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Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0144]

10 CFR Chapter I**Regulatory Agenda; Semiannual Regulatory Agenda****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Semiannual regulatory agenda.

SUMMARY: We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” This Agenda issuance also contains our annual regulatory plan, which contains information on some of the more important regulatory actions that we are considering issuing in proposed or final form during Fiscal Year 2019. NRC’s complete Agenda, available on the Office of Management and Budget’s website at <https://www.reginfo.gov>, is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 6 rulemaking activities since publication of our last Agenda on June 24, 2019 (84 FR 29780). This issuance of our Agenda contains 28 active and 22 long-term rulemaking activities: 2 are Economically Significant; 16 represent Other Significant agency priorities; 28 are Substantive, Nonsignificant rulemaking activities; and 4 are Administrative rulemaking activities. In addition, 3 rulemaking activities impact small entities; the entries for these activities are printed in this document. We are requesting comment on the rulemaking activities as identified in this Agenda.

DATES: Submit comments on rulemaking activities as identified in this Agenda by January 27, 2020.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in the **Federal Register** notice for the rulemaking activity. Comments received on rulemaking activities 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 for comments received on or before the closure date specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to <https://www.regulations.gov> and searching for Docket ID NRC–2019–0144. Address questions about NRC

dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Cindy Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: 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 rulemaking activity listed in the Agenda, contact the individual listed under the heading “Agency Contact” for that rulemaking activity.

SUPPLEMENTARY INFORMATION:**Obtaining Information and Submitting Comments***A. Obtaining Information*

Please refer to Docket ID NRC–2019–0144 when contacting the NRC about the availability of information for this document. You may obtain publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2019–0144.
- *NRC’s Public Document Room:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *Reginfo.gov:*
 - For completed rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed>, select “Fall 2019 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions” from drop-down menu, and select “Nuclear Regulatory Commission” from drop-down menu.
 - For active rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain> and select “Nuclear Regulatory Commission” from drop-down menu.
 - For long-term rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain>, select link for “Current Long Term Actions”, and select “Nuclear Regulatory Commission” from drop down menu.

B. Submitting Comments

Please include Docket ID NRC–2019–0144 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into the Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: Completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency’s last Agenda; active rulemaking activities are those that an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

The NRC assigns a “Regulation Identifier Number” (RIN) to a rulemaking activity when our Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission delegated rulemaking that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire “lifecycle” of a particular rulemaking activity. The NRC reports all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition

for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on June 26, 2019 (84 FR 29780). Specifically, the information in this Agenda has been updated through July 26, 2019. The NRC provides additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, on our website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html#cprlist>.

The date for the next scheduled action under the heading "Timetable" is the date the next regulatory action for the rulemaking activity 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 our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact

small entities and related Small Entity Compliance Guides are available from the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html>.

Public Comments Received on NRC Unified Agenda

The comment period on the NRC's last Agenda (published on June 14, 2019 (84 FR 29780)) closed on July 24, 2019. We received one written comment expressing support for the NRC's semi-annual review.

Dated at Rockville, Maryland, this 26th day of July 2019.

Cindy Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

| Sequence No. | Title | Regulation Identifier No. |
|--------------|---|---------------------------|
| 494 | Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228] (Reg Plan Seq No. 164) | 3150–AK10 |

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

| Sequence No. | Title | Regulation Identifier No. |
|--------------|---|---------------------------|
| 495 | Revision of Fee Schedules: Fee Recovery for FY 2021 [NRC–2018–0292] | 3150–AK24 |

NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS

| Sequence No. | Title | Regulation Identifier No. |
|--------------|---|---------------------------|
| 496 | Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032] | 3150–AJ99 |

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

494. Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228]

Regulatory Plan: This entry is Seq. No. 164 in part II of this issue of the **Federal Register**.

RIN: 3150–AK10

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 100 percent of the NRC's FY 2021 budget authority, less excluded activities to implement NEIMA. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

Timetable:

| Action | Date | FR Cite |
|------------|----------|---------|
| NPRM | 01/00/21 | |

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–7341, *Email:* anthony.rossi@nrc.gov.

RIN: 3150–AK24

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

495. Revision of Fee Schedules: Fee Recovery for FY 2021 [NRC–2018–0292]

E.O. 13771 Designation: Independent agency.

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

496. Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires the NRC to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for

licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.*, research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Completed:

| Reason | Date | FR Cite |
|-----------------------|----------|-------------|
| Final Rule | 05/17/19 | 84 FR 22331 |
| Final Rule Effective. | 07/16/19 | |

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony Rossi,
Phone: 301 415-7341, *Email:*
anthony.rossi@nrc.gov.

RIN: 3150-AJ99

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