-AH15 |
| 609 | Controlling the Disposition of Solid Materials [NRC-1999-0002] | 3150-AH18 |

Nuclear Regulatory Commission—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 610 | Revision of Fee Schedules; Fee Recovery for FY 2010 [NRC-2009-0333] | 3150-AI70 |

Nuclear Regulatory Commission (NRC)

Long-Term Actions

608. DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT PERSONS AND GENERAL LICENSEES AND REVISION OF 10 CFR 40.22 GENERAL LICENSE [NRC-2009-0084]**Legal Authority:** 42 USC 2201; 42 USC 5841

Abstract: The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission.

Distributors are often unknown to the Commission. No controls are in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in section 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address PRM-40-27 submitted by the State of Colorado and Organization of Agreement States.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/26/10 | 75 FR 43425 |
| NPRM Comment Period End | 11/23/10 | |
| Final Rule | To Be | Determined |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Gary C. Comfort, Jr., Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001
Phone: 301 415-8106
Email: gary.comfort@nrc.gov

RIN: 3150-AH15**609. CONTROLLING THE DISPOSITION OF SOLID MATERIALS [NRC-1999-0002]****Legal Authority:** 42 USC 2201; 42 USC 5841

Abstract: The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved. The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kimyata Morgan Butler, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555-0001
Phone: 301 415-0733
Email: kimyata.morganbutler@nrc.gov

RIN: 3150-AH18

Nuclear Regulatory Commission (NRC)

Completed Actions

610. REVISION OF FEE SCHEDULES; FEE RECOVERY FOR FY 2010 [NRC-2009-0333]**Legal Authority:** 42 USC 2201; 42 USC 5841

Abstract: The final rule amends the Commission's licensing, inspection, and annual fees charged to U.S. Nuclear Regulatory Commission (NRC) licensees and applicants for an NRC license. The rulemaking is necessary to recover, through the assessment of fees, approximately 90 percent of the NRC's budget authority for fiscal year (FY) 2010, less the amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to

Reprocessing, and amounts appropriated for generic homeland security activities, as required by the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended.

Based on the Energy and Water Development and Related Agencies Appropriation Act, 2010, the NRC's required fee recovery amount for the FY 2010 budget is approximately \$912.2 million. After accounting for billing adjustments (i.e., expected unpaid invoices, payments for prior year invoices), the total amount to be billed as fees is \$911.1 million. The OBRA-90, as amended, requires that the

fees for FY 2010 be collected by September 30, 2010.

Completed:

| Reason | Date | FR Cite |
|----------------------|----------|-------------|
| Final Action | 06/16/10 | 75 FR 34210 |
| Final Rule Effective | 08/16/10 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Renu Suri
Phone: 301 415-0161
Email: renu.suri@nrc.gov

RIN: 3150-AI70

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