

## **REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 1997**

### **Adjustment of Civil Monetary Penalties for Inflation - Parts 2 and 13**

On October 11, 1996 (61 FR 53554), the NRC published an amendment to its regulations to adjust the maximum civil monetary penalties under statutes within the jurisdiction of the NRC. This amendment, effective November 12, 1996, is mandated by Congress in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

### **Disposal of High-Level Radioactive Wastes in Geologic Repositories; Design Basis Events - Part 60**

On December 4, 1996 (61 FR 64257), the NRC published an amendment to its regulations, effective January 3, 1997, to address the measures that are required to provide defense in depth against the consequences of design basis events. These measures include prescribed design requirements, quality assurance requirements, and the establishment of a preclosure controlled area from which members of the public can be excluded.

### **Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act - Part 20**

On December 10, 1996 (61 FR 65120), the NRC published an amendment to its regulations, effective January 9, 1997, to establish a constraint of 10 mrem (0.1mSv) per year total effective dose equivalent for dose to members of the public from air emissions of radionuclides from NRC-licensed facilities, other than power reactors.

### **Reactor Site Criteria Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants - Parts 21, 50, 52, 54, and 100**

On December 11, 1996 (61 FR 65157), the NRC published an amendment to its regulations, effective January 10, 1997, to update the criteria used in decisions regarding power reactor siting, including geologic, seismic, and earthquake engineering considerations for future nuclear power plants. In this rulemaking, the Commission also denied the remaining issue in a petition (PRM-50-20) filed by Free Environment, Inc., et al.

### **Environmental Review for Renewal of Nuclear Power Plant Operating Licenses - Part 51**

On December 18, 1996 (61 FR 66537), the NRC published an amendment to its regulations, effective January 17, 1997, on the environmental review of applications to renew the operating licenses of nuclear power plants to make minor clarifying and conforming changes and to add language inadvertently omitted from Table B-1 of the rulemaking published June 5, 1996 (61 FR 28467).

## **Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State - Parts 150 and 170**

On January 13, 1997 (62 FR 1662), the NRC published an amendment to its regulations to clarify that Agreement State licensees may seek reciprocal recognition of their license from the NRC when they are working within areas of exclusive Federal jurisdiction in Agreement States. This amendment, effective February 27, 1997, also clarifies NRC regulatory requirements for reciprocity and the appropriate fees and filing procedures applicable to Agreement State licensees operating under reciprocity.

## **Duplication Fees - Part 9**

On January 28, 1997 (62 FR 3984), the NRC published an amendment to its regulations, effective January 28, 1997, that revises the charges for copying records publicly available at the NRC Public Document Room in Washington, D.C.

## **Criteria for the Release of Individuals Administered Radioactive Material - Parts 20 and 35**

On January 29, 1997 (62 FR 4120), the NRC published an amendment to its regulations, effective May 29, 1997, that requires licensees to provide written instructions to patients on how to maintain the doses to others as low as is reasonably achievable if the total effective dose equivalent to any other individual exposed to the released patients is likely to exceed 1 millisievert (0.1 rem).

## **Fissile Material Shipments and Exemptions - Part 71**

On February 10, 1997 (62 FR 5907), the NRC published an amendment to its regulations, effective February 10, 1997, that restricts the use of beryllium and other special moderating materials (i.e., graphite and deuterium) in the shipment of fissile materials and consigns quantity limits on fissile exempt shipments.

## **USEC Privatization Act: Certification and Licensing of Uranium Enrichment Facilities - Parts 2, 40, 70, and 76**

On February 12, 1997 (62 FR 6664), the NRC published an amendment to its regulations, effective April 14, 1997, to bring the certification and licensing of uranium enrichment facilities regulations into conformance with the United States Enrichment Corporation Privatization Act. The companion proposed rule was also published on February 12, 1997 (62 FR 6672).

## **Conduct of Employees; CFR Part Removal - Part 0**

On April 4, 1997 (62 FR 16053), the NRC published an amendment to its regulations, effective immediately, to remove the provisions concerning the conduct of employees from the Code of Federal Regulations.

### **Access to and Protection of Classified Information - Parts 25, 50, 54, and 95**

On April 11, 1997 (62 FR 17683), the NRC published an amendment to its regulations to conform the requirements for the protection of access to classified information to new national security policy documents. This amendment, effective May 12, 1997, ensures that classified information in the possession of NRC licensees and others under the NRC's regulatory requirements is protected in accordance with current national policies.

### **NRC Region II Telephone Number and Address Change - Parts 1, 20, 30, 40, 70, and 73**

On April 28, 1997 (62 FR 22879), the NRC published an amendment to its regulations, effective April 28, 1997, to change the address and telephone number of the NRC Region II office.

### **Standard Design Certification for the U.S. Advanced Boiling Water Reactor Design - Part 52**

On May 12, 1997 (62 FR 25800), the NRC published an amendment to its regulations to certify the U.S. Advanced Boiling Water Reactor (ABWR) design. This amendment, effective June 11, 1997, is necessary so that applicants for a combined license that intend to construct and operate the U.S. ABWR design may do so by appropriately referencing this regulation.

### **Informal Small Entity Guidance - Part 2**

On May 13, 1997 (62 FR 26219), the NRC published an amendment to its regulations to provide a method for small entities to contact the NRC for assistance in interpreting or complying with regulatory requirements. This amendment, effective immediately, is necessary to comply with the Small Business Regulatory Enforcement Fairness Act.

### **Environmental Report--Materials Licenses - Part 51**

On May 14, 1997 (62 FR 26730), the NRC published an amendment to its regulations, effective July 14, 1997, to eliminate the requirement that an environmental report be submitted by uranium mill licensees at the time of license termination. The companion proposed rule was also published on May 14, 1997 (62 FR 26733).

### **Facsimile Telephone Number and Address Change for the NRC's Office of the Secretary - Parts 2 and 110**

On May 20, 1997 (62 FR 27494), the NRC published an amendment to its regulations, effective immediately, to change the name, address, and facsimile telephone numbers of the Docketing and Service Branch, Office of the Secretary.

### **Standard Design Certification for the System 80+ Design - Part 52**

On May 21, 1997 (62 FR 27840), the NRC published an amendment to its regulations to approve the System 80+ design. This action, effective June 20, 1997, is necessary so

that applicants for a combined license that intend to construct and operate the System 80+ design may do so by appropriately referencing this regulation.

### **Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations - Parts 30, 34, 71, and 150**

On May 28, 1997 (62 FR 28948), the NRC published an amendment to its regulations, effective June 27, 1997, to update radiation safety requirements to enhance the level of protection of radiographers and the public.

### **Revision of Fee Schedules; 100% Fee Recovery, FY 1997 - Parts 170 and 171**

On May 29, 1997 (62 FR 29194), the NRC published an amendment to its regulations revising the licensing, inspection, and annual fees charged to its applicants and licensees. This amendment, effective July 28, 1997, is necessary to implement the Omnibus Budget Reconciliation Act of 1990, which mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year 1997, less amounts appropriated from the Nuclear Waste Fund.

### **Radiological Criteria for License Termination - Parts 20, 30, 40, 50, 51, 70, and 72**

On July 21, 1997 (62 FR 39058), the NRC published an amendment to its regulations regarding decommissioning of licensed facilities to provide specific radiological criteria for the decommissioning of lands and structures. The amendment became effective on August 20, 1997; however, licensees may defer implementation until August 20, 1998. The rule is intended to provide a clear and consistent regulatory basis for determining the extent to which lands and structures can be considered to be decommissioned.

### **Program Fraud Civil Remedies; Technical Amendment - Part 13**

On July 29, 1997 (62 FR 40427), the NRC published an amendment to its regulations, effective immediately, to correct a paragraph numbering error contained in the NRC's regulations implementing the Program Fraud Civil Remedies Act of 1986.

### **Definition of Safety-Related Structures, Systems, and Components; Technical Amendment - Part 50**

On September 8, 1997 (62 FR 47268), the NRC published an amendment to its regulations, effective November 7, 1997, to correct an error in the language of several sections in the regulations governing nuclear power plant licensing that define the term "safety-related structures, systems, and components." These definitions are inconsistent with the definition in regulations applicable to the siting of nuclear power plants and the Commission's longstanding practice and interpretation of that term. The companion proposed rule was also published on September 8, 1997 (62 FR 47272).

## **Employees; Minor Amendment - Part 19**

On September 15, 1997 (62 FR 48165), the NRC published an amendment to its regulations, effective immediately, to refer to the August 1997 NRC Form 3 "Notice to Employees," or the latest version of this form provided by the Commission.

## **REGULATIONS AND AMENDMENTS PROPOSED**

### **Deliberate Misconduct by Unlicensed Persons - Parts 30, 32, 40, 50, 52, 60, 61, 70, 71, 72, 110, and 150**

On October 4, 1996 (61 FR 51835), the NRC published an amendment to its regulations that would extend the deliberate misconduct rule to six categories of persons so that they may be subject to enforcement action for deliberate misconduct.

### **Minor Corrections, Clarifying Changes, and a Minor Policy Change - Parts 20, 32, 35, 36, and 39**

On October 7, 1996 (61 FR 52388), the NRC published an amendment to its regulations that would make minor corrections and clarifying changes to the standards for protection against radiation. The proposed amendment also would conform other parts with the Commission's revised radiation protection requirements and revise the monitoring criterion for minors from 0.05 rem (0.5 mSv) to 0.1 rem (1 mSv) in a year and for declared pregnant women from 0.05 rem (0.5 mSv) to 0.1 rem (1 mSv) during their pregnancies.

### **USEC Privatization Act: Certification and Licensing of Uranium Enrichment Facilities - Parts 2, 40, 70, and 76**

On February 12, 1997 (62 FR 6672), the NRC published an amendment to its regulations that would bring the requirements for certifying uranium enrichment facilities and licensing atomic vapor laser isotope separation (AVLIS) technology into conformance with the United States Enrichment Corporation Privatization Act. The companion direct final rule was also published on February 12, 1997 (62 FR 6664).

### **Changes to Nuclear Power Plant Security Requirements - Part 73**

On February 20, 1997 (62 FR 7721), the NRC published an amendment to its regulations that would delete certain security requirements associated with an internal threat. This amendment would reduce the regulatory burden on licensees without compromising physical protection against radiological sabotage required for public health and safety.

### **Revision of Fee Schedules; 100% Fee Recovery, FY 1997 - Parts 170 and 171**

On February 27, 1997 (62 FR 8885), the NRC published an amendment to its regulations that would revise the licensing, inspection, and annual fees charged to its applicants and licensees. This amendment would implement the Omnibus Budget Reconciliation Act of 1990, which mandates that the NRC recover approximately 100 percent

of its budget authority in Fiscal Year 1997, less amounts appropriated from the Nuclear Waste Fund.

### **Self-Guarantee of Decommissioning Funding by Non-Profit and Non-Bond Issuing Licensees - Parts 30, 40, 50, 70, and 72**

On April 30, 1997 (62 FR 23394), the NRC published an amendment to its regulations that would allow additional materials licensees and non-electric utility reactor licensees who meet certain financial criteria to self-guarantee funding for decommissioning.

### **Requirements for Shipping Packages Used to Transport Vitrified High-level Waste - Part 71**

On May 8, 1997 (62 FR 25146), the NRC published an amendment to its regulations that would remove canisters of vitrified high-level waste containing plutonium from the packaging requirement for double containment. This amendment is in response to a petition for rulemaking (PRM-71-11) filed by the Department of Energy.

### **Environmental Report--Materials Licenses - Part 51**

On May 14, 1997 (62 FR 26733), the NRC published an amendment to its regulations that would eliminate the requirement that an environmental report must be submitted by uranium mill licensees at the time of license termination. The companion direct final rule was also published on May 14, 1997 (62 FR 26730).

### **Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea - Parts 30 and 32**

On June 16, 1997 (62 FR 32552), the Commission published an amendment to its regulations that would permit NRC licensees to distribute a radioactive drug containing one microcurie of carbon-14 urea to any person for "in vivo" diagnostic use.

### **Radiological Criteria for License Termination: Uranium Recovery Facilities - Parts 20 and 40**

On July 21, 1997 (62 FR 39093), the Commission published a notice requesting additional comment on radiological criteria for license termination for uranium recovery facilities. This action is intended to provide full consideration of the issues associated with the decommissioning of these facilities and the regulatory options for resolving these issues.

### **License Term for Medical Use Licenses - Part 35**

On July 31, 1997 (62 FR 40975), the Commission published an amendment to its regulations that would eliminate the five-year term limit for medical use licenses in 10 CFR 35.18.

## **Frequency of Reviews and Audits for Emergency Preparedness Programs, Safeguards Contingency Plans, and Security Programs for Nuclear Power Reactors - Parts 50 and 73**

On July 31, 1997 (62 FR 40978), the NRC published an amendment to its regulations that would change the frequency of licensees' independent reviews and audits for their emergency preparedness programs, safeguards contingency plans, and security programs. This amendment is being proposed in response to two petitions for rulemaking filed by Virginia Power Company (PRM-50-59 and PRM-50-60).

## **Initial Licensed Operator Examination Requirements - Part 55**

On August 7, 1997 (62 FR 42426), the NRC published an amendment to its regulations that would require all nuclear power facility licensees to prepare, proctor, and grade the written examinations and prepare the operating tests that the NRC currently uses to evaluate the competence of individuals applying for operator licenses at those plants.

## **Reporting Requirements for Unauthorized Use of Licensed Radioactive Material - Part 20**

On August 11, 1997 (62 FR 42948), the NRC published a notice of withdrawal of proposed rulemaking that would have required licensees to notify the NRC Operations Center within 24 hours of discovering an intentional or allegedly intentional diversion of licensed radioactive material from its intended or authorized use. The amendment also would have required licenses to notify the NRC when they are unable, within 48 hours of discovery of the event, to rule out that the use was intentional.

## **Electronic Freedom of Information Act: Implementation - Part 9**

On September 5, 1997 (62 FR 46922), the NRC published an amendment to its regulations that would implement the Electronic Freedom of Information Act Amendments of 1996, which are designed to bring the Freedom of Information Act (FOIA) into the information and electronic age by clarifying that FOIA applies to records maintained in hard copy or electronic format.

## **Definition of Safety-Related Structures, Systems, and Components; Technical Amendment - Part 50**

On September 8, 1997 (62 FR 47272), the NRC published an amendment to its regulations that would correct an error in the language of several sections in the regulations governing nuclear power plant licensing that define the term, "safety-related structures, systems, and components." These definitions are inconsistent with the definition in regulations applicable to the siting of nuclear power plants and the Commission's longstanding practice and interpretation of that term. The companion direct final rule was also published on September 8, 1997 (62 FR 47268)

## **Financial Assurance Requirements for Decommissioning Nuclear Power Reactors - Part 50**

On September 10, 1997 (62 FR 47588), the NRC published an amendment to its regulations that would require power reactor licensees to report periodically on the status of their decommissioning funds and on the changes in their external trust agreements.

## **License Applications for Certain Items Containing Byproduct Material - Part 32**

On September 19, 1997 (62 FR 49173), the NRC published an amendment to its regulations that would permit the distribution of timepieces containing gaseous tritium light sources to be regulated in accordance with the same requirements as timepieces containing tritium paint. This amendment would address PRM-32-4 filed by mb-microtec, Inc.

## **ADVANCE NOTICES OF PROPOSED RULEMAKING**

### **Specific Domestic Licenses of Broad Scope for Byproduct Material - Part 33**

On November 14, 1996 (61 FR 58346), an advance notice of proposed rulemaking was published to invite public comment on the NRC's regulations governing specific licenses of broad scope for byproduct material to clarify the regulatory and health and safety basis of current licensing practices and to provide licensees with the flexibility to make certain types of changes to their radiation safety programs.

### **Medical Use of Byproduct Material: Issues and Request for Public Input - Part 35**

On August 6, 1997 (62 FR 42219), an advance notice of proposed rulemaking was published to invite public comment on the development of proposed rule language governing the medical use of byproduct material and associated documents.