

July 9, 1998

FOR: The Commissioners

FROM: L. Joseph Callan /s/  
Executive Director for Operations

SUBJECT: PROPOSED RULEMAKING ACTIVITY PLAN

## PURPOSE:

The purpose of this Commission paper is to provide for Commission review the staff's proposed Rulemaking Activity Plan (RAP). The RAP includes descriptions of rulemakings that are currently being conducted and those that are being considered for future action. This review is intended to ensure that the staff incorporates Commission policy direction into contemplated rulemakings at an early stage of rule plan development, before significant resources are expended. This review also provides a mechanism for determining whether previously initiated rulemakings should continue, be redirected, or be terminated. The RAP includes priorities for all ongoing and planned rules to allow effective allocation of resources in a manner consistent with Commission policy.

[Attachment 1](#) is a "Summary of Changes to the Rulemaking Activity Plan Since the Last Plan Update, September 1997." [Attachment 2](#) is the RAP.

## BACKGROUND:

In a Staff Requirement Memorandum (SRM) dated April 7, 1995, on the status of ongoing regulatory reform initiatives, the Commission directed the staff to: (1) establish a process to review and prioritize rulemaking efforts on a continuing basis; and (2) pay particular attention to how rulemaking efforts receive staff approval for initiation. The Commission directed the staff identify all rulemakings then under development or being contemplated and, based on safety benefit and cost, make a recommendation on the need for continuing the rulemaking process, and submit this information to the Commission for its review. In response to this SRM, the staff developed the initial version of the RAP. It was transmitted to the Commission by memorandum dated May 10, 1995, and the Commission approved the initial version of the plan on May 26, 1995. The structure and format of the RAP is designed to facilitate a review of all ongoing and planned rulemaking activities at various stages of development. The staff maintains and periodically updates the RAP in accordance with the 6-month update and input interval required for the OMB Regulatory Agenda for major agency rulemakings, and for the more detailed NRC Regulatory Agenda, published as NUREG-0936. To ensure the completeness of the RAP updates, all Office Directors, the Chief Financial Officer, and the Chief Information Officer are responsible for providing timely information on all rulemakings under development or being considered for development in their respective offices. The staff will continue to submit the updated RAP for review at 6-month intervals consistent with the Commission SRM on SECY-97-167, dated September 16, 1997.

On October 17, 1997, the semiannual update of the RAP was sent to the Commission for approval via SECY-97-240. This was approved by the Commission in an SRM dated December 12, 1997.

[Attachment 1](#) is provided in response to this SRM. It provides a summary of significant changes to the RAP since it was last updated (new rulemakings and petitions, rules terminated, rules that are on-hold, and proposed changes in the priority of a rule). The type of summary will be provided with each subsequent update of the RAP.

**Rulemaking Resources Needed to Implement DSI -22**

Commission SRM on SECY-97-220, "Implementation of DSI-22," dated December 5, 1997, transferred rulemaking resources and responsibilities from the Office of Nuclear Regulatory Research to the program offices. The Commission expressed concern that available resources may not be sufficient to complete all the rulemakings currently underway. Therefore, as requested, the staff will use the RAP for proposing rulemaking priorities. [Attachment 1](#) also proposes which rulemakings to delay or eliminate because of resource limitations.

**Target Completion Dates and Staff Resources (FTEs) Needed to Complete Rules**

Responding to Commission SRM on SECY-97-062, dated April 25, 1997, the RAP was revised to include "Target Completion Dates" for all "active" individual rulemakings. In addition, the RAP was revised to include an estimate of the total staff resources (FTEs) needed by each office to complete development, review, and/or processing of rulemaking packages associated with rule plans, proposed rules, or final rules. For this RAP, it is assumed that each rulemaking will remain with its current program office. The expenditure of FTE resources is shown as of the beginning of Fiscal Year 1998. Office resource estimates are based on an average cost to complete an individual rulemaking from initiation through final publication in the Federal Register. An average cost is used because a more accurate estimate is not available until the package has been fully developed and the degree of complexity is known. It is generally recognized by reviewing offices that some rules will take less time while other, more complex rules, will require more time to complete.

**Regulatory Improvement in Granting Generic Exemptions to Regulations**

A Commission paper, SECY- 96-147, "Planning for Pursuing Regulatory Improvement in the Area of Exemptions Granted to Regulations," dated July 1, 1996, identified 11 rulemaking actions with the potential for reducing the present and future need for recurring exemptions. Seven of these rulemaking actions are included in the RAP and are identified in [Appendix B](#). One rulemaking not previously listed, "Reduction In Nuclear Power Reactor Security Requirements Associated With Insider Threat (Part 73.55)," has been completed. This rulemaking was not included in the previous listing because the

final rule was ready for publication. Four rulemaking actions initially listed were dropped: the rulemaking to minimize exemptions to 10 CFR 50.55(a) is no longer considered necessary (per SECY-96-218, "PRA Implementation Plan"); the rulemaking to change various parts of the regulations to modify the definition of decommissioning has been subsumed into the rulemaking for license termination; the rulemaking to change Part 35.29(d) dealing with the medical uses of radiation has been subsumed into the rulemaking for "Major Revision to Part 35, Medical Use of Byproduct Material;" and the rulemaking to change "Financial Assurance For Teletherapy and Krypton-85 Licensees (Parts 30 and 35)" has been terminated.

At the Commission's request, the staff continues on an ongoing basis to review recent experience with exemptions to determine whether any changes or additions to these seven candidate rulemakings are warranted. The staff has not identified any changes or additions at this time.

Commission SRMs related to reducing the need for exemptions have provided additional guidance to the staff. Specifically, the staff was directed to include in future semiannual updates of the RAP a listing and description of the applications for exemptions that have been received and the exemption applications that have been granted or denied during the reporting period. Also, the staff was directed to include information to categorize the exemption requests that have been granted to indicate those for which a related rulemaking is planned. This information is included as [Appendix B](#) to the RAP, with Attachment 1 for NRR and Attachment 2 for NMSS. If a trend in exemption requests is detected that could be better handled by rulemaking, the staff will promptly inform the Commission. The exemption summary information is as follows:

From January 1, 1997, through mid-May 1998, NRR received 192 exemption requests. Of these, 127 requests were granted, 3 requests were denied, and 62 requests are still under review. Of the 127 granted exemptions, 104 are associated with rulemakings that have been completed, are ongoing, or are being planned. Forty-nine relate to a rulemaking on Part 70.24; 16 relate to a rulemaking on Part 50, Appendix R; 15 relate to a rulemaking on Part 50.60; 15 relate to a rulemaking on Part 73.55; and 9 relate to a rulemaking on Parts 50.44, 50.46 and Appendix K.

From January 1, 1997, through mid-May 1998, NMSS received 65 exemption requests. Of these, 38 requests were granted, 6 requests were denied, and 21 requests are still under review. Of the 38 granted exemptions, 23 are associated with rulemakings that have been completed, are ongoing, or being planned. Four relate to a rulemaking on Part 34; 9 relate to a rulemaking on Part 35; 4 relate to a rulemaking on Part 36; 2 relate to a rulemaking on Part 39; 2 relate to a rulemaking on Part 70; and 2 relate to a rulemaking on Part 72.

#### **Risk-Informed, Performance-Based or Risk-Informed, Less Prescriptive Regulation (DSI-12)**

Commission SRM on COMSECY-96-061, "Risk-Informed, Performance-Based Regulation (DSI-12)," dated April 15, 1997, directed the staff to proceed in the direction of enhancing the PRA Implementation Plan by building on the Regulatory Review Group (RRG) results. These results were initially focused on reducing the regulatory burden, with a more focused assessment of those regulations that are amenable to a risk-informed, performance-based or risk-informed, less prescriptive approach. In determining the priority and scope of regulatory activities, the staff considered the cumulative impacts on safety, stakeholder initiatives, and burden reduction, as well as the effect on NRC and licensee efficiency. As requested, to minimize use of resources in any fresh look at the RRG results, the review was incorporated into the semiannual updates of the Commission's RAP as [Appendix C](#).

#### **Potential Rulemaking Action Related to EPA Activities on Mixed Waste**

EPA's Office of Radiation and Indoor Air has tentative plans to do a rulemaking on mixed waste that would set a generally applicable standard for the disposal of low-level commercial mixed waste in facilities permitted under the Resource Recovery and Conservation Act (RCRA). The goal of this effort is to increase the options currently available for the disposal of mixed waste. In order to implement this standard, EPA would like NRC to develop regulations for simplified procedures for licensing the radioactive portion of waste in RCRA facilities. The staff has not formally responded to EPA's proposal; however, in the future resources may be required to conduct rulemakings on this matter.

#### **Proposed Major Rulemaking Revision to 10 CFR Part 35**

A Commission paper, SECY-97-115, detailed a proposed program plan for revising 10 CFR Part 35. This plan included proposed resolutions for major issues and provisions for appropriate public workshops and additional interactions involving the medical community, the NRC's Advisory Committee on Medical Uses of Isotopes, and other interested parties. The Commission paper also identified certain rulemaking activities specifically associated with Part 35 that will be incorporated into this revision. The affected rulemakings include the following: RM #310, "Pregnancy and Breast-Feeding Status of Patients, Part 35;" RM #385, "Revisions to Parts 31 and 35 to Address MMP Items;" RM #406, "Revised Brachytherapy

Procedures, Part 35;" RM #478, "Relief from Requirements Dealing with the Medical Uses of Radiation, Parts 35.29(c) and (d);" and RM #490, "Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 and associated petition PRM-20-24." Based on a Commission SRM on SECY-97-115 dated June 30, 1997, and other Commission guidance, these rulemakings have been submitted into the Part 35 rulemaking and were dropped as individual rulemakings. In addition, a request for public comment on the rulemaking development was published in the Federal Register on August 6, 1997 (62 FR 42219).

#### **RESOURCES:**

The resources to implement this RAP are within each respective office's existing budget.

#### **COORDINATION:**

The Office of the General Counsel has no legal objection to this paper. The Office of the Chief Financial Officer has reviewed the RAP for resource implications and has no objection. The Office of the Chief Information Officer has reviewed this paper for information technology and information management implications and concurs in it.

RECOMMENDATION:

Unless the Commission directs otherwise, the staff will continue to implement the RAP as provided in [Attachment 2](#).

L. Joseph Callan  
Executive Director for Operations

Attachments: 1. [Summary of Changes to the RAP](#)  
2. [Rulemaking Activity Plan](#)

CONTACT: L. B. Riani, ADM  
(301) 415-6220

ATTACHMENT 1

**SUMMARY OF CHANGES TO THE  
RULEMAKING ACTIVITY PLAN SINCE  
LAST PLAN UPDATE, SEPTEMBER 1997**

**CURRENT AS OF JUNE 19, 1998**

**RULEMAKING ACTIONS EITHER DELAYED OR ELIMINATED DUE TO THE LACK OF RESOURCES NEEDED TO IMPLEMENT DSI 22**

No rulemakings have been identified

**NEW RULEMAKING ACTIVITIES (EITHER REQUESTED BY USER OFFICES OR HAD RULEMAKING PLANS COMPLETED) THAT HAVE BEEN ADDED TO THE VARIOUS CATEGORIES**

**CATEGORY I (ACTIVE RULES)**

**HIGHER PRIORITY**

Certification Amendment Process, 10 CFR 76.45--RM#499--W#970255--NMSS-C1HP-40-11

Expand Applicability to Include Additional Parties, Part 72--RM#439--NMSS-C1HP-41

Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants, 10 CFR 50.65--RM#509--AF95--NRR-C1HP-42

Revision to 10 CFR 50.59, Changes, Tests, and Experiments--RM#506--NRR-C1HP-43

Disposal of High-Level Radioactive Wastes in a Repository at Yucca Mountain, Part 63--RM#513--NMSS-C1HP-44

Financial Protection Requirements and Indemnity Agreements, Part 140--RM#517--NRR-C1HP-45

Requirements for Possession of Industrial Devices Containing Byproduct Material, Part 31--RM#519--NMSS-C1HP-46

Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts 30, 31, 32, 171--Rm#520--NMSS-C1HP-47

Elimination of 30-Day Delay in Loading Spent Fuel After Preoperational Testing, 10 CFR 72.82(E)--RM#433--NMSS-C1HP-48

Modification to Event Reporting Requirements for Power Reactors, Immediate Notification Requirements for Operating NPR, 10 CFR 50.72 and Licensee Event Report System, 10 CFR 50.73-- RM#512--AEOD-C1HP-49

Environmental Impacts of High Level Waste Transportation, 10 CFR 51.53--RM#508--NRR-C1HP-50.

**MEDIUM PRIORITY**

Adoption of Part 20 Dosimetry Methodology to Part 72--RM#437--NMSS-C1MP-26

Statement of Organization and General Information; Minor Amendments, Parts 1, 2, 4, 7, 9, 15, 76, 110--RM#510--AF89--ADM-C1MP-27

Access Authorization Fee Schedule for Licensee Personnel, Parts 11, 25--RM#511--AF90--ADM-C1MP-28

Revision of Fee Schedules; 100% Fee Recovery; FY 1998, Parts 170, 171--RM#514--AF83--CFO-C1MP-29

**LOW PRIORITY**

Clarification and Minor Corrections, Part 34--RM#516--NMSS-CILP-20

**CATEGORY II (TECHNICAL BASES UNDER DEVELOPMENT)-- NONE**

**CATEGORY III (NEW RULEMAKING PLANS BEING DEVELOPED OR IN QUEUE)**

**HIGHER PRIORITY**

Fissile Material Shipments and Exemptions, Part 71--RM#521--NMSS-C3HP-31

**MEDIUM PRIORITY**

Amend Certificate of Compliance for VECTRA Technologies, Inc., NUHOMS Dry Shielded Canister, Part 72--RM#518--NMSS-C3MP-32

**LOW PRIORITY-- NONE**

**NEW PETITIONS FOR RULEMAKING THAT HAVE BEEN RECEIVED AND/OR PUBLISHED FOR PUBLIC COMMENT**

**CATEGORY IVA (PETITIONS BEING RESOLVED)**

PRM-40-26 Petitioner/Petition Docket Number: Chromalloy Tallahassee--RM#470--NMSS-C4A-25

PRM-71-12 Petitioner/Petition Docket Number: International Energy Consultants--RM#471--NMSS-C4A-26

PRM-50-63A Petitioner/Petition Docket Number: Peter G. Crane--RM#472--RES-C4A-27

PRM-72-04 Petitioner/Petition Docket Number: Independent Storage of Spent Nuclear--RM#473--NMSS-C4A-28

**RULEMAKING ACTIVITIES THAT HAVE BEEN PLACED ON HOLD OR TERMINATED**

**CATEGORY IVB (ON HOLD)**

Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel, Part 51--RM#116--AA31--NRR-C4B-15

Alternative Site Reviews, Part 50--RM#313--NRR-C4B-26

Relief from the Use of Part 36 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479--NMSS-C4B-27

Spent Fuel Shipment Information Protection Requirements, Part 73--RM#501--NMSS-C4B-28

**CATEGORY V (ACTIONS TERMINATED)**

Revision to Nuclear Power Reactor Decommissioning Cost Requirements, 10 CFR 50.75--RM#347--AF40--NRR-C5-29

Extremity Dosimetry--RM#146--RES-C5-30

Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 (PRM-20-24)--RM#490--AF91--NMSS-C5-31

Financial Assurance for Teletherapy and Krypton-85 Licensees, Parts 30, 35--RM#482--NMSS-C5-32

Conforming 10 CFR Part 60 to EPA Standard and NAS Recommendations--RM#430--NMSS-C5-33

Requirements for Possession of Industrial Devices Containing Byproduct Material, Parts 31, 32--RM#81--NMSS-C5-34

Requirements Concerning the Accessible Air Gap for Generally Licensed Devices, Parts 31, 32--RM#264--NMSS-C5-35

Revision of Parts 30,40 to Address RSO Duties--RM#386--NMSS-C5-36

General Domestic Licenses for Byproduct Material, Part 31--RM#487--NMSS-C5-37

Storage of Greater Than Class C Waste, Part 72--RM#436--NMSS-C5-38

Elimination of 10 CFR Part 2, Appendix A--RM#489--NMSS-C5-39

Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information, Part 10--RM#431--AF48--ADM-C5-40

Addition Of DOE Multi Purpose Canisters, 10 CFR 72.214--RM#412--NMSS-C5-41

Shutdown and Spent Fuel Pool Operations, Part 50--RM#398--AE97--NRR-C5-43

Revision of 10 CFR 50.34(f) to Apply to Unknown Future Designs--RM#485--NRR-C5-44

Licensing Requirements for Senior Reactor Operators Limited to Fuel Handling, Part 55--RM#486--NRR-C5-45

ATTACHMENT 2

**RULEMAKING  
ACTIVITY PLAN**

**CURRENT AS OF JUNE 19, 1998**

**Key to Rulemaking Categories in Rulemaking Activity Plan**

- Category I: Active Rulemakings - Those rules that have been judged to be needed by user/sponsoring offices, have been approved by the EDO and the Commission by previously approved Rulemaking Activity Plan (RAP) or by individual rulemaking plans, and are currently in progress.
- Category II: Technical Basis Under Development - Development of the Technical Basis is needed to support certain rulemaking activities. All the activities in this category will be subject to further approval using MD 6.3 rulemaking plan process.
- Category III: Rules Being Planned - Rules (including petitions) that are judged to be needed based on preliminary assessment by the user/sponsoring office but that must be processed through the new planning process (MD 6.3) for EDO/Commission review and approval.
- Category IV: Petitions Being Resolved/Activities on Hold (Two Subcategories)
- IVa Petitions for which further assessment is required before deciding whether to grant, to deny, or to partially grant a petition.
- IVb Rules for which further work cannot be undertaken until information needed from outside sources is obtained or until resources become available.
- Category V: Drop - May require some closeout actions.
- Category VI: Rules Completed or Nearly Completed (Commission Approved)

**INDEX FOR  
RULEMAKING ACTIVITY PLAN**

**CATEGORY I, ACTIVE RULES**

**HIGHER PRIORITY**

Radiological Criteria for Uranium Recovery License Termination, Part 20--RM#211a--AD65--W#9711210--NMSS-C1HP-08 CI-1

Codes and Standards for NPP, Part 50--RM#318--AE26--NRR-C1HP-11 CI-2

Amending Initial Operator License Examination Requirements, Part 55--RM#484--AF62--NRR-C1HP-26 .CI-3

Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements, 10 CFR 50.2 and 10 CFR 50.75--RM#424--AF41--NRR-C1HP-28 CI-5

Financial Protection Requirements for Permanently Shutdown Nuclear Power Plants, Part 50--RM#312--AF79--NRR-C1HP-29 CI-6

General Revisions to the Fitness-For-Duty Rule, Part 26--RM#397--AF12--NRR-C1HP-30 CI-6

Revision of Respiratory Protection Requirements, Part 20--RM#269--AF81--NRR-C1HP-32 CI-7

Domestic Licensing of Special Nuclear Material-Revision, Part 70--RM#351--AF22--NMSS-C1HP-35 CI-8

Exemption from Criticality Monitor Requirements for Fresh Fuel, 10 CFR 70.24--RM#494--AF87--NRR-C1HP-36 CI-8

Major Revision to Part 35, Medical Use of Byproduct Material--RM#497--AF74--NMSS-C1HP-37 CI-9

Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities, Part 50--RM#340--AF29--NRR-C1HP-39 CI-10

Certification Amendment Process, 10 CFR 76.45--RM#499--AF85--W#970255--NMSS-C1HP-40 CI-11

Expand Applicability to Include Additional Parties, Part 72--RM#439--AF93--NMSS-C1HP-41 .CI-12

Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants, 10 CFR 50.65--RM#509--AF95--NRR-C1HP-42 .CI-13

Revision of 10 CFR 50.59; Changes, Tests, and Experiments--RM#506--AF94--NRR-C1HP-43 CI-13

Disposal of High-Level Radioactive Wastes in a Repository at Yucca Mountain, Part 63--RM#513 --NMSS-C1HP-44 CI-14

Financial Protection Requirements and Indemnity Agreements, Part 140--RM#517--NRR-C1HP-45 CI-15

Requirements for Possession of Industrial Devices Containing Byproduct Material, Part 31--RM#519--NMSS-C1HP-46 CI-15

Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts 30, 31, 32, 171--Rm#520--NMSS-C1HP-47 CI-16

Elimination of 30-Day Delay in Loading Spent Fuel After Preoperational Testing, 10 CFR 72.82(E)--RM#433--NMSS-C1HP-48 . CI-17

Modification to Event Reporting Requirements for Power Reactors; Immediate Notification Requirements for Operating NPR, 10 CFR 50.72 and Licensee Event Report System, 10 CFR 50.73-- RM#512--AF98--AEOD-C1HP-49 CI-18

Environmental Impacts of High Level Waste Transportation, 10 CFR 51.53--RM#508--NRR-C1HP-50 CI-18

## **MEDIUM PRIORITY**

Audit Frequency for Emergency Planning and Security, Part 50, PRM-50-59, PRM-50-60--RM#413--AF63--NRR-C1MP-18 CI-20

Miscellaneous Changes to Part 72 and Amendment to Exempt Natural or Depleted Uranium Metal Used In Storage Cask Shielding, Part 40--RM#446--AF80--NMSS-C1MP-22 CI-21

Emergency Planning Requirements for Defueled Reactors and Exercise Requirements for Offsite Emergency Plans Appendix E, 10 CFR 50.54(Q)--RM#435--AF92--W#970230--NRR-C1MP-23 . CI-21

Codes and Standards, 10 CFR 50.55a (h)--RM#498--AF96--NRR-C1MP-24 CI-22

Conformance to National Policies for Access to and Protection of Classified Information, Parts 10, 11, 25, 95--RM#502--AF97--ADM-C1MP-25 CI-23

Adoption of Part 20 Dosimetry Methodology to Part 72--RM#437--AF84--NMSS-C1MP-26 .CI-24

## **LOWER PRIORITY**

Minor Administration Changes, Clarifying and Minor Policy Changes, Parts 20, 32, 35, 36, 39--RM#402--AF46--NMSS-C1LP-05 CI-24

Submission Procedures for Documents, Parts Multi--RM#445--CIO-C1LP-17. CI-25

NRC Acquisition Regulation, Part 48--RM#475--AF52--ADM-C1LP-18. CI-26

Clarification and Minor Corrections, Part 34--RM#516--AEO7--NMSS-CILP-20. CI-27

## **CATEGORY II - TECHNICAL BASIS UNDER DEVELOPMENT**

### **HIGHER PRIORITY**

Criteria for Recycle/Reuse--RM#381--NMSS-C2HP-04 CII-1

Disposal by Release into Sanitary Sewerage, Part 20--RM#288--AE90--NMSS-C2HP-05 CII-1

Amend Certification of Compliance NO.72-1007 for the VSC-24 Dry Spent Fuel Storage Cask, 10 CFR 72.214--RM#390--NMSS-C2HP-07 CII-2

### **MEDIUM PRIORITY**

Exemption from Licensing of Certain Products, Parts 30, 32--RM#400--NMSS-C2MP-05 CII-3

### **LOWER PRIORITY----NONE**

## **CATEGORY III, RULES AND PETITIONS BEING PLANNED**

### **HIGHER PRIORITY**

Skin Dose Limits for Hot Particles--RM#164--NRR-C3HP-07 CIII-1

Update of Decommissioning Funding Certification Amounts for Applicants and Licensees, Parts 30, 40, 70--RM#243--NMSS-C3HP-09 CIII-1

Energy Compensation Sources for Well Logging, Part 39--RM#440--NMSS-C3HP-13 .CIII-2

Options for the Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--NMSS-C3HP-20 .CIII-3

Development of a Stand-Alone Regulation for Uranium Milling and Milling Facilities, Part 41--RM#503--NMSS-C3HP-27 CIII-3

Design Certification for AP600, Part 52--RM#504--W#920142D--NRR-C3HP-28 CIII-4

Fissile Material Shipments and Exemptions, Part 71--RM#521--NMSS-C3HP-31 CIII-5

#### **MEDIUM PRIORITY**

Special Nuclear Material Accountability, Parts 70, 74--RM#309--NMSS-C3MP-06 CIII-6

Clarifications and Addition of Flexibility to Part 72--RM#438--NMSS-C3MP-12 . . .CIII-6

Geological and Seismological Characteristics of Spent Fuel Storage Systems, Part 72--RM#441--NMSS-C3MP-13 CIII-7

Financial Assurance Requirements for Waste Brokers and Sealed Source Users--RM#480--NMSS-C3MP-15 .CIII-8

Staffing and Training Requirements for Defueled Reactors, Parts 50, 55--RM#444--NRR-C3MP-18 .CIII-8

Use of Alternate Cladding Material in Reactors, Part 50--RM#449--NRR-C3MP-19 .CIII-9

Compatibility with the IAEA Transportation Standards, Part 71--RM#496--NMSS-C3MP-26 .CIII-9

Lessons Learned from Design Certification, Part 52--RM#505--W#970060/W#970126--NRR-C3MP-30 CIII-10

Determination of Exclusion Area, Low Population Zone, and Population Center Distance, 10 CFR 100.11 and Control Room, Part 50 (Appendix A, GDC 19)--RM#507--NRR-C3MP-31 CIII-10

Amend Certificate of Compliance for VECTRA Technologies, Inc. NUHOMS Dry Shielded Canister, Part 72--RM#518--NMSS-C3MP-32 CIII-11

#### **LOWER PRIORITY NONE**

#### **CATEGORY IVA- Petitions Being Resolved**

PRM-20-21 Petitioner/Petition Docket Number: Keith J. Schiager, Ph.D., et al.--RM#451--NMSS-C4A-07 CIVA-1

PRM-50-62 Petitioner/Petition Docket Number: Nuclear Energy Institute--RM#459--NRR-C4A-14 CIVA-1

PRM-50-63 Petitioner/Petition Docket Number: Peter G. Crane--RM#460--RES-C4A-15 CIVA-1

PRM-72-02 Petitioner/Petition Docket Number: Portland General Electric Company--RM#462--RES-C4A-17 CIVA-2

PRM-35-13 Petitioner/Petition Docket Number: National Registry of Radiation Protection Technologists (NRRPT)--RM#463--NMSS-C4A-18 CIVA-2

PRM-72-03 Petitioner/Petition Docket Number: Fawn Shillinglaw--RM#464--NMSS-C4A-19 CIVA-2

PRM-30-61 Petitioner/Petition Docket Number: Nuclear Energy Institute--RM#468--NMSS-C4A-23 CIVA-3

PRM-40-26 Petitioner/Petition Docket Number: Chromalloy Tallahassee--RM#470--NMSS-C4A-25 CIVA-3

PRM-71-12 Petitioner/Petition Docket Number: International Energy Consultants--RM#471--NMSS-C4A-26 CIVA-3

PRM-50-63A Petitioner/Petition Docket Number: Peter G. Crane--RM#472--RES-C4A-27 CIVA-4

PRM-72-04 Petitioner/Petition Docket Number: Independent Storage of Spent Nuclear Fuel in Dry Casks--RM#473--NMSS-C4A-28 CIVA-4

#### **CATEGORY IVB- Activities ON HOLD**

Rulemaking on Probabilistic Risk Assessment, Part 52--RM#411--NRR--C4B-09 CIVB-1

Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel, Part 51--RM#116--AA31--NRR-C4B-15 CIVB-1

Transfer of Unimportant Quantities of Source or Byproduct Material to Exempt Persons, 10 CFR 40.51--RM#447--NMSS-C4B-19 .CIVB-2

Reduction of Additional Reporting Requirements Imposed on NRC Licensees, Part 50, RRGR Item 59a--RM#387--NRR-C4B-24 CIVB-3

Alternative Site Reviews, Part 50--RM#313--NRR-C4B-26 CIVB-3

Relief from the Use of Part 36 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479--NMSS-C4B-27 CIVB-4

Spent Fuel Shipment Information Protection Requirements, Part 73--RM#501--NMSS-C4B-28 CIVB-4

#### **CATEGORY V - DROP**

Elimination of Inconsistencies Between NRC Regulations and EPA HLW Standards, Part 60--RM#79--AC03--NMSS-C5-06 CV-1

Distribution of Source and Byproduct Material: Licensing and Reporting Requirements, Parts 32, 40--RM#292--AE33--NMSS-C5-09 CV-1

Criteria for Extraordinary Nuclear Occurrence, Part 140--RM#51--AB01--NRR-C5-10 . CV-2

Safe Concentration for Possession of SNM in Contaminated Soil--RM#409--NMSS-C5-11 CV-2

Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment, 10 CFR 50.76--RM#414--AF33--AEOD-C5-19 CV-3

Steam Generators--RM#394--AF04--NRR-C5-28 CV-4

Revision to Nuclear Power Reactor Decommissioning Cost Requirements, 10 CFR 50.75--RM#347--AF40--NRR-C5-29 CV-5

Extremity Dosimetry--RM#146--RES-C5-30 CV-6

Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 (PRM-20-24)--RM#490--AF91--NMSS-C5-31 .CV-7

Financial Assurance for Teletherapy and Krypton-85 Licensees Parts 30, 35--RM#482--NMSS-C5-32 CV-7

Conforming 10 CFR Part 60 to EPA Standard and NAS Recommendations--RM#430--NMSS-C5-33 CV-8

Requirements for Possession of Industrial Devices Containing Byproduct Material, Parts 31, 32--RM#81--NMSS-C5-34 CV-9

Requirements Concerning the Accessible Air Gap for Generally Licensed Devices, Parts 31, 32--RM#264--AD82--NMSS-C5-35 CV-9

Revision to Parts 30, 40 to Address RSO Duties--RM#386--NMSS-C5-36 CV-10

General Domestic Licenses for Byproduct Material, Part 31--RM#487--NMSS-C5-37 CV-10

Storage of Greater Than Class C Waste, Part 72--RM#436--NMSS-C5-38 .CV-11

Elimination of 10 CFR Part 2, Appendix A--RM#489--NMSS-C5-39 CV-12

Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information, Part 10--RM#431--AF48--ADM-C5-40 CV-12

Addition Of DOE Multi Purpose Canisters, 10 CFR 72.214--RM#412--NMSS-C5-41 CV-13

Shutdown and Spent Fuel Pool Operations, Part 50--RM#398--AE97--NRR-C5-43 CV-14

Revision of 10 CFR 50.34(f) to Apply to Unknown Future Designs--RM#485--NRR-C5-44 CV-15

Licensing Requirements for Senior Reactor Operators Limited to Fuel Handling, Part 55--RM#486--NRR-C5-45 CV-15

#### **CATEGORY VI, RULES COMPLETED OR NEARLY COMPLETED (COMMISSION APPROVED)**

Reduction in Nuclear Power Reactor Security Requirements Associated with Insider Threat, 10 CFR 73.55 (except d8)--RM#405--AF11--RES-C1HP-21 CVI-1

Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste, Parts 60, 72, 73, 74, 75--RM#346--AF32--NMSS-C1HP-22 CVI-1

Requirements for Shipping Packages Used to Transport Vitrified Wastes Containing Plutonium, Part 71 (PRM-71-11)--RM#491--AF59--NMSS-C1HP-24 .CVI-3

Removal of the 5-Year Term for Licenses for the Medical Use of Byproduct Material, 10 CFR 35.18--RM#493--AF77--NMSS-C1HP-27 .CVI-3

Exempt Distribution and Use of a Radioactive Drug Containing One Microcurie of Carbon 14 Urea, Parts 30, 32, PRM-35-12--RM#432--AF70--RES-C1HP-31 .CVI-4

Exemption from Criticality Monitor Requirements for Fresh Fuel, 10 CFR 70.24--RM#494--AF87--RES-C1HP-36 CVI-6

Deliberate Misconduct Rule, Parts 30, 40, 50, 60, 61, 70, 72, 110)--RM#425--AF35--RES-C1MP-14 CVI-6

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Alternative Criteria for Non-Profit Entities and Alternative Financial Criteria for Non-Bond Issuing Licensees--RM#408--NMSS-C1MP-17 CVI-7

Revision of Prototype Testing Requirements for Watches Containing Tritium (PRM-32-04), 10 CFR 32.14--Rm#423--AF76--NMSS-C1MP-21 CVI-8

Codes and Standards, 10 CFR 50.55a (h)--RM#498--AF73--RES-C1MP-24 CVI-9

Statement of Organization and General Information; Minor Amendments, Parts 1, 2, 4, 7, 9, 15, 76, 110--RM#510--AF89--ADM-C1MP-27 .CVI-9

Access Authorization Fee Schedule for Licensee Personnel, Parts 11, 25--RM#511--AF90--ADM-C1MP-28 .CVI-10

Revision of Fee Schedules; 100% Fee Recovery; FY 1998, Parts 170, 171--RM#514--AF83--CFO-C1MP-29 .CVI-10

Electronic Freedom of Information Act; Implementation, Part 9--RM#515--AF78--CIO-C1MP-30 .CVI-11

Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations, Part 50--RM#268--AE38--RES-C5-24 CVI-11

Specific Domestic Licenses of Broad Scope for Byproduct Materials, Part 33--RM#448--AF54--NMSS-C5-25 CVI-12

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**CATEGORY I  
ACTIVE RULES**

**RULES IN DEVELOPMENT/BEING COMPLETED**

**THOSE RULEMAKINGS THAT HAVE  
BEEN JUDGED TO BE NEEDED BY  
THE USER OFFICE AND HAVE BEEN  
APPROVED BY THE EDO AND ARE  
CURRENTLY IN PROGRESS**

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**HIGHER PRIORITY**

**NMSS-C1HP-08 Radiological Criteria for Uranium Recovery License Termination, Part 40--RM#211a--AD65--W#830615**

**OBJECTIVE--** The rulemaking would amend the Commission's regulations regarding decommissioning of licensed uranium recovery facilities to provide specific radiological criteria for license termination of lands and structures. These criteria will be used in determining the adequacy of remediation of residual radioactivity at uranium recovery facilities; however they would not apply to sites that have a decommissioning plan approved by the Commission.

The intent of the rule is to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be remediated before a site can be considered decommissioned. The NRC believes that inclusion of criteria in the regulations will result in more efficient, less expensive, consistent licensing actions related to the complex site remediation and decommissioning activities anticipated now and for the future at uranium recovery facilities.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The cost of this rulemaking to NRC licensees is not considered significant as they are currently having to demonstrate compliance with a similar limit without the benefit of consistent, demonstrable standards for all residual radioactivity. The benefit to NRC licensees is that they will be able to better plan for decommissioning during operation as the goals of license termination will be clear. Guidance anticipated to be provided will assist licensees in making decisions about remediation. This guidance should allow NRC licensees to prepare more effectively for decommissioning.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. Commission SRM on SECY-96-046A dated May 21, 1997 approved the final rule on radiological criteria for license termination for nuclear facilities, but directed the staff to exclude uranium recovery. The proposed uranium recovery rule was published for public comment in the Federal Register along with the final rule on radiological criteria for license termination for nuclear facilities on July 21, 1997 (62 FR 39058). A Commission options paper was sent to EDO for approval on March 17, 1998. The Commission options paper was sent to the Commission for approval on April 15, 1998, SECY-98-084.

**STAFF RESOURCES--** Total FTE = 1.55; NMSS = 1.35; OGC = 0.10; ADM = 0.07; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission

Pending receipt of SRM on SECY-98-084

**NRR-C1HP-11 Codes and Standards for NPP, 10 CFR 50.55a--RM#318--AE26**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations section 10 CFR 50.55a, Codes and Standards, that mandates use of Section III of the ASME Boiler and Pressure Vessel Code (ASME BPV Code) for construction of Class 1, 2, and 3 components in nuclear power plants, and use of Section XI of the ASME BPV Code for in service inspection (ISI) and in service testing (IST) of those components. Section 50.55a requires that each

licensee update its ISI and IST programs every 120 months to the latest edition of the ASME BPV Code endorsed by the NRC in that section of the regulations. The rulemaking will also include expedited implementation of Section XI Appendix VIII, Performance Demonstration for Ultrasonic Examination Systems. In addition, the rule will, incorporate by reference the ASME Operation and Maintenance (OM) Code to replace the Section XI requirements for IST. (Note: the latter action is made necessary by the ASME directive that transferred all responsibility for IST from Section XI to the ASME Operation and Maintenance Committee.)

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** This rulemaking has been delayed as a result of evaluating different approaches for updating ISI and IST programs, initially, in response to a cost-beneficial licensing action (CBLA) request from ENTERGY. As a result, the staff planned to issue a revised approach to ISI and IST program updates. This approach was based on the premise that cost savings could be realized by licensees without adversely affecting safety by establishing a baseline edition of the ASME BPV Code, and entirely eliminating the 120-month update requirement for licensee ISI and IST programs.

Because of this new approach, evaluation of the advantages and disadvantages of different options for revising 10 CFR 50.55a were initiated. Staff evaluation of issues associated with the different options, such as licensee and NRC costs, and related costs, such as State and insurance agency costs, associated ISI and IST program revisions, related procedure modifications, submittal for staff review, program revisions in response to staff comments, ISI and IST NRC inspection activities and also effects of each option on codes and standards development were begun.

While the staff was reviewing these issues, two significant additional activities related to codes and standards occurred. As a result of these activities (discussed below) the approach defined in 10 CFR 50.55a for the mandatory update of ISI and IST programs was not revised. One activity was the NRC Strategic Assessment and Rebaselining Initiative which identified, among other things, the role of industry as a Direction Setting Issue (DSI). Direction Setting Issue 13 (DSI-13) "Role of Industry", and the Commission's decision on this issue. as reflected in COMSECY-96-062, identified additional questions related to codes and standards including consideration of the consensus process and application of the current backfit rule when the staff adopts updated codes and standards. These issues will be addressed in the implementation of DSI-13 which will also include interactions with industry groups, professional societies, technical institutes and other stakeholders.

The second activity was issuance of the revised Office of Management Budget (OMB) Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards," on October 26, 1993. The circular provided policies on Federal use of private standards, and agency participation in voluntary standards bodies and standards-developing groups. The National Technology Transfer and Advancement Act of 1995, PL 104-113, which codifies the requirements in OMB Circular A-119, was signed into law on March 7, 1996. The Act directs the National Institute of Standards Technology (NIST) to coordinate with other Federal agencies to achieve greater reliance on voluntary standards and conformity assessment bodies with lessened dependence on in-house regulations. Consideration of these documents and their directives and policy guidance resulted in further schedule delay.

As the staff develops the action plan for DSI-13, defines activities to implement OMB Circular A-119, and addresses potential initiatives proposing further NRC reliance on industry activities as an alternative for NRC regulatory activities, various issues related to utilization of codes and standards will be evaluated and discussed with professional and technical societies, the public, and industry. These issues include the processes used to develop new codes and standards, the process to revise existing codes and standards to clearly identify safety significant changes as part of developing the change to the code or standard, potential changes to reduce or standardize the process for endorsing codes and standards, and other issues related to the utilization of codes and standards in the regulatory process. This proposed rulemaking does not include issues that will be addressed or subsumed in activities related to DSI-13, such as those related to the Entergy request. As the staff works with stakeholders to increase focus and emphasis on utilization of codes and standards, these issues will be addressed.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The proposed rulemaking was sent for office review and comment on 07/07/97. The proposed rulemaking was reviewed by CRGR on September 9, 1997. The proposed rule was published for comment in the Federal Register on December 3, 1997 (62 FR 63892). The comment period was extended to April 3, 1998. Over 500 comments were received.

**STAFF RESOURCES--** Total FTE = 2.05; NRR = 1.85; OGC = 0.10; ADM = 0.07; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission

April 1999

**NRR-C1HP-26 Amending Initial Operator License Examination Requirements, Part 55--RM#484--AF62--W#950056**

**OBJECTIVE--** The proposed rule change would revise 10 CFR 55 to require that power reactor facility licensees prepare, proctor, and grade the written licensing examinations and to prepare the operating tests that are given to reactor operators and senior reactor operators. Although the Code of Federal Regulations does not specify who will be responsible for these examinations, the practice has been for the NRC or its contractors to prepare and conduct these examinations. The NRC has conducted a pilot program in which it has had licensees prepare these examinations and submit them to NRC for review. Evaluations of the pilot program have indicated that with experience licensees can do an adequate job of preparing, proctoring, and grading these examinations. However, based on the public comments submitted in response to the proposed rule and the frequency of security incidents during the pilot program, the NRC has decided to also amend 10 CFR 55.49 as part of the final rule change to clarify its intent and to require facility licensees to establish, implement, and maintain procedures to ensure examination security and integrity. The NRC has an obligation to prescribe uniform conditions for licensing operators and senior operators; therefore, it expects licensees to use the examination criteria and methods published in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," or to obtain NRC approval to use alternative criteria or methods.

**TYPE--NRC BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** A qualitative regulatory analysis was included with the proposed rulemaking. The pilot examination results and industry response to the proposed analysis indicate that the rule change and the revised examination process have the potential (but are not guaranteed) to save licensee resources.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The final rulemaking plan was sent for office concurrence on 08/26/96 using MD 6.3 process. The final rulemaking plan was sent for EDO approval on 09/09/96. The final rulemaking plan was sent to the Commission, SECY-96-206, for approval on 09/25/96. Commission SRM on SECY-96-206 dated December 17, 1996 approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on 03/04/97. The proposed rulemaking was sent for EDO approval on 03/26/97. The proposed rulemaking was sent to the Commission, SECY-97-079, for approval on 04/08/97. Commission SRM on SECY-96-079 dated June 26, 1997 approved the proposed rulemaking. The proposed rulemaking was sent to ADM for publication in the Federal Register on 07/25/97. The proposed rulemaking was published for public comment in the Federal Register on August 7, 1997 (62 FR 42426). The public comment period closed on October 21, 1997; a total of 13 comment letters were received. The ACRS was briefed on the final rule on May 1, 1998.

**STAFF RESOURCES--** Total FTE = 0.85; NRR = 0.75; OGC = 0.05; ADM = 0.035; CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to Commission

July 1998

**NRR-C1HP-28 Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements, 10 CFR 50.2 and 10 CFR 50.75--RM#424--AF41--W#950112**

**OBJECTIVE--** The purpose of this proposed rulemaking is to modify the financial mechanism required to provide decommissioning funds when needed because the impact of deregulation of the power generating industry has created potential uncertainty with respect to the availability of decommissioning funds when needed. The proposed rulemaking would allow licensees to take credit for earnings on their trust funds during an extended safe storage period. Also, the proposed rulemaking would require periodic reporting to monitor compliance with decommissioning funding assurance regulations by power reactor licensees.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Non-rate setting licensees that would attempt to qualify for a parent company or self-guarantee, the staff estimates 8 to 40 hours would be needed to complete the financial test documents. The burden on the NRC to review these documents would be approximately 2 hours per licensee. If the NRC imposed a periodic reporting requirement (e.g., every 2 years) on the status of decommissioning funding assurance, the staff estimates that licensees would submit approximately 100 reports every 2 years, or an average of 50 reports each year. The impact on licensees would be in copying and transmitting information they already have, which staff estimates to be approximately 8 staff-hours per licensee or 400 staff-hours annually.

It should take approximately 2 NRC-staff hours on average to review and analyze each report. An annual summary report based on the submissions current up to that year should require approximately 8 NRC-staff hours to prepare and disseminate. No contractor effort should be needed. Thus, total NRC staff effort should be about 108 staff-hours annually (i.e., 50 reports x 2 NRC-staff hour + 8 NRC-staff hours) for a decommissioning funding status report. Using the Financial Accounting Standards Board (FASB) information would entail similar staff effort.

**RECOMMENDATION TO PROCEED--** Yes. The rule plan was approved by the EDO on 09/01/95. Commission SRM on SECY-96-030 dated 03/27/96 approved the ANPR. The ANPR was published in the Federal Register on 04/08/96 (61 FR 15427). The staff is evaluating 650 comments received to date. Proposed rule was sent for office review and comment on 03/10/97. Proposed rule sent for EDO approval on 05/07/97. Proposed rule OMB package was sent to CIO for review and comment on 05/14/97. Proposed rule was sent for Commission, SECY-97-102, approval on May 16, 1997. Commission SRM on SECY-96-102 dated June 30, 1997 approved the proposed rulemaking. Commission SRM, COMSAJ-97-009 dated August 15, 1997 provided additional comments on SECY-96-102. The proposed rulemaking was sent to ADM for publication on 08/27/97. The proposed rulemaking was published for public comment in the Federal Register on September 10, 1997 (62 FR 47588).

The final rulemaking was sent for office review and comment on 5/15/98.

**STAFF RESOURCES --** Total FTE = 0.53; NRR = 0.45; OGC = 0.03; ADM = 0.035; CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to Commission

June 1998

**NRR-C1HP-29 Financial Protection Requirements for Permanently Shutdown Nuclear Power Plants, Parts 50, 140--RM#312--AF79--W#930116**

**OBJECTIVE--** The final rule will amend the Commission's regulations regarding adjustment of onsite and offsite insurance coverage for specified reactor configurations during permanent plant shutdown. The current regulations do not take into account the reduced risk associated with permanently shutdown plants.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Reduces NRC burden and licensee costs in the review of licensee submittals for determining appropriate licensee exemptions, relief, and insurance coverage from regulatory requirements during permanent shutdown based on specified reactor configurations.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed. The rulemaking category listing was changed from Category II to Category III. The rulemaking plan was sent for office concurrence on 04/25/96 using Management Directive 6.3 process. The rulemaking plan was sent for EDO approval on August 6, 1996. After additional technical basis were developed to support the rulemaking, the rulemaking plan was resent for EDO approval on December 6, 1996. The rulemaking plan was sent for Commission, SECY-96-256, approval on December 17, 1996. Commission SRM on SECY-96-256 dated January 28, 1997 approved the rulemaking plan. The proposed rulemaking was sent for office review on 06/17/97. The proposed rulemaking was sent for EDO approval on 08/01/97. Commission SRM on SECY-97-186 dated October 6, 1997 approved the proposed rulemaking. The proposed rulemaking was sent to ADM for publication on 10/14/97. The proposed rulemaking was published for public comment in the Federal Register on October 30, 1997 (62 FR 58690).

**STAFF RESOURCES --** Total FTE = 0.73; NRR = 0.65; OGC = 0.03; ADM = 0.035; CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to Commission

September 1998

**NRR-C1HP-30 General Revisions to the Fitness-For-Duty Rule, Part 26--RM#397--AF12--W#890042**

**OBJECTIVE--** The proposed rule would amend the Commission's fitness-for-duty (FFD) regulations based on experience gained. This proposed rule would also address the petition for rulemaking from Virginia Electric and Power Company (PRM-26-1) to reduce the frequency of audits to biennially, and address the Regulatory Review Group items on audit frequency and annual submittal of data. The proposed revisions were previously submitted to the Commission as SECY-92-308 but were withdrawn by the EDO because of backfit issues. The Commission requested that the proposed amendments be resubmitted after the backfit issues are resolved. The Commission subsequently approved the revised rulemaking package. The proposed rule would also significantly reduce regulatory burden, and improve the effectiveness of licensees' FFD programs. This rulemaking also would adopt changes made to the HHS guidelines and address legal, technical, and policy issues, such as the Americans With Disabilities Act

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Industry burden would be reduced by about \$26 million per year. The proposed rule would enhance the ability of licensees to deter and detect substance abuse and remove unfit workers. The proposed rulemaking is expected to provide an incremental increase in safety relative to the FFD safety requirements previously approved by the Commission.

**RECOMMENDATION TO PROCEED--** Yes. Significant improvements in effectiveness and efficiencies in licensees' FFD programs and reduced burden on the NRC staff would result. The proposed rulemaking was published for public comment on 05/09/96 (61 FR 21105). Over 1000 comments from 36 respondents were received.

**STAFF RESOURCES--** Total FTE = 1.29; NRR = 1.00; OGC = 0.2; ADM = 0.07; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission

August 1998

**NRR-C1HP-32 Revision of Respiratory Protection Requirements, Part 20--RM#269--AF81--W#970194**

**OBJECTIVE--** The proposed rulemaking would update the Commission's regulations and guidance by permitting the use of the most current technology to provide respiratory protection. In particular, Appendix A to Part 20, will list new protection factors and certified equipment. The elimination of other outdated prescriptive requirements will reduce licensee burden by providing greater flexibility while providing improved protection to workers.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The regulatory analysis for this rulemaking estimates a cost reduction on the order of \$2 million per year to the nuclear industry as result of deleting redundant or prescriptive requirements and permitting the use of new and less burdensome devices such as disposable respirators and supplied-air hoods.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The EDO directed the staff to proceed with rulemaking in May 1997. The proposed rulemaking was sent for office review and comment in March 1998. The proposed rulemaking was sent for EDO approval on 03/31/98. Commission SRM on SECY-98-077 dated June 18, 1998 approved the proposed rulemaking.

**STAFF RESOURCES--** Total FTE = 1.24; NMSS = 0.10; NRR = 1.0; ADM = 0.07; SP = 0.015; CFO = 0.01; IRM = 0.01; OGC = 0.03

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

April 1998  
February 1999

**NMSS-C1HP-35 Domestic Licensing of Special Nuclear Material-Revision, Part 70 --RM#351--AF22--W#9400010**

**OBJECTIVE--** The objective is to upgrade and more clearly define the regulatory base for major fuel cycle licensees. In March 1995, the Commission directed the staff to reconsider the plan to modify 10 CFR Part 70 and to discuss with major fuel cycle licensees the draft proposed rule that was being developed. Workshops were conducted in May and November 1995 to solicit comments and information from interested parties. The staff and other

parties made presentations to the Commission at a meeting on July 2, 1996, and the Nuclear Energy Institute (NEI) submitted a petition for rulemaking (PRM-70-7) on September 30, 1996. A Staff Requirements Memorandum from the Commission dated August 22, 1997, endorsed the staff's proposal in SECY-97-137 for resolving the NEI petition, and requested staff to provide the Commission with a proposed rule by July 1998.

**TYPE--SAFETY ENHANCEMENT**

**COST/BENEFIT--** A regulatory analysis prepared for the earlier draft rule will need to be modified to accommodate the approach selected by the Commission for further development. Because the regulatory benefits of this rule involve non-quantifiable improvements in confidence in the margin of safety, and because of the differences among the fuel fabrication facilities, a qualitative cost-benefit comparison would be appropriate. Costs are expected to vary among the affected licensees given that licensees have differing current commitments to conduct an integrated safety analysis (ISA).

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should be continued. Commission SRM on SECY-97-137 dated August 22, 1997 approved the plan for the proposed rulemaking. Notice of public meeting was published 5/21/98 (63 FR 27870).

**STAFF RESOURCES --** Total FTE = 3.25; NMSS = 3.08; OGC = 0.05; ADM = 0.07; SP = 0.015; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

July 1998  
July 1999

**NRR-C1HP-36 Exemption from Criticality Monitor Requirements for Fresh Fuel, 10 CFR 70.24--RM#494--AF87--W#9700237**

**OBJECTIVE--** This regulation requires criticality monitors to be used at a facility if certain quantity limits for special nuclear materials are exceeded. The staff envisions that the regulatory language could be changed to require criticality monitors for those cases in which an evaluation has determined that a criticality is credible. The change is expected to make the rule more performance based for Part 50 licensees, whose fuel handling facilities, equipment, and procedures are designed to prevent inadvertent criticality events. In addition, 10 CFR 70.24 makes reference to a generic exemption for criticality monitoring. The staff believes that this section 10 CFR 70.24(d) should be eliminated.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry. This change does not address an immediate safety issue or involve significant cost savings to licensees; therefore, its priority is medium.

**RECOMMENDATION TO PROCEED--** Yes. Commission SRM on SECY-97-155 dated August 19, 1997, approved the plan for the proposed rulemaking. The direct final rulemaking was sent for office review and comment on October 6, 1997. The direct final rulemaking was sent to EDO for approval on November 7, 1997. The direct final rulemaking was approved for publication in the Federal Register by EDO on November 14, 1997. The direct final rulemaking was sent to ADM for publication in the Federal Register on November 26, 1997. The direct proposed rulemaking was published for comment in the Federal Register on December 3, 1997 (62 FR 63911). The direct final rulemaking was published in the Federal Register on December 3, 1997 (62 FR 63825). The direct final rulemaking withdrawal notice was published in the Federal Register on February 25, 1998 (63 FR 9402). Notice of a public meeting to be held on June 8, 1998 was published in the Federal Register on May 29, 1998 (63 FR 29357). The staff will address the public comments received in the Statement of Considerations to be published with the final rule.

**STAFF RESOURCES--** Total FTE = 0.05; NRR = 0.02; ADM = 0.025; OGC = 0.01; CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to Commission September 1998

**NMSS-C1HP-37 Major Revision of 10 CFR Part 35, Medical Use of Byproduct Material--RM#497--AF74**

**OBJECTIVE--** The purpose of this proposed rulemaking is to revise 10 CFR Part 35 to reflect a more risk-based approach to the regulation of the medical uses of byproduct material. Performance-oriented requirements would allow licensees the flexibility to develop procedures appropriate to their uses of byproduct material. The revision would address training and experience requirements for physicians, RSOs, and physicists. This initiative will include development of guidance documents. Changes to Part 35 may impact on and require changes to other Parts of Title 10 of the Code of the Federal Regulations.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** If 10 CFR Part 35 is revised to reflect a risk-based approach, certain requirements for licensees who use byproduct material for those uses of material that are adjudged to be lower risk would be reduced or eliminated; there would be a corresponding reduction in burden to medical use licensees.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed. This initiative may combine/subsume certain existing rulemaking efforts related to other Part 35 changes that are currently on-hold: RM #310, "Pregnancy and Breast-Feeding Status of Patients, Part 35"; RM #385, "Revisions to Parts 31, 35 to Address MMP Items" (Part 31 portion may be retained as a separate action); RM #406, "Revise Brachytherapy Procedures, Part 35"; RM #478, "Relief from Requirements Dealing with the Medical Uses of Radiation, 10 CFR 35.29c and d"; and RM #490 "Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 and associated petition PRM-20-24." These rules will be subsumed in one rulemaking activity. The program plan was sent for office review and comment on 5/14/97. Commission SRM on SECY-97-115 dated 6/30/97 approved

the program plan. Request for public comment on rule development was published in the Federal Register on 08/06/97 (62 FR 42219). A Working Group and Steering Group was used to develop rule alternatives, proposed rule text, and guidance documents. The groups were composed of NRC staff and state participants. Representatives from both groups held two facilitated public meetings in October and November of 1997 to discuss the rule with the public. Three more facilitated public meetings will be held during the formal comment period. The proposed rule was sent for office review and comment on 4/10/98. The proposed rulemaking was sent for EDO approval on 5/21/98. The proposed rule was sent for Commission approval on 6/4/98, SECY-98-128. A Commission briefing was held on June 17, 1998.

**STAFF RESOURCES** -- Total FTE = 11.16; NMSS = 9.20; OGC = 0.60; ADM = 0.15; SP = 1.00; CIO = 0.20; CFO = 0.01

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

May 1998  
May 1999

**NRR-C1HP-39 Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities, Part 50--RM#340--AF29--W#920197**

**OBJECTIVE--** The NRC is considering developing a performance-oriented, risk-informed fire protection regulation. The approach will establish the regulatory safety objective and acceptance criteria without prescribing the methods or hardware necessary to accomplish the objective and meet the criteria. The staff provided its plan of action and status information in SECY-94-090 of March 31, 1994. This action also addresses RRG Topic Area 25.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rule may result in an overall cost savings to the nuclear industry.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. A Commission option paper was sent to the Commission, SECY-96-134, for approval on June 21, 1996. Commission SRM on SECY-96-134 dated 10/02/96 approved development of a rule plan based on performance-based and risk-informed approaches for fire protection. Commission options paper was sent for approval via SECY-97-127 on June 19, 1997. Commission SRM on SECY-97-127, dated September 11, 1997, approved the plan for rule.

SECY-98-058 dated March 26, 1998, recommended that the rulemaking be deferred to allow the National Fire Protection Association to develop a performance-based, risk-informed consensus standard for fire protection for nuclear power plants.

**STAFF RESOURCES--** Total FTE = 2.6; NRR = 2.0; OGC = 0.50; ADM = 0.07; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** The staff is awaiting Commission direction on this rulemaking. A schedule will be established in accordance with that direction.

**NMSS-C1HP-40 Part 76 Certification Amendment Process, 10 CFR 76.45--RM#499--AF85--W#970255**

**OBJECTIVE--** In 1994, 10 CFR Part 76, "Certification of Gaseous Diffusion Plants" was codified to provide the regulatory process by which the NRC would assume regulatory authority for the operation of the Portsmouth and Paducah Gaseous Diffusion Plants (GDPs) that had operated for many years under the authority of the Department of Energy. The initial certificates of compliance authorizing continuing operation of the GDPs under NRC regulatory oversight were issued on November 26, 1996, and the GDPs came under NRC authority on March 3, 1997. When Part 76 was initially promulgated, the certification process was to be repeated annually. The recertification period has recently been extended, by Congressional action and implementing rulemaking, to allow for up to 5 years between recertification. Since the initial certification of the GDPs, the operator of the GDPs, the United States Enrichment Corporation (USEC), has requested several amendments to those certificates. In implementing the certificate amendment process described in 76.45, the NMSS staff has identified several deficiencies that should be corrected.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using the Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on July 02, 1997. The rulemaking plan was sent for EDO approval on August 11, 1997. The rulemaking plan was sent for Commission, SECY-97-195, approval on August 26, 1997. Commission SRM on SECY-97-195 dated October 9, 1997 approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on November 11, 1997. Commission paper outlining a revised rulemaking plan was sent for EDO approval on February 27, 1998 and was sent for Commission approval on March 9, 1998, SECY-98-044. Commission SRM on SECY-98-044 dated April 9, 1998 approved the revised rulemaking plan. The proposed rulemaking was sent for office review and comment on May 18, 1998.

**STAFF RESOURCES** -- Total FTE = 0.80; NMSS = 0.65; OGC = 0.04; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

August 1998  
August 1999

**NMSS-C1HP-41 Expand Applicability to Include Additional Parties, Part 72--RM#439--AF93--W#960160**

**OBJECTIVE--** The present regulation dealing with completeness and accuracy of information submitted to the Commission by an applicant for a license,

or by a licensee, is found at 10 CFR 30.9, 40.9, 50.9, 54.13, 55.9, 60.10, 61.9a, 70.9a, 71.6a, 72.11, 76.9, and 110.7a.

The proposed rulemaking is intended to correct a weakness in Section 72.11 by expanding its scope to include holders of and applicants for certificates of compliance; fabricators, designers, and vendors of casks; their employees; and the employees of their contractors, subcontractors, and consultants. The correction would clarify that they may be subject to enforcement action for submitting to the NRC information that is not complete and accurate in all material respects. Because of these limited specific requirements in Part 72 for parties other than licensees, the Commission has been unable to issue notices of violation to other parties involved in ISFSI safety-related functions. The staff believes there may be safety consequences resulting from this weakness. The ability to issue notices of violation to these parties would improve the effectiveness of the NRC's inspection and enforcement programs in assuring compliance with the Commission's regulations.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rule should proceed. The rule plan was sent for office review on 2/10/97. The rule plan was resent for office review on 7/28/97. The rule plan was sent for EDO approval on 9/17/97. The rule plan was sent for Commission, SECY-97-214, approval on 9/24/97. Commission SRM on SECY-97-214 dated 11/4/97 approved the rule plan. The proposed rule was sent for office review and comment on April 16, 1998. The proposed rulemaking was sent for EDO approval on May 22, 1998.

The proposed rulemaking was sent for Commission, SECY-98-113, approval on 5/26/98.

**STAFF RESOURCES --** Total FTE = 1.40; NMSS = 1.25; OGC = 0.02; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01; OE = 0.02

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

May 1998  
May 1999

**NRR-C1HP-42 Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants, 10 CFR 50.65--RM#509--AF95**

**OBJECTIVE--** The Commission has directed the staff to prepare a modification to the maintenance rule to require that safety assessments be taken into account before taking equipment off-line for the purpose of performing maintenance. Currently, the rule recommends, vice requires, that safety assessments be performed for monitoring and preventive maintenance activities. The intent of this rule is to ensure that the cumulative impact of out-of-service equipment on the performance of safety functions does not result in the plant being placed in risk-significant configurations. Results from the staff's maintenance rule baseline inspections indicated that about half the licensee's programs for conducting safety assessments have weaknesses. In some cases, implementation procedures for these processes were not followed during preventive maintenance activities, and those errors resulted in undesirable plant configurations. The proposed amendment would be designated as 50.65(a)(4). Additionally, the rule would be changed to add a clarification that the requirements of the rule are applicable during all conditions of plant operation, including normal shutdown conditions.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** OGC has advised that this action is a backfit, and that a backfit analysis is being done.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. Commission SRM on SECY-97-173 dated December 17, 1997, approved initiation of the proposed rulemaking effort.

**STAFF RESOURCES --** Total FTE = 2.25; NRR = 2.08; OGC = 0.05; ADM = 0.07; SP = 0.015; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

July 1998  
February 1999

**NRR-C1HP-43 Revision to 10 CFR 50.59; Changes, Tests, and Experiments--RM#506--AF94**

**OBJECTIVE--** The purpose of this rulemaking is to clarify the criteria for when proposed changes, tests and experiments require prior NRC approval. Specifically, the rulemaking would allow changes with negligible increases in probability or consequences to be made without approval. The rulemaking would also clarify how margins of safety as defined in the basis for any technical specification is to be interpreted.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--**This rulemaking should reduce burden associated with certain proposed changes in that a license amendment would not be required.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes the rulemaking should proceed. Commission SRM dated April 25, 1997 and SECY-97-205, dated September 10, 1997 directed the staff to develop a rulemaking plan for 10 CFR 50.59 on an expedited schedule with the above objective. The rulemaking plan was sent for Commission, SECY-97-205, approval on September 10, 1997. Commission SRM on SECY-97-205 dated March 24, 1998 approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 3.38; NRR = 3.08; OGC = 0.20; ADM = 0.07 CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--**Proposed Rule to Commission  
Final Rule to CommissionJuly 1998  
June 1999**NMSS-C1HP-44 Regulations Governing Disposal of High-Level Radioactive Wastes in A Repository at Yucca Mountain, Part 63--RM#513--**

**OBJECTIVE--** Establish regulations as directed by statute (Energy Policy Act of 1992) for the disposal of HLW at Yucca Mountain. The proposed rulemaking will explicitly state that the purpose of the new rule is to provide specific criteria applicable to Yucca Mountain and that the more generic requirements in the existing Part 60 do not apply and can not be the subject of litigation in any NRC licensing proceeding for Yucca Mountain.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The rulemaking will make the licensing process for the high-level waste repository more cost effective by removing generic requirements and putting in site specific requirements for Yucca Mountain

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. Commission SRM on SECY-97-300 dated March 6, 1998 approved development of the proposed rulemaking.

**STAFF RESOURCES --** Total FTE = 7.27; NMSS = 7.10; OGC = 0.05; ADM = 0.07; SP = 0.015; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--**Proposed Rule to Commission  
Final Rule to CommissionOctober 1998  
August 1999**NRR-C1HP-45 Financial Protection Requirements and Indemnity Agreements, Part 140--RM#517--**

**OBJECTIVE--** The objective of this rulemaking to increase the retrospective deferred premium (required by the Price-Anderson Act) based on inflation. Specifically, the rule will amend 140.11(a)(4) to increase this premium to \$83.9M/reactor/accident (but not to exceed \$10M in any one year) law the aggregate percentage change since 1993 in the Consumer Price Index for all urban consumers published by the Secretary of Labor. We expect to have the rule published and become effective by September 1998.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--**This rulemaking is required by Price-Anderson.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rule should continue.

**STAFF RESOURCES--** Total FTE = 0.37; NRR = 0.2; OGC = 0.05; ADM = 0.07; SP = 0.015; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission August 1998

**NMSS-C1HP-46 Requirements for Possession of Industrial Devices Containing Byproduct Material, Part 31 --RM#519**

**OBJECTIVE--**The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to include a clear and explicit requirement that device users provide information in a timely manner in response to requests made by the NRC. The provision would primarily be used to initiate a registration and accounting system for a fraction of these general licensees who have received devices that present a significant risk of exposure of the public or property damage in the event of loss of the device. The intent is to reduce the possibility of the devices being improperly transferred or inadvertently discarded, and ultimately to avoid unnecessary radiation exposure to the public and unnecessary expense involved in retrieving the items particularly in the scrap metal stream as well as to avoid the contamination of steel mills, metals, and waste products.

**TYPE--SAFETY ENHANCEMENT**

**COST/BENEFIT-** The cost to industry would be a small administrative cost to each of approximately 6000 general licensees. There is also a possible cost savings to other industries who might inadvertently come into possession of an improperly disposed device. The most significant of these would be the avoidance of a smelting of a source and resulting contamination of a steel mill and its products and wastes. The cost for NRC implementation comes primarily for follow-up in cases where licensees either do not respond or cannot account for devices they have received, and reconciliations of discrepancies between current NRC records and the registration information submitted by general licensees. Specific cost/benefit estimates will be developed in the process of preparing the regulatory analysis.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. Commission SRM on SECY-97-273 dated April 15, 1998 approved development of the proposed rulemaking. See also C1HP-47 RM#520.

**STAFF RESOURCES --** Total FTE = 0.55; NMSS = 0.40; OGC = 0.05; ADM = 0.07; SP = 0.01; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--**Proposed Rule to Commission  
Final Rule to CommissionAugust 1998  
August 1999

**NMSS-C1HP-47 Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts 30, 31, 32, 171-- Rm#520**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations for certain industrial devices containing byproduct material to include more specific provisions for a registration and accounting program including associated annual fees and modification of the quarterly transfer reporting requirements for manufacturers and initial distributors of these industrial devices. The rule will also consider other recommendations made by an NRC-Agreement State Working Group in NUREG-1551, such as additional labeling requirements. The proposed rule is intended to ensure that general licensees are aware of and understand the requirements for the possession of devices containing byproduct material and allow NRC to account for devices which have been distributed for use under the general license. Better awareness on the part of general licensees of their responsibilities would help to ensure that the general licensees comply with the requirements for proper handling and disposal of generally licensed devices and should help reduce the potential for incidents that could result in unnecessary radiation exposure to the public as well as contamination of property.

**TYPE--SAFETY ENHANCEMENT**

**COST/BENEFIT--** The cost to industry would be a small administrative cost plus a yet-to-be determined annual fee to each of approximately 6000 general licensees and additional annual costs to the manufacturers and initial distributors of the devices as a result of modifications to the labeling and reporting requirements. There is also a possible cost savings to other industries who might inadvertently come into possession of an improperly disposed device. The most significant of these would be the avoidance of a smelting of a source and resulting contamination of a steel mill and its products and wastes. The cost for NRC implementation comes primarily for follow-up in cases where licensees either do not respond or cannot account for devices they have received, and reconciliations of discrepancies between current NRC records and the registration information submitted by general licensees. Also significant costs for startup of the registration program (rulemaking and development of improved computer data base for the registration information and accounting process). In addition to the possible cost savings to the steel industry and others who might inadvertently come into possession of improperly disposed devices, there is the benefit of reduction in the probability of unnecessary exposures to the public in the case of lost or improperly disposed devices. Specific cost/benefit estimates will be developed in the process of preparing the regulatory analysis.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. Commission SRM on SECY-97-273 dated April 15, 1998 approved development of the proposed rulemaking. See also C1HP-46, RM#519.

**STAFF RESOURCES --** Total FTE = 4.02; NMSS = 2.75; OGC = 0.50; ADM = 0.07; SP = 0.30; CIO = 0.05; CFO = 0.02; OE = 0.25

**TARGET COMPLETION DATE--**

Proposed Rule to Commission	January 1999
Final Rule to Commission	February 2000

**NMSS-C1HP-48 Elimination of 30-Day Delay in Loading Spent Fuel After Preoperational Testing, 10 CFR 72.82(E)--RM#433**

**OBJECTIVE--** The proposed rulemaking would shorten or eliminate the 30-day delay for the loading of spent reactor fuel into an Independent Spent Fuel Storage Installation (ISFSI) following completion of preoperational testing. The staff considers the extent of this time delay to be excessive and unnecessary because the NRC has an extensive oversight presence during preoperational testing looking at the acceptance criteria and test results in real time. The staff will propose shortening or removing this requirement.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office concurrence on 07/19/96 using Management Directive 6.3 process. However, NMSS memorandum (E-Mail Travers to Greeves, Morris, et. al.) dated September 5, 1996, indicated that the rulemaking should be terminated. Accordingly, the rulemaking plan was not completed and not sent to the Commission for approval. However, Commission SRM on SECY-96-176 dated 10/09/96 directed the staff to continue the development of the rulemaking plan. The draft rulemaking plan was sent for NMSS, OGC and Res division comments in August 1996. As a result, the final rulemaking plan was revised in response to these comments. The final rulemaking plan was sent for office review and comment on 09/02/97. The revised rulemaking plan was resent for office review and comment on 12/22/97. The revised rulemaking plan was sent for EDO approval on March 18, 1998. The revised rulemaking plan was sent for Commission approval on March 24, 1998, SECY-98-056.

Commission SRM on SECY-98-056 dated 4/27/98 approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 0.64; NMSS = 0.50; OGC = 0.05; ADM = 0.05 SP = 0.02; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--**

Proposed Rule to Commission	August 1998
Final Rule to Commission	August 1999

**AEOD-C1HP-49 Modification to Event Reporting Requirements for Power Reactors; Immediate Notification Requirements for Operating Nuclear Power Reactors, 10 CFR 50.72 and Licensee Event Report System, 10 CFR 50.73-- RM#512**

**OBJECTIVE--** The purpose of this rulemaking is to (1) update the current rules, including reducing the reporting burden associated with events of little

or no safety significance, and (2) better align the rules with the NRC's current needs, including (a) obtaining information better related to risk and (b) reconsidering the required reporting times in relation to the need for prompt NRC action.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--**This rulemaking is expected to be cost-effective because it is expected to improve the reactor event reporting process without a net increase in the industry's reporting burden or the NRC's review costs.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes the rulemaking should proceed. Commission SRM on SECY-98-036 dated May 14, 1998 approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 4.0; AEOD=2.0; NRR = 0.7; OGC = 0.25; CFO = 0.05 Regions = 0.8 total; ADM = 0.1; CIO = 0.1

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

February 1999  
November 1999

**NRR-C1HP-50 Environmental Impacts of High-Level Waste Transportation, 10 CFR 51.53--RM#508--W#980003**

**OBJECTIVE--**The Commission directed the staff to amend 10 CFR 51.53(c)(3)(ii)(M) and Table B-1 of Subpart A, Appendix B of Part 51 to reflect the generic and cumulative environmental impacts of transportation of high level waste (HLW) in the vicinity of an HLW repository. This action will also include revision of Part 51 to address the environmental impacts of the use of higher burn-up fuel. Further, the impact of plant associated traffic on local highway service levels during the renewal term will be changed from Category 1 to Category 2 as it should have been designated in the initial license renewal rulemaking, based on the analyses described in NUREG-1437.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--**The rulemaking would address the generic and cumulative impacts of HLW transportation in the vicinity of a HLW repository as a Category 1 issue and would raise the fuel enrichment level and burn up rate covered by Table S-4, with respect to license renewal, to reflect current operating conditions. License renewal applicants would adopt by reference the staff's analysis of the impacts and would not need to address the impacts on a plant-specific basis. The one-time estimated level of effort for the staff to develop the generic analysis and undertake the rulemaking and for industry to comment on the proposed rule is 1 to 1.5 times the effort that would be required for each application if the analysis were done by the applicant. Therefore, the level of effort required for this rulemaking will be recaptured by the savings on the first two applications. Changing the impact of plant associated traffic on local highway service levels during the renewal term from Category 1 to Category 2 will now effect the level of effort involved in a license renewal since the information required for the analysis will be available from the analysis of traffic impacts during refurbishment, which is already Category 2.

**RECOMMENDATION TO PROCEED--**Yes. The staff believes that the rulemaking should continue. This rulemaking will save considerable staff and industry effort and will contribute to regulatory stability compared to a plant-by-plant approach. This rulemaking was directed by the Commission in an SRM (dated January 13, 1998) on SECY-97-279. A memorandum will be sent to the Commission outlining the rulemaking and the schedule.

**Staff Resources --** Total FTE = 2.49; NRR = 2.33; OGC = 0.06; ADM = 0.07 CIO = 0.02; CFO = 0.01, \$25k contract support.

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

September 1998  
June 1999

**MEDIUM PRIORITY**

**NRR-C1MP-18 Audit Frequency for Emergency Planning and Security, Part 50, PRM-50-59, PRM-50-60--RM#413--9600187--AF63**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations by changing the frequency with which licensees conduct independent reviews and audits of their safeguards contingency plans, security programs and emergency preparedness programs. The regulations would be revised to require that licensees conduct program reviews and audits at least every 24 months. It would also clarify that the necessity for more frequent, focused audits be based on an assessment by the licensee against performance indicators or a significant change in personnel, procedures, equipment, or facilities. These proposed changes promote performance-based, rather than compliance-based review and audit activities. The proposed changes will further clarify that programs must be reviewed and audited following a significant change in personnel, procedures, or equipment as soon as reasonably practicable, but no later than 12 months after the changes. The purpose of these focused audits would be to ensure that changes have not adversely affected the operation of the particular program element or function in question. In addition, the proposed rule will respond to petitions for rulemaking (PRMs 50-59 and 50-60).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Industry burden would be reduced by about \$1 million per year, and should result in improved, performance-based audits.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The revised rulemaking plan was resent to the EDO/Commission for approval on August 22, 1996. Commission SRM on SECY-96-236 dated December 5, 1996 approved the final rulemaking plan. The

proposed rulemaking was sent for office review on 05/22/97. The proposed rulemaking was sent for EDO approval on 06/23/97. The proposed rulemaking was sent for OMB clearance on 07/03/97. EDO approved publishing the proposed rulemaking for comment on 07/08/97. The proposed rulemaking was sent to ADM for publication in the Federal Register on 07/11/97. The proposed rulemaking was published for public comment in the Federal Register on July 31, 1997 (62 FR 40978). The final rulemaking was sent for office review and comment on May 13, 1998. The comments were reconciled and a final rule package was circulated on May 13, 1998, for concurrence among affected offices.

**STAFF RESOURCES--** Total FTE = 0.87; NRR = 0.80; OGC = 0.02; ADM = 0.035 CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to EDO October 1998 for approval to publish

**NMSS-C1MP-22 Miscellaneous Changes, Part 72--RM#446--AF80--W#960162**

**OBJECTIVE--** The proposed rulemaking would correct a number of inconsistencies and clarify the applicability of several sections of Part 72. This rulemaking would also modify the date for submittal of dry cask storage effluent reports. These reports, currently submitted in accordance with 10 CFR 72.44(d)(3), would be submitted at the same time as similar reports required under 10 CFR 50.36(a)(2) regarding effluents from reactor operations.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** These changes will reduce licensees burden slightly and also simplify licensee procedures.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rule should continue. The rulemaking plan was sent for office review on February 10, 1997. The rulemaking plan was sent for EDO approval on March 6, 1997. Commission SRM on SECY-97-069 dated April 24, 1997 approved the rule plan. The proposed rulemaking was sent for office review and comment on 01/29/98. The proposed rulemaking was sent for EDO approval on 2/20/98. The proposed rulemaking was sent for Commission approval on 2/26/98 Via SECY-98-033.

Commission SRM on SECY-98-033 dated May 8, 1998 approved publication of the proposed rulemaking. The proposed rulemaking was sent to ADM for publication in the Federal Register on May 27, 1998. The proposed rulemaking was published for public comment in the Federal Register on 6/9/98 (63 FR 31364).

**STAFF RESOURCES --** Total FTE = 0.79; NMSS = 0.65; OGC = 0.02; SP = 0.015 ADM = 0.07; CIO = 0.015, CFO = 0.015

**TARGET COMPLETION DATE--** Final Rule to Commission February 1999

**NRR-C1MP-23 Emergency Planning Requirements for Permanently Shutdown Nuclear Reactors; Amendments to 10 CFR 50.54 (t) and 50.47; a New Paragraph under 10 CFR 50.54, and APPENDIX E TO Part 50,--RM#435--AF92--W#970230**

**OBJECTIVE--** The proposed rulemaking would revise sections 50.54(t) and 50.47, and add a new paragraph to 50.54 in order to establish appropriate emergency planning requirements for permanently shutdown nuclear reactors. The proposed rulemaking would address the following: (1) when it is appropriate to reduce, in certain specified instances, emergency planning requirements; and (2) when emergency planning requirements can be eliminated.

The amended regulations would provide relief from emergency planning requirements for permanently shutdown nuclear reactors based on the reduced risks associated with them which result in significantly reduced accident risk and consequences; therefore, emergency plans devised for full power operations are not warranted. A new paragraph in 50.54 would (1) specify criteria for one-time applicability for shutdown reactors (e.g., under 50.82 certification, plant conditions could not result in offsite consequence exceeding one Rem) and (2) permit certain changes to emergency plans that the licensee can make on its own that would not jeopardize continuance of the NRC "reasonable assurance" finding. Subsequent changes from the one-time applicability would continue to use 50.54(q). In addition to the above, subsection 50.54(t), which prescribes requirements for the development, revision, implementation, and maintenance of emergency preparedness programs, would be amended to clarify its applicability to shutdown reactors. Rule would not require the submittal of a new shutdown emergency plan requiring staff review, but would maintain the plan in effect and permit certain changes. The guidance document in support of the rule would be a supplement to NUREG-0654. The rule will address both power and non-power reactors.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The proposed rule would permit but not require deleting certain Emergency Planning requirements for permanently shutdown reactors, thereby resulting in a potential cost savings to licensees.

**RECOMMENDATION TO PROCEED--** Yes. Pending approved using Management Directive 6.3 process, the staff believes that the rulemaking should continue. The rulemaking plan was sent for office review on August 09, 1996. The rulemaking plan was resent for office review on March 11, 1997. The rulemaking plan was sent for EDO approval on June 4, 1997. The rulemaking plan was sent for Commission, SECY-97-120, approval on June 16, 1997. Commission SRM on SECY-97-120 dated July 10, 1997 approved the rule plan.

**STAFF RESOURCES--** TOTAL FTE = 2.14 NRR = 2.00; OGC = 0.04; ADM = 0.07 CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--**

Proposed Rule to Commission  
Final Rule to Commission

November 1998  
August 1999

**NRR-C1MP-24 Codes and Standards, 10 CFR 50.55a (h)--RM#498--AF73**

**OBJECTIVE--** The direct final rulemaking would update the Commission regulations in Section 50.55a (h) of 10 CFR Part 50 to reflect current practice. The direct final rulemaking would update and clarify existing regulations and would incorporate a new national consensus standard (ANSI/IEEE Std. 603-1991).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This change would update and clarify existing NRC regulations. The licensing basis of the operating power plants will not change. The rule, however, applies to electrical and I&C system modifications, which are initiated by the licensees. This is consistent with the NRC forward-looking policy of maintaining state-of-the-technology.

**RECOMMENDATION TO PROCEED--** Yes. The direct final rulemaking plan was approved on January 26, 1997. The direct final rulemaking was sent to EDO for approval on September 4, 1997. The direct final rulemaking was sent for Commission, SECY-97-201, approval on September 8, 1997. The proposed rulemaking was published for comment in the Federal Register on October 17, 1997 (62 FR 53975). The direct final rulemaking was published in the Federal Register on October 17, 1997 (62 FR 53933). The direct final rulemaking withdrawal notice was published in the Federal Register on December 23, 1997 (62 FR 66977). The proposed rulemaking was republished for comment in the Federal Register on April 23, 1998 (63 FR 20136).

**STAFF RESOURCES --** Total FTE =0.23; NRR = 0.02; RES = 0.15; OGC = 0.02; ADM = 0.02; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission November 1998

**ADM-C1MP-25 Conformance to National Policies for Access to And Protection of Classified Information, Parts 10, 11, 25, 95--RM#502--AF97**

**OBJECTIVE--** The proposed rule would conform NRC policy for the protection of classified national security information at licensee facilities with new national policy directives and initiatives, including Executive Order (EO) 12958, "Classified National Security Information"; and EO 12968, "Access to Classified Information," and would also attempt to balance NRC policy for access to Secret Restricted Data at licensee and certificate holder facilities between the requirements of new national policy directives and initiatives, including the National Industrial Security Program Operating Manual (NISPOM) and the concerns of the Department of Energy over the level of background investigation required for access to Secret Restricted Data. The NRC must comply with these Presidential and national policies.

**TYPE--OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT-** There is little or no cost to NRC (other than the resources required to prepare the rulemaking) or licensees/certificate holders resulting from the proposed rulemaking; however, if the DOE proposals are adopted some licensees/certificate holders would require significantly more expensive personnel security investigations for personnel requiring access to Secret Restricted Data.

**RECOMMENDATION TO PROCEED-** Yes. The staff believes that this rule should proceed.

**STAFF RESOURCES-** Total FTE = 0.435; ADM = 0.35; OGC = 0.025 CIO = 0.04; CFO = 0.02

**Target Completion Date-** Proposed rule to EDO August 1998

**NMSS-C1MP-26 Adoption of Part 20 Dosimetry Methodology To Part 72--RM#437--AF84--W#960158**

**OBJECTIVE--** The proposed rulemaking would update the criteria for radioactive releases from independent spent fuel storage installations (ISFSI) and monitored retrievable storage installations (MRS). Current standards in 72.104 and 72.106 for ISFSI and MRS radioactive materials in effluents, direct radiation, and exposures from a design basis accident are based on the requirements from Part 20 that have since been updated. The current Part 20 requirements became effective in 1994. This modification would result in a consistent level of protection of public health and safety, and reduce burden, confusion, and uncertainty resulting from duplicative efforts necessary to comply with two different standards.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using the Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on July 3, 1997. The rulemaking plan was sent for EDO approval on September 25, 1997. The rulemaking plan was sent for Commission, SECY-97-262, approval on October 16, 1997. Commission SRM on SECY-97-262 dated December 9, 1997 approved the rule plan. The proposed rulemaking was sent for office review and comment on 02/12/98. The proposed rulemaking was sent for EDO approval on 02/27/98. The proposed rulemaking was approved by EDO 3/3/98. The proposed rulemaking was sent to ADM for publication on 3/10/98. The proposed rulemaking was published for comment in the Federal Register on March 19, 1998 (63 FR 13372).

**STAFF RESOURCES --** Total FTE = 1.39; NMSS = 1.25; OGC = 0.03; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01

**Target Completion Date--** Final rule to Commission October 1998

**LOWER PRIORITY**

**NMSS-C1LP-05 Revision to 10 CFR Parts 20, 32, 35, 36, 39 Regarding Minor Administrative Changes, Clarifications, and a Minor Policy Change--RM#402--AF46**

**OBJECTIVE--** The proposed rulemaking will amend the Commission regulations to make minor administrative changes and clarifications to 10 CFR Part 20, "Standards for Protection Against Radiation." The proposed amendments also would conform other 10 CFR Parts with the Commission's revised radiation protection requirements. In addition, a minor policy change is proposed that would 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.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** These changes will reduce licensees burden slightly and also simplify licensee procedures.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The proposed rulemaking was sent for office review on 02/12/96. The proposed rulemaking was sent for EDO approval on August 20, 1996. The proposed rulemaking was approved by EDO on September 6, 1996. The proposed rulemaking was published for comment on 10/07/96 (61 FR 52338). The final rulemaking was sent for office review and comment on September 17, 1997.

**STAFF RESOURCES --** Total FTE = 0.155; NMSS = 0.10; OGC = 0.01; ADM = 0.035 CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to EDO July 1998 for approval to publish

**CIO-C1LP-17 Submittal procedures for Documents, Parts 19, 20, 30-36, 39, 40, 50, 51, 52, 55, 60-62, 70-75, 140, 150--RM#445--AF61**

**OBJECTIVE--** The objective of this rulemaking is to establish standardized procedures for use by licensees and applicants when submitting applications, reports, and other written communications to the NRC. It would require that the signed original of licensee submittals and reports be addressed to the Document Control Desk. Copies would also be sent to the Regional Administrator and the NRC Resident Inspector, if appropriate.

The current regulations are not consistent in the instructions given to external entities for submitting licensing related communications to the NRC. Currently, a submittal may be addressed to an Office Director, an individual staff member, a Regional Administrator, the Document Control Desk, or various combinations of these addressees. The current regulations also contain outdated references to NRC organizational units that have been renamed or reorganized into different organizations. As a result, there is the increased probability that some communications from licensees may not be captured for placement in the NRC central document management system or properly disseminated to the NRC staff, official file centers, and the public document rooms.

10 CFR Part 50 document submittals are directed to a central receipt and distribution point, the Document Control Desk. Extending standardized requirements to other 10 CFR Parts will enable the Document Control Desk to better control agency records, place documents on the Nuclear Documents System (NUDOCS) before distributing them to intended recipients, and direct official records to their proper file stations.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There would be little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/applicants from this rulemaking. The affected licensees and applicants would have to revise their correspondence procedures, but this is expected to be a very minor administrative burden.

**RECOMMENDATION TO PROCEED:** Yes. The staff believes that the rulemaking should continue to ensure that written communications received from licensees and applicants are captured for placement in the NRC central document management system, and are properly disseminated to the NRC staff, official file centers, and the public document rooms. Deferring action would simply delay the implementation of improved administrative practices.

**STAFF RESOURCES --** Total FTE = 0.335; CIO = 0.29; OGC = 0.005 ADM = 0.035; CFO = 0.005;

**TARGET COMPLETION DATE--** Final Rule to CIO June 2000 for approval to publish

**ADM-C1LP-18 Nuclear Regulatory Commission Acquisition Regulation (48 CFR Chapter 20)--RM#475--AF52**

**OBJECTIVE--** The proposed rule would amend the Nuclear Regulatory Commission Acquisition Regulation (NRCAR) for the procurement of goods and services within the NRC to satisfy the particular needs of the agency. The proposed rule would incorporate streamlining and simplification methods identified under the NRC's Procurement Reinvention Laboratory (PRL) and legislated under the Federal Acquisition Streamlining Act of 1994 (FASA), the Federal Acquisition Reform Act of 1996 (FARA), and the Information Technology Management Reform Act (ITMRA) of 1996.

**TYPE--OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** It is expected that the rulemaking will not create an additional cost to licensees; however, the proposed rule will simplify processes for small business, non-profit organizations, and universities.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that this rulemaking should continue. The intent of the FASA, FARA, and ITMRA is to streamline procurement processes within the Federal Government. Implementing instructions are needed for some of these processes. Additionally, under the authority of the NRC's PRL, the procedures in the NRCAR will be streamlined and simplified wherever possible.

**STAFF RESOURCES --** Total FTE = 0.32; ADM = 0.28; OGC = 0.01 CFO = 0.01; CIO = 0.02;

<b>TARGET COMPLETION DATE--</b>	Proposed Rule to EDO	July 1998 for approval to publish
	Final Rule to EDO	February 1999

**NMSS-C1LP-20 Clarification and Minor Corrections, Part 34--RM#516--AE07**

**OBJECTIVE--** Publication of the final rule on Part 34,(62 FRN 28948) on May 28, 1997 contained several ambiguities and errors that were brought to the attention of the NRC by numerous telephone calls from licensees. These ambiguities and errors were of a minor nature, primarily related to incorrect or omission of implementation dates. Because the changes are minor and of a corrective nature the 30 day deferred effective date provisions of the APA (5 U. S. C. 553(d)) are being waived and the rule becomes effective upon publication.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There would be no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/applicants from this rulemaking.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The final rulemaking was sent for office review and comment on April 1, 1998.

**STAFF RESOURCES --** Total FTE = 0.080; NMSS = 0.03; OGC = 0.005; ADM = 0.035 CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to EDO June 1998 for approval to publish

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**CATEGORY II**

**TECHNICAL BASIS UNDER DEVELOPMENT**

**DEVELOPMENT OF THE TECHNICAL  
BASIS IS NEEDED TO SUPPORT  
THESE RULEMAKING ACTIVITIES  
PREVIOUSLY APPROVED OR  
EXPECTED BY EDO OR COMMISSION**

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**HIGHER PRIORITY**

**NMSS-C2HP-04 Criteria for Recycle/Reuse--RM#381--W#940059**

**OBJECTIVE--** Provide a uniform, risk-informed performance based standard for the recycle or reuse of materials and equipment that are radioactively contaminated. The proposed regulation would replace non-codified guidance and practices for the restricted or unrestricted release of materials and equipment with a uniform, risk-informed performance based standard. The proposed regulation would provide regulatory relief from the currently used, case-by-case practices of applying either Regulatory Guide 1.86 surface contamination values or no detectable activity using environmental measurements methodology. There are no current release levels established generally for volumetrically contaminated materials. The regulation would provide a generic risk-informed performance-basis for the release of slightly contaminated materials and equipment rather than case-by-case analysis or disposal in a low-level waste facility.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ ADDS FLEXIBILITY**

**COST/BENEFIT--** The primary benefit anticipated is the cost savings from avoiding costs of low-level waste disposal of the materials and equipment.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed to complement the radiological criteria for decommissioning rule, but it should be initiated after the technical underpinnings for risk-informed performance based analyses are in place. A Commission Options Paper that provides recycle and reuse rulemaking options, one of which reflect the shift in EPA's approach to rulemaking, was sent to EDO for approval on December 12, 1997. Commission paper, SECY-98-028, dated February 19, 1998 requested Commission guidance on how to proceed with this rulemaking.

**STAFF RESOURCES --** Total FTE = 18.11; NMSS = 16.0; OGC = 0.50; ADM = 0.07 RES = 1.0; SP = 0.50; CIO = 0.02; CFO = 0.02

**NMSS-C2HP-05 Disposal by Release into Sanitary Sewerage, Part 20--RM#288--AE90--W#940008**

**OBJECTIVE--** The proposed rulemaking would amend the Commission's regulations

governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. This rulemaking would also address a petition for rulemaking (PRM-20-22) submitted by the Northeast Ohio Regional Sewer District.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff will make a recommendation to proceed after a defensible technical basis has been established. The NRC and EPA are conducting a joint survey of sewage treatment plants in the U.S. that will be used to determine the need and priority of the rulemaking. The agencies anticipate submission of the OMB clearance package for the survey in July 1998.

**STAFF RESOURCES --** Total FTE = 2.51; NMSS = 1.25; OGC = 0.15; ADM = 0.07 RES = 1.0; SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-C2HP-07 Amend Certification of Compliance NO.72-1007 for the VSC-24 Dry Spent Fuel Storage Cask, 10 CFR 72.214--RM#390**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to add the modified VSC-24 dry spent fuel storage cask to 10 CFR 72.214 so that holders of operating power reactor licenses can use this cask under a general license. Otherwise holders of power reactor operating licenses would have to obtain a specific license in order to use this cask. The modified cask will store spent fuel with control components. The currently approved VSC-24 cask cannot store spent fuel with control components.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The net benefit of the rule to the NRC is that the modified cask would have to be approved only once for use by a number of licensees. If a specific license were required, the NRC would have to review each license application. For licensees, the rule would provide another option for the storage of spent fuel under the provisions of a general license.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed after a defensible technical basis has been established. The NRC in conjunction with Pacific Sierra Nuclear Associates are currently developing the technical basis for the modified VSC-24 dry spent fuel storage cask. The certification process for dry spent fuel storage cask designs has been codified under Part 72 pursuant to the Waste Policy Act. Accordingly it is expected that this rulemaking amendment will proceed because it will further streamline the cask licensing process.

**STAFF RESOURCES --** Total FTE = 1.01; NMSS = 0.85; OGC = 0.05; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01

**MEDIUM PRIORITY**

**NMSS-C2MP-05 Exemption from Licensing of Certain Products, Parts 30, 32--RM#400--W#900208**

**OBJECTIVE--** NMSS has requested that a new exemption be established to cover a number of types of devices that are currently used under specific or general license. Types of products that are considered candidates for exemption include some: electron capture detectors, X-ray fluorescence analyzers, static eliminators, static monitors, beta backscatter gauges, and calibration and reference sources, which meet certain design and safety criteria.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** An exemption would relieve the users of the reporting, recordkeeping, testing and disposal requirements associated with the use of the devices under license. For those now used under specific license, additional technical and financial burdens would be relieved. These burdens may not be appropriate given the low hazards associated with the devices. Details of costs and benefits have yet to be determined; the potential exposures of the public from exempting these categories of devices is under study.

NMSS also notes that the exempt quantities ( 30.18) and exempt concentrations ( 30.14) of byproduct material may need to be made more restrictive. Because of this, NMSS recommends coordinating both of these actions because there are calibration sources exempt under 30.18, which may be more appropriately covered under the proposed new exemption for devices, and the impact of revising exempt quantities could be minimized with the new exemption. The reason for the difference is that the new exemption would be for specific devices reviewed for safety by the Commission, while the exempt quantities are contained in a broad exemption covering material in any form.

**RECOMMENDATION TO PROCEED--** Yes. However, the staff is currently conducting a systematic assessment of exemptions in Parts 30, 40. The need for rulemaking will be determined upon the completion of this evaluation. A Commission paper on Parts 30, 31, 32 was sent to EDO for approval on December 5, 1997. The Commission paper on Parts 30, 31, 32 was sent for Commission approval, SECY-97-273 on December 15, 1997. Pending completion of the systematic of exemptions, the staff will provide recommendations to the Commission for appropriate revisions to Parts 30, 40. This will also take into consideration any recommendations of the nuclear byproduct material risk review group.

**STAFF RESOURCES** -- Total FTE = 3.41; NMSS = 2.25; OGC = 0.05; ADM = 0.07 RES = 1.0; SP = 0.02; CIO = 0.01; CFO = 0.01

**LOWER PRIORITY**

NONE

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**CATEGORY III**

**RULES BEING PLANNED**

**RULES (INCLUDING PETITIONS) THAT ARE  
JUDGED TO BE NEEDED BASED ON PRELIMINARY  
ASSESSMENT BY USER OFFICE BUT MUST BE  
PROCESSED THROUGH PLANNING PROCESS  
(MANAGEMENT DIRECTIVE 6.3) FOR  
EDO/COMMISSION REVIEW AND APPROVAL**

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**HIGHER PRIORITY**

**NRR-C3HP-07 Skin Dose Limits for Hot Particles--RM#164--W#900178**

**OBJECTIVE--** The rulemaking will establish a dose constraint and calculational procedures for dealing with the "hot particle" issue (small particles found in nuclear reactors and some material facilities that, because of their high activity and small size, produce high localized doses to the skin). The skin dose limits in the revised 10 CFR Part 20 are not supported by research results directly applicable to hot particles. Furthermore, there are significant differences in the applicable dose limit recommendations of the ICRP and NCRP. Brookhaven National Laboratory has provided the technical basis for the rulemaking by conducting hot particle exposures on live swine skin to establish the threshold dose(s) for ulceration.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The final dose constraint is most likely to be less restrictive than the conservative interim limit. NRC licensees will realize a reduction in the current regulatory burden. In addition, workers will likely experience a reduction in the external dose that currently results from the frequent monitoring performed to assure that the interim limit is not exceeded. The quantification of cost/benefit will be done as the proposed rule is developed.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed. The rulemaking category listing has been changed to Category III. The rulemaking plan was sent for office review and comment on January 15, 1998. The rulemaking plan is being revised based upon comments received.

**STAFF RESOURCES--** Total FTE = 2.25; NRR = 2.10; OGC = 0.05; ADM = 0.07 CIO = 0.02; CFO = 0.01

**NMSS-C3HP-09 Update of Decommissioning Funding Certification Amounts for Applicants and Licensees, Parts 30, 40, 70--RM#243**

**OBJECTIVE--** The proposed rule will revise the Commissions regulations that would make any necessary adjustments to the certification amounts financial assurance in Parts 30, 40, 70. The certification amounts will likely need to be revised upward to account for inflation in decommissioning costs since when they were promulgated in 1988.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed. Support for this rulemaking was contained in a memorandum to the Commission from J. Taylor, "Response for Recommendation As to Whether Reexamination of Requirements for Decommissioning Funding for Materials Licenses Is Appropriate", May 28, 1993. The draft rulemaking plan was sent for division comments in August 1996. As a result, it was decided that additional technical basis was needed to support the rulemaking. Currently under development is a final contractor report which provides the technical bases needed to support the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 2.36; NMSS = 2.05; OGC = 0.20; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-C3HP-13 Energy Compensation Sources for Well Logging, Part 39--RM#440**

**OBJECTIVE--** The proposed rulemaking would allow small energy compensation sources (ECS) used for well logging to be treated differently than well logging sources. Since Part 39 was written, the industry has developed new technology that allows logging operations to be done concurrently with drilling. Even newer technology separates the ECS and the logging tool from the larger logging source to allow easier retrieval of the logging source in the event the drill stem becomes unretrievable. This technology requires an additional small source (less than 0.0001 Curie) versus the normal 3 to 20 Curie well logging sources. Many requirements in

Part 39 are not appropriate or necessary for protecting public health and safety and the environment for ECS. However, since Part 39 did not envision these small sources, the requirements were not written to allow variations in the requirements based on the source. The rulemaking would modify the regulations in Part 39 to define ECS and provide appropriate regulations for their use in well logging.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on March 24, 1997. The rulemaking plan was sent to EDO/Commission for information and to the Agreement States for review and comment on May 12, 1997. The Agreement States comments have been incorporated into the rulemaking plan. Based on Agreement States comments the rule plan was resent for office review on November 20, 1997.

The rulemaking plan was sent for EDO approval on May 7, 1998. The rulemaking plan was sent for Commission, SECY-98-105, approval on May 12, 1998.

**STAFF RESOURCES --** Total FTE = 1.14; NMSS = 1.00; OGC = 0.02; ADM = 0.075 SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-C3HP-20 Options for The Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477**

**OBJECTIVE--** The purpose of this project is to reevaluate requirements related to radiography and radiographic equipment to determine whether a rule change is required to better meet NRCs regulatory intent. The requirements in 10 CFR Part 34 and ANSI N432, which is incorporated by reference, are sometimes very prescriptive and often require exemptions for special cases. One example is the requirement for rigid guide tubes. These are frequently impractical in the airline industry due to the geometry of the equipment being radiographed. It is expected that broadening the language of 34.20 will result in a reduction in the number of exemptions sought.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry.

**RECOMMENDATION TO PROCEED--** Yes. Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on June 26, 1997. The staff plans to conduct a workshop with licensees and industry, as part of the rulemaking process, to determine what associated equipment should be expected to meet the requirements in 10 CFR Part 34 and ANSI N432.

**STAFF RESOURCES --** Total FTE = 1.49; NMSS = 1.25; OGC = 0.05; ADM = 0.07 SP = 0.10; CIO = 0.01; CFO = 0.01

**NMSS-C3HP-27 Development of a Stand-Alone Regulation for Uranium Milling and Milling Facilities, Part 41 --RM#503**

**OBJECTIVE--** NRC uses the applicable requirements in 10 CFR Part 40, "Domestic Licensing of Source Material", to regulate uranium and thorium mining and milling facilities; however, problems have been identified with the Part 40 requirements as they are applied to these facilities. A major problem is that the current Part 40 does not contain any requirements that are specifically applicable to the regulation of in situ leach (ISL) mining facilities, even though these facilities are the focus of ever increasing licensing and hearing activity for NRC. In addition, many of the existing applicable requirements in Part 40 need to be updated to: 1) eliminate inconsistencies that have been introduced within Part 40 or between Part 40 and other regulations since the regulation was promulgated 10 years ago; 2) address operational problems that have been identified in implementing the existing requirements; and 3) codify certain policies and regulatory decisions that have been established for uranium recovery facilities. These problems with Part 40 detract from a consistent and effective regulatory program for uranium recovery facilities.

The NRC strategic planning process also has identified the use of mill tailings impoundments as a cost effective way to help ensure cleanup of other fuel cycle facilities currently undergoing reclamation. NRC staff believe it would be useful to codify requirements for such disposal in uranium recovery regulations.

In response to these circumstances, NRC has initiated the process of developing a new part, 10 CFR Part 41, for uranium recovery facilities, rather than pursue a major revision to Part 40 that would be disruptive to other material licensees. It is intended that this new Part will correct the problems with Part 40 relative to these facilities, and will also consolidate all of the regulatory requirements from Part 40 and other NRC regulations that apply to the regulation of uranium recovery facilities into a stand-alone regulation.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** By establishing specific regulatory requirements for the operation and licensing of ISL's, this rule should reduce the uncertainty associated with current licensing decisions for these facilities both for NRC and for the affected licensees, and should also reduce the number of requests for hearings and/or clarifying license amendments. Outstanding issues important to the safe and efficient decommissioning of uranium recovery facilities, and the establishment of appropriate levels for sureties would be resolved by this rule. By clarifying, updating, and consolidating regulatory requirements in a single regulation, the rule should reduce administrative costs for licensees and NRC by making for smoother implementation. The details of this rule and the costs and benefits have yet to be determined.

**RECOMMENDATION TO PROCEED--** Yes. Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should

proceed. A Rulemaking plan is being developed that will seek Agreement States comments and obtain EDO/Commission approval to proceed. The rulemaking plan was sent for office review on June 23, 1998.

**STAFF RESOURCES** -- Total FTE = 6.30; NMSS = 5.50; OGC = 0.50; ADM = 0.07 SP = 0.20; CIO = 0.02; CFO = 0.01

**NRR-C3HP-28 Design Certification for AP600, Part 52--RM#504--W#920142D**

**OBJECTIVE--** The proposed rule will amend the Commission's regulations to provide certification of the AP600 design. Design certification rules are initiated by an applicant for design certification pursuant to Subpart B of Part 52. A major purpose of Part 52 is to achieve early resolution of safety issues and provide a more stable and predictable licensing process.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Design certification rules do not establish generic regulatory requirements unlike other rulemakings. Therefore, a formal cost/benefit analysis is not needed. However, if they are referenced for use by more than one combined license applicant, the NRC expects enhanced safety and cost-effectiveness to result.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes this rulemaking is needed in order to respond to Westinghouse's request for certification of the AP600 design.

**STAFF RESOURCES** -- Total FTE = 1.15; NRR = 1.00; OGC = 0.05; ADM = 0.07 CIO = 0.02; CFO = 0.01

**NMSS-C3HP-31 Fissile Material Shipments and Exemptions, Part 71--RM#521**

**OBJECTIVE--** To prepare a rulemaking plan, which, if approved by the Commission, will be the basis for a proposed rule that will be published for public comment. The rulemaking plan will be based on NUREG/CR-5342 which summarized the technical and licensing bases for fissile material exemptions and general license provisions in Part 71. Earlier amendments to these provisions were published on February 10, 1997, in an emergency final rule (62 FR 5907) which restricted the use of beryllium and other special moderating materials in the shipment of fissile material. The emergency final rule corrected a recently discovered defect in Part 71 ( 71.18, 71.22, and 71.53) which could have permitted, in special circumstances, nuclear criticality to occur in shipments of fissile materials which are permitted to take place under these sections without specific Commission approval. Also post-promulgation public comments were supportive of the final rule, but felt it went too far, and requested further rulemaking..

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The cost and benefits of fissile material shipments that are expected to be made under the proposed amendments will be evaluated by the staff with assistance from a contractor who will prepare a regulatory analysis and environmental assessment to support the rulemaking plan/proposed rule.

**RECOMMENDATION TO PROCEED--** Yes. Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed based on public comments received on direct final rule RM#492 and the technical study by Oak Ridge National Laboratory (NUREG/CR-5342).

**STAFF RESOURCES** -- Total FTE = 1.90; NMSS = 1.75; OGC = 0.05; ADM = 0.07; SP = 0.015; CIO = 0.02; CFO = 0.01

**MEDIUM PRIORITY**

**NMSS-C3MP-06 Special Nuclear Material Accountability, Parts 70, 74--RM#309--W#960007**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to condense Part 70 by deleting MC&A requirements that largely duplicate requirements in Part 74. It would complete the action begun when Part 74 was created. In addition, it would address industry concerns regarding the prescriptiveness of some MC&A requirements. A reduction in prescriptiveness may result in burden reduction to the licensees, by allowing more efficient and effective methods to be used to achieve the objectives of the regulation.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The potential benefits to licensees appear to outweigh the cost of implementing a new rule; however, the potential benefits appear to be marginal. The rule will move the portions that apply to reactor licensees and category 2 licensees to Part 74. There presently are no category 2 licensees but this may change.

**RECOMMENDATION TO PROCEED--** Yes. Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**STAFF RESOURCES** -- Total FTE = 1.20; NMSS = 1.00; OGC = 0.10; ADM = 0.07 SP = 0.01; CIO = 0.01; CFO = 0.01

**NMSS-C3MP-12 Clarifications and Addition of Flexibility to Part 72 --RM#438--W#960159**

**OBJECTIVE--** This rule clarifies the applicability of Part 72 for general and site-specific licensees. It has not always been clear to licensees which requirements are applicable to general versus site-specific licensees. Consequently, the staff has received several inquires from prospective applicants requesting an interpretation of certain provisions of Part 72. Clarification of which regulations are applicable to site-specific and general licensees would

reduce the uncertainty for potential licensees, and lessen the need for legal interpretation by NRC legal staff. The proposed rule would also allow applicants for site-specific licenses to use cask designs previously approved under Part 72, Subpart K, without having to submit a separate safety analysis for the cask design. Under the current regulations, the adequacy of the design of these previously approved storage casks could be at issue, particularly during the hearing process, in each site-specific license application. This rule precludes the staff having to expend considerable resources in repeatedly re-examining and defending technical issues already resolved during the public rulemaking process. This process requests public comments which are addressed in the final rule. The rule also allows the initiation of storage cask construction provided that certain conditions are met. The staff has allowed this construction, via exemption, before a Certificate of Compliance is issued if the construction is performed under an NRC approved quality assurance program and the applicant bears all risk associated with early construction.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED:** Yes. The staff believes that the rulemaking should proceed using Management Directive 6.3 process. The rulemaking plan was sent for office review and comment on May 19, 1998. The rulemaking plan was sent for EDO approval on June 19, 1998.

**STAFF RESOURCES --** Total FTE = 1.64; NMSS = 1.50; OGC = 0.03; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-C3MP-13 Geological and Seismological Characteristics of Spent Fuel Storage Systems, Part 72--RM#441--W#960161**

**OBJECTIVE--** The proposed rulemaking would provide conforming changes in Part 72 regarding revised seismic criteria currently proposed for reactor siting in 10 CFR 100,

Appendix A, or would provide independent seismic siting criteria for spent fuel storage systems. Amendments to 10 CFR 100, Appendix A are currently under development which may have an impact on Part 72 licensees. This issue will evaluate whether the proposed amendments to Appendix A are suitable for spent fuel storage facilities or if alternate siting provisions specific to Part 72 need to be developed. This rulemaking would also clarify what analyses licensees using the general license process need to perform to assess the geologic and seismic considerations of cask design and siting.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed using Management Directive 6.3 process. The rulemaking plan was sent for office review and comment on May 12, 1998. The rulemaking plan was sent for EDO approval on May 22, 1998. The rulemaking plan was sent for Commission approval on June 4, 1998, SECY-98-126.

**STAFF RESOURCES --** Total FTE = 2.00; NMSS = 1.80; OGC = 0.10; ADM = 0.07 SP = 0.01; CIO = 0.01; CFO = 0.01

**NMSS-C3MP-15 Financial Assurance Requirements for Waste Brokers and Sealed Source Users--RM#480**

**OBJECTIVE--** The purpose of the rulemaking is to revise the financial assurance requirements that apply to waste brokers and sealed source licensees. NRC has experienced several cases where bankruptcies or financial problems involving these types of licensees potentially could have shifted the financial burden to pay for decommissioning and waste disposal to taxpayers or other affected parties because, in many cases, waste brokers and sealed source users may not have to provide financial assurance under existing NRC requirements. Possession thresholds and required amounts of financial assurance should be reviewed and updated to ensure that adequate financial assurance is in place for these facilities.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** This rulemaking should avoid an inordinate burden on taxpayers and other affected parties, while ensuring sufficient resources are available to pay for decommissioning in the event of licensee default.

**RECOMMENDATION TO PROCEED--** Yes. Pending approval using Management Directive 6.3, the staff believes the rulemaking should proceed. The staff is currently developing a rulemaking plan concurrently with developing additional technical basis in support of the rulemaking.

**STAFF RESOURCES --** Total FTE = 2.19; NMSS = 2.05; OGC = 0.03; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01

**NRR-C3MP-18 Staffing and Training Requirements for Defueled Reactors, Part 50, 55--RM#444**

**OBJECTIVE--** The purpose of this proposed rule change is to eliminate the need for licensees to seek exemptions from the training and qualification requirements in 10 CFR Part 50.120 in the event that the reactor is permanently shutdown and certifications are made to the NRC of permanent cessation of operations and permanent removal of fuel from the reactor vessel in accordance with 10 CFR 50.82(a). The current language in 50.120 is sufficiently broad to allow licensees to modify their training and qualification program based on the operating status of the plant. However, the regulation specifies certain employee types which must be subject to these requirements. The staff will consider how this regulation can be modified to give the licensee the flexibility to adjust its staffing without the need for an exemption to these requirements.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT** This action would be a cost savings for both the licensees and the NRC. The licensee would be spared the cost of preparing exemptions for changes that have no safety significance and wait for NRC review and approval. Likewise the NRC will save the resources required to consider each exemption. This change does not address an immediate safety issue or involve significant cost savings.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. A letter requesting the EDO's approval to initiate a rule plan is being developed.

**STAFF RESOURCES --** Total FTE = 2.04; NRR = 1.90; OGC = 0.04; ADM = 0.07 CIO = 0.02; CFO = 0.01

**NRR-C3MP-19 Use of Alternate Cladding Material in Reactors, Part 50--RM#449**

**OBJECTIVE--** The purpose of this proposed rule change is to eliminate the need for licensees to seek exemptions from NRC regulations to take advantage of advancements in fuel and cladding engineering. Improvements in cladding materials to minimize corrosion and allow for higher fuel Burnup have moved vendors away from the use of zircaloy materials which are specified in 10 CFR Parts 50.44 and 50.46. The staff will examine alternatives to the language in these parts to allow the use of advanced cladding materials.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This change does not address an immediate safety issue or involve significant cost savings.

**RECOMMENDATION TO PROCEED--** Yes. The staff is receiving exemption requests and expects to receive more. This rulemaking would improve use of staff resources. Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed and that a schedule for rulemaking should be developed in FY 1999.

**STAFF RESOURCES--** Total FTE = 1.34; NRR = 1.2; OGC = 0.04; ADM = 0.07 CIO = 0.02; CFO = 0.01

**NMSS-C3MP-26 Compatibility with the IAEA Transportation Standards, Part 71--RM#496**

**OBJECTIVE--** This rulemaking will revise 10 CFR Part 71 to make it compatible with the 1996 International Atomic Energy Agency (IAEA) transportation standards. NRC's transportation regulations (Part 71) are based, to a large degree, on IAEA's Safety Series No. 6 which is revised periodically, therefore requiring revision of Part 71. Other objectives of this rulemaking include further revisions to fissile material exemptions, specification of conditions under which the NRC issues certificates of compliance, and possible amendments to include regulatory oversight parties other than licensees, such as cask fabricators and vendors.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** A cost benefit analysis is being prepared using MD 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that this rule should proceed as per user need memorandum dated 12/18/96 from Carl J. Paperiello to David L. Morrison.

This rulemaking will need close coordination with the U. S. Department of Transportation.

**STAFF RESOURCES --** Total FTE = 2.58; NMSS = 2.45; OGC = 0.02; ADM = 0.07 SP = 0.02; CIO = 0.01; CFO = 0.01

**NRR-C3MP-30 Lessons Learned from Design Certification, Part 52--RM#505--W#970060/W#970126**

**OBJECTIVE--** The proposed rulemaking will revise Part 52 based on the experience gained by using the rule since 1989. This action responds to DSI #10 to revise the regulatory infrastructure to prepare for future applicants.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking will involve changes to licensing procedures and should reduce the regulatory burden by clarifying and facilitating the implementation of 10 CFR Part 52 for future applicants.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes this rulemaking should proceed. Also, this rulemaking will incorporate RM #483, Removal of Obsolete Appendices M, N, O, and Q from Part 50 which would remove appendices that became obsolete when Part 52 was created.

**STAFF RESOURCES --** Total FTE = 2.23; NRR = 2.08; OGC = 0.05; ADM = 0.07 CIO = 0.02; CFO = 0.01

**NRR-C3MP-31 Determination of Exclusion Area, Low Population Zone, and Population Center Distance, 10 CFR 100.11 and Control Room, Part 50 (Appendix A, GDC 19)--RM#507**

**OBJECTIVE--** The proposed rulemaking would permit the use of the revised source term contained in NUREG-1465 by operating reactors -- revision to 10 CFR 100.11 and 10 CFR Part 50, Appendix A, GDC 19. This rulemaking is also discussed in a Commission paper issued on November 25, 1996 (SECY-

96-242), and a status report to the Commission dated September 9, 1997. This rulemaking will allow operating reactor licensees to use the revised source term in requesting design changes without having to seek an exemption from the regulations. This rulemaking is addressed in the Chairman's Tracking List as Item I.J.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--**This rulemaking may result in safety enhancements, further reductions in occupational exposure, and more focused O&M activities without reducing real safety margin; it may also result in cost beneficial licensing actions (CBLAs). Implementation of the revised source term by operating reactors is voluntary.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes the rulemaking should proceed. Commission SRM dated February 12, 1997, directed the staff to proceed with rulemaking upon the completion of a rebaselining initiative. In addition, this rulemaking was also discussed in a Commission paper, SECY-96-242, dated November 25, 1996, and a Commission status report dated September 9, 1997. This status report also proposed the following schedule: completion of rebaselining and the rulemaking plan by November 30, 1998 (after discussions with the Commissioners' staffs and RES, this target was subsequently revised to June 30, 1998). The rulemaking plan, currently under development, will propose completion of the proposed rule and draft regulatory guide by July 30, 1999, and a final revised rule and regulatory guide by February 28, 2000.

**STAFF RESOURCES--** Total FTE = 1.66; NRR = 1.5; OGC = 0.06; ADM = 0.07 CIO = 0.02; CFO = 0.01

**NMSS-C3MP-32 Revise Certificate of Compliance for VECTRA Technologies, In. NUHOMS Dry Shielded Canister--RM#518**

**OBJECTIVE--** This rulemaking is in response to a Petition dated December 5, 1995, filed by the Toledo Coalition for Safe Energy, Alice Hirt, Charlene Johnston, Dini Schut, and William Hoops (Petitioners). In the petition, concerns were raised regarding the safety of the VECTRA Technologies, Inc., NUHOMS dry-shielded canister (DSC) due to a reduction in the thickness of the welds. In addition, the petition questioned the U. S. Nuclear Regulatory Commission's administrative process by which VECTRA was permitted to deliver the canisters to the Davis-Besse Nuclear Power Station and to use the DSCs. It claimed that an NRC rule or some other public proceeding, is necessary to grant permission for the transfer and use of the DSCs.

The Petition was referred to the NMSS Director pursuant to 10 CFR 2.206, and the request was referred to the staff for action. The Director's Decision under 10 CFR 2.206, granted the Petition in part and denied it in part. The Director determined that the NRC Certificate of Compliance (COC) for VECTRA's standardized NUHOMS should be modified to require a fabrication inspection of the DSC. Because of the granting of this part of the petition, a rulemaking is needed and will be conducted to accomplish this modification. Accordingly, the Petition from the Toledo Coalition for Safe Energy is granted to the extent that it requests an agency rulemaking and is denied in all other respects.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** These changes will not have an effect on licensees.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. A rulemaking plan is under development to codify the SER and COC.

**STAFF RESOURCES --** Total FTE = 0.395; NMSS = 0.3; OGC = 0.05; ADM = 0.035 CIO = 0.005; CFO = 0.005

**LOWER PRIORITY NONE**

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**CATEGORY IVA**

**PETITIONS BEING RESOLVED**

**PETITIONS FOR WHICH  
FURTHER ASSESSMENT IS REQUIRED  
BEFORE DECIDING WHETHER TO INITIATE  
RULEMAKING OR TO GRANT, TO DENY, OR  
TO PARTIALLY GRANT THE PETITION**

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**NMSS-C4A-07 PRM-20-21 Petitioner/Petition Docket Number: Keith J. Schiager, Ph.D., et al.--RM#451**

Federal Register Citation: September 10, 1993 (58 FR 47676)

Subject: Disposal of Certain Low-Level Radioactive Wastes to Provide Additional Options for Disposal of Very Low Concentrations of Short-Lived Radionuclides.

The petitioners request that the Commission amend its regulations in 10 CFR Part 20 that became mandatory for all licensees on January 1, 1994, to permit additional methods for disposal of certain low-level radioactive wastes. The petitioners contend that the regulations that became mandatory for all

licensees on January 1, 1994, are too restrictive and prevent many research institutions from pursuing certain types of research that cannot be conducted effectively without the use of radioactive materials.

**NRR-C4A-14 PRM-50-62 Petitioner/Petition Docket Number: Nuclear Energy Institute--RM#459**

Federal Register Citation: September 14, 1995 (60 FR 47716)

Subject: Quality Assurance Programs

The petitioner requests that the Commission amend its regulations regarding quality assurance programs to permit nuclear power plant licensees to change their quality programs described or referenced in a licensee's Safety Analysis Report (SAR) without prior NRC approval under specified conditions. The petitioner believes that this amendment would improve the regulatory process and increase the safety of commercial nuclear power plants through a more efficient use of agency and industry resources. The staff anticipates that the petition for rulemaking will be granted in part.

**RES-C4A-15 PRM-50-63 Petitioner/Petition Docket Number: Peter G. Crane--RM#460--W#970193**

Federal Register Citation: November 27, 1995 (60 FR 58256)

Subject: Stockpiling Potassium Iodide

The petitioner requests that the Commission amend its regulations to require the U. S. Government to stockpile potassium iodide (KI) for use as a thyroid blocking agent in the event of a nuclear accident. Denial of the petition for rulemaking was sent for office review on January 14, 1997. The denial of the petition was sent for Commission, SECY-97-245, approval on 10/23/97.

**RES-C4A-17 PRM-72-02 Petitioner/Petition Docket Number: Portland General Electric Company--RM#462**

Federal Register Citation: February 1, 1996 (61 FR 3619)

Subject: Disposal of Radioactive Waste

The petitioner requests that the Commission amend its regulations that govern independent storage of spent nuclear fuel and high-level radioactive waste to specifically include radioactive waste produced from reactor operations pending its transfer to a permanent disposal facility. The resolution of this petition is now scheduled for June 1998. The rulemaking plan, (refer to C3HP-12, RM #436) previously being developed has been terminated.

**NMSS-C4A-18 PRM-35-13 Petitioner/Petition Docket Number: National Registry of Radiation Protection Technologists (NRRPT) RM#463**

Federal Register Citation: February 8, 1996 (61 FR 4754)

Subject: Training Requirements for a Radiation Safety Officer

Summary: The petitioner requests that the Commission amend its regulations by including acceptance of NRRPT registration as fulfilling some of the training requirements for a radiation safety officer. The resolution of this petition is now scheduled for September 1998.

**NMSS-C4A-19 PRM-72-03 Petitioner/Petition Docket Number: Fawn Shillinglaw--RM#464**

Federal Register Citation: May 14, 1996 (61 FR 24249)

Subject: Dry Cask Storage of Radioactive Waste

The petitioner requests that the Commission amend its regulations that govern independent storage of spent nuclear fuel in dry cask storage to require that the safety analysis report for a cask design fully conforms with the associated safety evaluation report and certificate of compliance before certification of the cask design. The resolution of this petition is scheduled for October 1998.

**NMSS-C4A-23 PRM-30-61 Petitioner/Petition Docket Number: Nuclear Energy Institute--RM#468**

Federal Register Citation: August 21, 1996 (61 FR 43193)

Subject: Nuclear Material Licensees.

Summary: The petitioner requested that the NRC amend its regulations governing monitoring and maintenance programs for the decommissioning process at facilities of special nuclear materials licensees. The petitioner's amendments would allow material licensees to continue monitoring and maintaining facilities, separate buildings, or outside storage areas that have not been used for 24 months, rather than requiring licensees to begin the decommissioning process after 24 months of inactivity. The resolution of this petition is now scheduled for August 1998. Petition denial package was sent for office review and comment on 6/15/98.

**NMSS-C4A-25 PRM-40-26 Petitioner/Petition Docket Number: Chromalloy Tallahassee--RM#470**

Federal Register Citation: December 10, 1997 (62 FR 65039)

Subject: Establish an Exemption from Licensing Requirements to Include the M1A1 Battle Tank Engine AGT 1500

Summary: The petitioner requested that the Commission amend its licensing exemptions to establish an exemption from licensing requirements to include the M1A1 Battle Tank Engine AGT 1500, which contains nickel-thorium. The resolution of this petition is now scheduled for December 1998.

**NMSS-C4A-26 PRM-71-12 Petitioner/Petition Docket Number: International Energy Consultants--RM#471**

Federal Register Citation: February 19, 1998 (63 FR 8362)

Subject: Packaging and Transportation of Radioactive Material

Summary: The petitioner requested that the NRC amend its regulations governing shipments of high-level waste under Part 71. The petitioner requested that Part 71.63 (b) be deleted in its entirety. The resolution of this petition is now scheduled for February 1999.

**RES-C4A-27 PRM-50-63A Petitioner/Petition Docket Number: Peter G. Crane--RM#472--W#970193**

Federal Register Citation: December 17, 1997 (62 FR 66038)

Subject: Emergency Planning

Summary: The petitioner requested that the Commission amend its regulations concerning emergency planning to include a requirement that a range of emergency planning protective actions be developed to include sheltering, evacuation, and the prophylactic use of potassium iodide, which prevents thyroid cancer after nuclear accidents. The petitioner's suggested amendment would specifically mention several appropriate protective actions, including the prophylactic use of potassium iodide. In the amendment to the petition, the petitioner requested that the regulations be amended to consider the evacuation, sheltering and the prophylactic use of potassium iodide, as appropriate, in developing a range of protective actions for emergency workers and the public. The resolution of this petition is now scheduled for December 1998.

**NMSS-C4A-28 PRM-72-04 Petitioner/Petition Docket Number: Prairie Island Coalition --RM#473--**

Federal Register Citation: March 12, 1998 (63 FR 12040)

Subject: Independent Storage of Spent Nuclear Fuel in Dry Casks

Summary: The petitioner requests that the NRC amend its regulations that govern independent storage of spent nuclear fuel in dry storage casks to define the parameters of acceptable degradation of spent fuel in dry cask storage. The petitioner also requests an amendment to the regulations to define the parameters of retrieveability of spent nuclear fuel in dry storage and to require licensees to demonstrate safe cask unloading ability before a cask may be used at an Independent Spent Fuel Storage Installation. The resolution of this petition is now scheduled for March 1998.

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**CATEGORY IVB**

**RULES THAT ARE ON HOLD**

**RULEMAKINGS FOR WHICH FURTHER  
WORK CANNOT BE UNDERTAKEN UNTIL  
INFORMATION NEEDED FROM OUTSIDE  
SOURCES OR RESOURCES BECOME AVAILABLE**

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**NRR--C4B-09 Rulemaking on Probabilistic Risk Assessment, Part 52--RM#411**

**OBJECTIVE--** During the staff's recent experience in reviewing the first two LWR design certification applications under the process provided in 10CFR Part 52 (GE ABWR design and ABB/CE System 80+ design), it was determined that updated PRA information should be required for post-certification licensing actions such as COL applications. In the Commission's SRM the staff was directed to proceed with development of this rule. The needed PRA information has been referred to as implementation of a "living PRA."

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** Since this rulemaking project has just been initiated, the cost/benefit issue has not yet been fully addressed and no cost/benefit

information exists. However, in discussions with NRR and RES staff involved in the coordination of this rulemaking, it is presently believed that, consistent with the Part 52 Statements of Consideration, a cost/benefit evaluation is probably not appropriate for this particular rulemaking just as it was determined that it was not appropriate for the Part 52 rulemaking. The reason for this view is that the requirement for implementation of a living PRA (necessity for provision of post-certification PRA information) is a natural and logical part of the Part 52 design certification process. It has become clear through the experience of the design certification reviews for the ABWR and System 80+ designs, that for a utility to proceed to the COL licensing phase, whether or not the design certification approach is utilized, updated PRA information is essential to carrying out that process. In addition, a meaningful quantification of the costs and benefits of this rulemaking if possible is not available at this time.

**RECOMMENDATION TO PROCEED--** Not at this time. The staff believes that this activity should have low priority due to the absence of any prospective applicants for a Combined Operating License (COL) under 10 CFR Part 52, NRR's limited resources that can be applied to develop a living PRA rule for COL applicants, and the desirability of applying NRR's resources to higher priority risk informed regulatory efforts.

**NRR-C4B-15 Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel, Part 51--RM#116--AA31--W#910146**

**OBJECTIVE--** The Commission is adding estimates of releases of technetium-99 and radon-222 from activities in the nuclear fuel cycle to its Table of Uranium Fuel Cycle Environmental Data (Table S-3) in 10 CFR Part 51. It would also extend the applicability of the rule to cover a broader range of U-235 enrichments in fresh nuclear fuel (up to 5.5 weight percent) and the higher burnup now expected before the spent fuel is removed from the reactor. The revisions would simplify the content of environmental documents prepared for the construction permit stage of applications for light-water-cooled nuclear power reactors (LWRs). However, the number and timing of applications for construction permits for LWRs are uncertain at this time. This action will also clarify the meaning and intent of the term "zircaloy" has been changed to "zirconium alloy."

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** It is not possible to perform a quantitative cost-benefit analysis because the number and timing of applications for construction permits for LWRs and production and utilization facilities are uncertain at this time. However, this rule would result in up-front implementation costs to the NRC (estimated to be about \$258,000) and cost reductions in the preparation and review of CP stage environmental documents (estimated to be about \$14,000 per LWR).

**RECOMMENDATION TO PROCEED--** No. The Final Rulemaking Package went out for office concurrence on March 19, 1998. OGC identified several concerns including noticing issues and the rule's potential impact on the license renewal process. Accordingly, the staff does not believe it is appropriate to proceed with this rulemaking at this time.

**NMSS-C4B-19 Transfer of Unimportant Quantities of Source or Byproduct Material to Exempt Persons, 10 CFR 40.51--RM#447**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to require licensees wishing to transfer unimportant quantities of source material under the provisions of 10 CFR 40.51(b)(3) to obtain approval prior to transferring the material. Paragraph 40.13(a) exempts persons with source material less than 0.05% by weight from Part 40 and the requirements for a license. It is intended to exempt the low concentrations of uranium and thorium which are ubiquitous in the environment. However, the weight percent limit is not adequate to assure the protection of health and safety from any uranium and thorium which could fall under this exemption. Paragraphs 40.51(b)(3) and (4) allow licensees to transfer source material to exempt persons. Although the Commission's intent with respect to exemptions covering materials is that they are not intended to allow disposal of radioactive waste by licensees, this is not clear in the case of 40.13(a). The intent of the rulemaking would be to control the transfer of large quantities of waste containing source material from specific licensees to persons exempt under section 40.13(a).

**TYPE-- SAFETY ENHANCEMENT BUT FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** To be provided using Management Directive 6.3 Process.

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should not proceed until another issue is resolved. That is whether to modify through rulemaking or legislative initiatives the concentration or conditions for licensing of source material. This issue is currently being evaluated by the staff and options will be provided to the Commissioners upon completion of this evaluation. The staff is currently reviewing a draft contractor report and expect to provide recommendations to the Commission in October 1998.

**NRR-C4B-24 Reduction of Additional Reporting Requirements Imposed on NRC Licensees (10 CFR 50), RRGR Item 59a--RM#387--W#940118**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to reduce reporting requirements currently imposed on water-cooled nuclear power reactor, research and test reactor, and nuclear material licensees. The proposed rule would implement an NRC initiative to review its current regulations with the intent to revise or eliminate duplicative or unnecessary reporting requirements.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** No estimates can be developed at this time because user offices (i.e., NRR, NMSS, and AEOD) are in process of developing user-need

statements concerning which reporting requirements may be affected.

**RECOMMENDATION TO PROCEED--** Not at this time. The Commission has directed the staff (SRM on SECY-98-036) to consult with industry to identify reporting requirements that are potential candidates for modifying to a more risk-informed approach, and submit a schedule and plan of action to the Commission in the fall.

**NRR-C4B-26 Alternative Site Reviews, Part 50, 52--RM#313**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to set standards for assessments of alternative sites for future power reactors, which is now lacking in Parts 50, 51, 52 of the regulations, and would strengthen the bases for acceptance of safety and environmental assessments of proposed reactor sites under Subpart A of Part 52 (Early Site Permits). The overall objective is to propose a more consistent approach for review of alternative sites to facilitate and stabilize the regulatory process.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** Codification of standards for alternative site analysis will result in greater regulatory efficiency in the review and adjudication of future applications.

**RECOMMENDATION TO PROCEED--** No. The staff believes the rulemaking should not proceed at this time.

**NMSS-C4B-27 Relief from the Use of Part 36 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479**

**OBJECTIVE--** The purpose of this proposed rule is to reduce the need for licensees using teletherapy devices for non-human irradiation (e.g., blood, organs, research animals, etc) to seek exemptions from the Part 36 requirements for irradiators. Many of the Part 36 requirements are either impractical to implement because of costs, or are unacceptable because they would require alterations to the current electrical interlocks on the units designed to meet the requirements of Part 35. The staff has previously recommended the revision of Part 36 to exempt Part 35 teletherapy licensees, as well as licensees located in a medical facility that may not have a current teletherapy license. The staff will consider modifications of the Part 36 requirements to make exemptions unnecessary for teletherapy licensees.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry. This change does not address an immediate safety issue or involve significant cost savings.

**RECOMMENDATION TO PROCEED--** Not at this time. The staff is reassessing the need for a rulemaking for current teletherapy licensees.

**NMSS-C4B-28 Spent Fuel Shipment Information Protection Requirements, Part 73--RM#501**

**OBJECTIVE--** These proposed revisions 10 CFR Part 73 concern the conditions under which spent fuel shipment information should be protected from disclosure. DOE has indicated that it intends to comply with NRC's physical protection requirements for shipments under the Nuclear Waste Policy Act, however its current practices conflict with NRC regulations. For example, DOE already has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE as a courtesy provides Indian Tribes with notification of spent fuel shipments. 10 CFR 73.37(f) does not address notification of Indian Tribes. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--**To be provided using the Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Not at this time. The staff is reassessing the need for this rulemaking. The staff informed DOE in a memorandum dated February 3, 1998, that the NRC had no objection to the voluntary use of a satellite tracking system provide that such use complies with the provisions of Part 73.

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**CATEGORY V**

**RULES BEING DROPPED**

**RULES TO BE DROPPED FROM  
FURTHER CONSIDERATION BUT  
MAY REQUIRE SOME ADDITIONAL  
RESOURCES TO CLOSEOUT**

**NMSS-C5-06 Elimination of Inconsistencies Between NRC Regulations and EPA HLW Standards, Part 60--RM#79--AC03--W#840171**

**OBJECTIVE--** The proposed rule would eliminate several inconsistencies with the

EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** This rulemaking has been overtaken by new rulemaking on Conform to EPA Standards, NAS Recommendations. Therefore, it is not cost beneficial to proceed.

**RECOMMENDATION TO PROCEED--** No. NMSS agrees that this rulemaking effort has been incorporated into C1HP-44, RM #513 and is no longer needed. Accordingly, this rulemaking effort has been Terminated (dropped) and will be withdrawn from the regulatory agenda.

**NMSS-C5-09 Distribution of Source and Byproduct Material: Licensing and Reporting Requirements, Parts 32, 40--RM#292--AE33--W#940069**

**OBJECTIVE--** The advance notice of proposed rulemaking (ANPR) was published to request public comment on contemplated amendments to the Commission's regulations governing the licensing of source material and mill tailings. Fifteen comment letters were received on the ANPR. These comments were considered in the development of rulemaking plans. The ANPR suggested that a two-step rulemaking may be initiated starting with a simple rule pertaining to the licensing and reporting requirements for distributors of products and materials used by exempt persons and general licenses. The ANPRM also stated that the NRC would consider whether to address the issues related to mills and mill tailings in a separate rulemaking.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There are no significant licensee costs associated with this action.

**RECOMMENDATION TO PROCEED--** No. The staff believes that there is no need for this rule based on ANPR public comments. A recommendation to withdraw the ANPR and terminate the rulemaking will be forwarded for EDO/Commission consideration in December 1998.

**NRR-C5-10 Criteria for Extraordinary Nuclear Occurrence, Part 140--RM#51--AB01--W#810014**

**OBJECTIVE--** The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems that were encountered in the Three Mile Island ENO determination. The revised criteria should be established in the event they are needed. The current ENO criteria are already codified in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do, is through rulemaking that will also respond to the petition for rulemaking (PRM-140-1).

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There are no significant licensee costs associated with this action.

**RECOMMENDATION TO PROCEED--** No. A recommendation to deny the petition for rulemaking and termination of the associated rulemaking will be sent for Commission approval.

**Staff Resources--** Total FTE = 0.16 NRR = 0.1; OGC = 0.02; ADM = 0.03 CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Denial to Commission September 1998

**NMSS-C5-11 Safe Concentration for Possession of SNM in Contaminated Soil--RM#409**

**OBJECTIVE--** The proposed rulemaking will respond to a petition for rulemaking from Envirocare of Utah, Inc. (PRM-150-02). The petitioner requests that the Commission amend its regulations to exempt those persons that generate or dispose of very low specific activity wastes contaminated with special nuclear materials that are not capable of forming a critical reaction from the current possession limits specified in its regulations that requires licensing under Part 61 for SNM disposal. The rule was proposed to reduce a regulatory burden. Under the current regulations, licensees are required to obtain an NRC Part 61 disposal facility license to dispose of SNM waste, even though there is no immediate criticality hazard or safeguards concern. NRC case-specific licensing would likely be more expensive and time consuming.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Licensees would benefit by not having to obtain an NRC license to dispose of this kind of waste. At this time, at most, three licensees dispose of this waste and may benefit from the proposed rule. New LLW disposal facility licensees may benefit, but that is not clear. Only one waste site

in the country is routinely accepting large volumes of these kinds of waste now. There are no clear safety, safeguards, or environmental benefits from this rulemaking. Its purpose is to eliminate unnecessary conservatism in the current regulations.

**RECOMMENDATION TO PROCEED--** No. The staff has determined that the rulemaking should be terminated because it would not be desirable nor cost-effective to resolve this issue by rulemaking. The staff proposed an alternative approach to resolve PRM-150-02 in a memorandum to the Commission dated November 13, 1995. Commission SRM dated February 7, 1996 approved this alternative approach. The petition is being denied because it does not provide a basis to determine generically that wastes contaminated with SNM and having very low specific activity are not capable of forming a critical reaction. Many site specific aspects of the disposal affect the operational and post-disposal criticality safety. Moreover, Envirocare began accepting dry active waste, ion-exchange resin, and treated mixed waste. Staff assessments have not considered the effects of the changes in waste type or the treatment processes associated with mixed waste. Safe SNM concentration limits established for Envirocare may not be acceptable at other facilities. Considering the unique site-specific practices and operations at Envirocare, the staff has concluded that licensing, rather than rulemaking, will provide for greater protection of public health and safety. A Commission options paper, SECY-98-010, was sent for approval on January 20, 1998. Commission SRM on SECY-98-010 dated April 29, 1998 directed the staff to focus its resources on reviewing Envirocare's Part 70 license application.

**AEOD-C5-19 Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment, 10 CFR 50.76--RM#414--AF33--W#940180**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations in 10 CFR Part 50 to require that licensees for commercial nuclear power reactors report summary reliability data for risk-significant systems and equipment to the NRC. This will help the NRC to move towards risk-informed performance based regulation and to improve the regulatory process via: (1) more risk-effective safety decisionmaking; (2) more efficient focus on use of agency resources; and (3) reduction in unnecessary burdens on licensees.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Present net worth of NRC and licensee costs is estimated at \$89 million. Benefit estimates are largely qualitative because it is difficult to ascribe specific benefits to data collection alone, apart from the overall process of moving towards risk-informed performance based regulation. Regardless, the benefits appear to clearly outweigh the costs. For example, saving only 6 hours per year of plant unavailability would outweigh the average plant's annual recurring cost of \$72,000.

**RECOMMENDATION TO PROCEED--** No. A general deferral would be recommended only if the industry begins to supply adequate information voluntarily. In October 1996 industry representatives provided a sample of data representing a proposed voluntary alternative to the rule. Commission SRM on SECY-95-215 dated 10/24/95 approved publication of the proposed rule for public comment. The proposed rule was published for comment in the Federal Register on February 13, 1996 (61 FR 5318). The draft regulatory guide was noticed for comment in the Federal Register on May 2, 1996 (61 FR 19645). Commission SRM on SECY-97-101 dated 06/13/97 approved terminating the final rulemaking.

**NRR-C5-28 Steam Generators--RM#394--AF04--W#940048**

**OBJECTIVE--** The steam generator rule is being proposed to resolve the following problems: Out-of-Date Criteria: Due to improved technology (e.g., nondestructive testing, data acquisition capability), changes in degradation mechanisms, and operating experience gained in the last 20 years, the current regulatory criteria applicable to steam generator (SG) tube integrity are out of date; Overly Conservative Repair Criterion: The 40% through-wall (TW) steam generator repair tube limit that is typically incorporated into plant technical specifications, has been applied, in the absence of any other repair criteria, to all forms of steam generator tube degradation. Although the 40% TW depth criterion for steam generator tube repair is a good criterion for tube wastage (i.e., steam generator tube wall thinning), it is generally overly conservative for many other forms of steam generator degradation such as pitting or stress corrosion cracking; NDE Limitations: Associated with current nondestructive examination technology for detection, as well as, the limited capability to accurately size crack depths for degradation such as ODSCC make it difficult to practically implement or comply with the current 40% TW depth repair limit. As a result, licensees are generally forced to plug or sleeve indications as soon as they are detected; Inflexibility: The current criteria do not readily allow licensees the flexibility to manage different types of steam generator tube degradation. Licensees must either use the 40% TW repair criteria for all forms of degradation or submit a plant-specific technical specifications amendment for staff approval to enable the use of more appropriate repair criteria that consider the structural integrity implications of the given mechanism; Overly Conservative Dose Calculation: The radiological dose calculation assumptions for accident analysis are overly conservative, as indicated by data that have become available since the methodology of the Standard Review Plan was developed; and Leakage Requirements: There are no requirements for instrumentation for monitoring steam generator leakage, although such instrumentation is widely used and has improved significantly in recent years.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Implementation of the rule will increase costs associated with developing and implementing a SG program for each licensee; and use of more comprehensive inspection procedures, although use of alternate repair criteria necessitates improved inspections and extends the life of SGs. Implementation of the rule will reduce the following costs: allowing use of alternate repair criteria will reduce costs that licensees incur with continuing with the use of the 40% TW overly conservative repair criteria and will reduce tube repair and associated costs including long term costs associated with unit derating and potential shutdown for some plants; and long term resource expenditures for both the staff and industry associated with SG inspection Benefits: rule will implement better inspection techniques--safety enhancement; rule will implement more restrictive leakage limits--safety enhancement; rule will implement a more flexible framework providing incentives for using better NDE technology--safety enhancement; and rule will reduce regulatory uncertainty that results from the current ad hoc approach.

**Recommendations to Proceed--** No. A recommendation to terminate the proposed rulemaking was sent for Commission approval. Commission SRM on COMSECY-97-013 approved terminating the proposed rulemaking. A generic letter will be issued instead of a rulemaking action.

**NRR-C5-29 Allow for Plant Specific Nuclear Power Reactor Decommissioning Costs Requirements, 10 CFR 50.75--RM#347--AF40--W#950111**

**OBJECTIVE--** This proposed rulemaking would provide additional flexibility to licensees by allowing licensees the option of submitting plant-specific decommissioning cost estimates when these costs are lower than the generic values currently codified (the current regulation already allow plant specific estimates above the generic value).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This proposed rule would give flexibility to licensees by allowing them to submit a site-specific decommissioning cost analysis instead of the generic values. The rule may provide additional savings to a licensee because the required level of decommissioning funding may be reduced. Alternatively, it may allow licensees to collect more funds to cover a higher estimate of required decommissioning funding. Using a site-specific cost estimate would provide a licensee greater flexibility in dealing with site-specific issues such as differences in decommissioning methodology, expected waste volumes, and anticipated labor efforts to perform specific tasks. This would be fairer to ratepayers than using the generic estimate provided in the rule. Moreover, licensees would be able to use an existing PC-based, NRC-endorsed code to incorporate site-specific conditions into their cost estimate. Note however, that annual decommissioning cost updates would be required for the site-specific cost estimates, just as they presently are for the constant dollar amounts. For licensee submittal of site-specific decommissioning cost estimates, the burden on the NRC staff may be lessened by issuance of a regulatory guide endorsing use of the NRC code or a licensee supplied one. However, additional NRC staff resources would be needed for the review if many licensees elect to use the site-specific funding option for decommissioning cost estimates. If half of the licensees use the option, it is estimated that the NRC's burden would amount to 0.2 staff year.

Assuming a licensee elected to use a site-specific cost estimate and used the NRC-endorsed code, it is estimated that the licensee burden would be about 40 hours to input and run the NRC-endorsed code. If the licensee were required to provide NRC specified input parameters with their cost estimate, it is estimated that, for those licensee cost estimates that the NRC staff chooses to audit, the NRC staff burden to input and run the NRC-endorsed code would be about 8 hours. The requirements for code use and input parameter specifications would be described in a regulatory guide.

**RECOMMENDATION TO PROCEED--**No. Commission believes the rule should be terminated. The rule plan was approved by the EDO on 9/1/95. The rule was sent to the Commission, SECY-96-095, for approval on 5/1/96. EDO memorandum dated 5/13/96 requested withdrawal of SECY-96-095 until evolving policies on industry restructuring and deregulation and radiological decommissioning standards are resolved and completion of our independent cost study. Commission SRM on SECY-96-095 dated 5/29/96 approved placing the rule On-Hold. Commission memorandum dated 04/30/97 provided status of rule plan (Commission SRM on DSI 24). Commission SRM on COSECY-97-014 dated 6/30/97 approved development of the rule and was sent for EDO approval on 10/06/97. The rule was sent for Commission, SECY-97-251, approval on 10/24/97. Commission SRM on SECY-97-251 disapproved the proposed rulemaking, therefore, the proposed rulemaking is being terminated (dropped).

**RES-C5-30 Extremity Dosimetry--RM#146--W#870013**

**OBJECTIVE--** Commission SRM on SECY-86-360 dated 01/21/87 approved rulemaking to amend 10 CFR Part 20 to require the use of Accredited Personnel Dosimetry Processors (for whole body dosimeters). The Commission also agreed that the rule should be applied to extremity monitors as soon as a suitable performance standard became available.

Whole body dosimetry processing is accredited under the National Voluntary Laboratory Accreditation Program (NVLAP), operated by the National Institute of Standards and Technology (NIST), and has been in official operation since February 1988. The testing laboratory utilized by NIST for this work is Battelle Pacific Northwest Laboratories (PNL) at Richland, WA.

A draft performance standard for extremity dosimeters (HPSSC P/N 13.32) was prepared in June 1986 by the Health Physics Society at the request of the NRC and has been used for performance testing of extremity dosimeters at PNL under contracts issued by the NRC. As a result of this testing, documented in NRC publications NUREG/CR-4959 (1987), NUREG/CR-5540 (1990) and NUREG/CR-5989 (1993), modifications were made to the draft standard, and a final standard ANSI N13.32 was published in August 1995.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** Implementation of the final rule will begin six months after publication of the final rulemaking. Essentially all licensees subject to NVLAP accreditation of extremity dosimeters will be from among the group of licensees that are now subject to NVLAP accreditation for whole body dosimeters. At present, 72 licensees are participating in the whole body program and it is estimated that approximately 30 of these will enter the extremity dosimetry program as soon as it becomes available. Based on an estimated participation in 3 of the 4 categories offered, there will be a biennial cost of approximately \$3.2K per licensee for the extremity dosimeter testing and administrative fees, plus an additional one-time inspection and assessment fee of \$2K for those licensees who choose to initiate the extremity accreditation at a time other than that scheduled for their biennial whole body NVLAP inspection and assessment. This latter fee will not be assessed on those licensees that merge their extremity testing program into the same time frame used for the whole body testing program. This change does not address an immediate safety issue or involve significant cost savings.

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should be terminated. The staff needed additional information prior to determining whether a sufficient safety concern exists to warrant proceeding with a rulemaking. Therefore, the rulemaking was placed on-hold until the

staff reevaluates the need for the rulemaking. Based on the additional information from REIRS data base, a recommendation to terminate the rulemaking effort will be sent for Commission approval. The recommendation to terminate rulemaking was sent for office review and comment on March 5, 1998. The recommendation to terminate rulemaking was sent for EDO review and approval on March 13, 1998. The recommendation to terminate rulemaking was sent for Commission approval on March 19, 1998.

**NMSS-C5-31 Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 (PRM-20-24)--RM#490--AF91--W#960154**

**OBJECTIVE:** The Nuclear Regulatory Commission (NRC) received a petition for rulemaking dated April 7, 1996, from the University of Cincinnati. The petitioner requested that the Commission amend its regulations to authorize specified visitors of hospitalized patients, as members of the public, to receive up to 500 mrem per year. The petition was published in the Federal Register on June 21, 1996 (61 FR 31874). The individuals for whom the petitioner proposes to permit doses in excess of the current 0.1 rem (1 mSv) in a year limit are unlikely to receive this dose more than once in their lifetime. The purpose of permitting the higher dose would be to provide needed support to a patient undergoing diagnosis or treatment with radioactive implants or radiopharmaceuticals. The petitioner suggests that this special dose limit extension be granted only to specified individuals determined by the physician to be necessary for the emotional and/or physical support of the patient (e.g., parents of children, close family members of elderly patients, or other persons who could provide emotional support to the patient). The petitioner states that it would be prudent to preclude pregnant women or minors from receiving a dose in excess of the 0.1 rem (1 mSv) limit in Part 20. The petitioner further suggests that radiation dose monitoring devices be provided to the exposed individual and a record of dose received be retained as a mechanism to demonstrate compliance with the limit.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** No. NMSS has determined and EDO agrees that this rulemaking effort has been incorporated into C1HP-37, RM #497 and is no longer needed. Accordingly, this rulemaking effort has been Terminated (dropped).

**NMSS-C5-32 Financial Assurance for Teletherapy and Krypton-85 Licensees Parts 30, 35--RM#482**

**OBJECTIVE--** The purpose of this proposed rule is to modify the financial assurance requirements for decommissioning plants to eliminate the need for exemptions for unnecessary financial assurances. For example, there is no need for financial assurances for krypton-85 since no decontamination is required. This requirement will be eliminated. In addition, there are instances when sources within teletherapy devices need to be changed causing the licensee to temporarily exceed its possession limits requiring financial assurance. The staff envisions changing these requirements to reduce the need for exemptions.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry.

**RECOMMENDATION TO PROCEED--** No. NMSS has determined that the rulemaking is no longer needed. Accordingly, the rulemaking has been terminated (dropped).

**NMSS-C5-33 Conforming 10 CFR Part 60 to EPA Standard and NAS Recommendations--RM#430**

**OBJECTIVE--** Recommendations of the National Academy of Sciences (NAS) as well as current legislative proposals (H.R. 1271; S.104) have distinct and serious implications regarding the regulation of high-level waste disposal. Important differences exist between the standards recommended by NAS or the Congress and current regulations. Changes to NRC's 10 CFR Part 60 regulations necessitated by either of these new approaches will pose significant implementation challenges.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** Energy Policy Act of 1992 requires this rulemaking.

**RECOMMENDATION TO PROCEED--** No. NMSS has determined that this rulemaking effort has been incorporated into C1HP-44, RM #513 and is no longer needed. Accordingly, this rulemaking effort has been terminated (dropped).

**NMSS-C5-34 Requirements for Possession of Industrial Devices Containing Byproduct Material, Parts 31, 32--RM#81--AD34--W#890090**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations for the

possession of industrial devices containing byproduct material to require device users to report to the NRC initially and then on a periodic basis. The report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded. It is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing. The rule would also avoid the unnecessary expense involved in retrieving the manufactured items

fabricated from contaminated metal.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** It is estimated that this regulatory action would result in upfront development and implementation costs to the Commission of \$87,733, annual costs to industry and the Commission of \$506,282 and \$72,952 respectively, and an industry implementation cost of \$29,000. These costs translate into a very nominal maximum cost of about 1% of the cost of a device over the lifetime of the majority of devices. Although the NRC estimates that the risk associated with these devices is small and, therefore, any risk reduction realized through improved compliance with the Commission's regulations by general licensees will also be small, the staff has concluded that the benefit of increased confidence, in both the assessment of low risk and the efficacy of the general license regulatory program, outweighs the nominal cost per device. The benefit to be realized even further overshadows the nominal costs when considered in light of the possible avoidance of the substantial cleanup costs that have occurred because of past improper disposition of generally licensed devices. If the median saved cleanup costs of \$600,000 were halved and applied to the cost of these requirements, the cost to licensees would be on the order of \$206,000 per year in lieu of \$506,000.

**RECOMMENDATION TO PROCEED--** No. Commission SRM on SECY-97-273 dated April 15, 1998 directed the staff to terminate the proposed rulemaking. However, the Commission approved development of the proposed rulemaking using a portion of this rulemaking. That portion is being incorporated into C1HP-46--RM#519.

**NMSS-C5-35 Requirements Concerning the Accessible Air Gap for Generally Licensed Devices, Parts 31, 32--RM#264--AD82--W#900192**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to provide additional regulatory control over certain measuring, gauging, and controlling devices distributed by manufacturers and used by persons under NRC's general license provisions. The rule will affect devices with an accessible air gap or radiation levels that exceed a specified value. This rule will make it increasingly difficult for personnel to obtain access to the device's radiation beam, thereby reducing the frequency and likelihood of unnecessary radiation exposure to personnel. This rule applies both to persons who distribute these special measuring, gauging, and controlling devices under the NRC general license provisions and to persons who use the devices under the NRC's general license.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** The cost of this regulation would be significant to both NRC and licensees, but quantitative estimates cannot be made at this time. The benefits, which are providing adequate health protection to workers, also cannot be quantified at this time.

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should not proceed. In addition, this initiative will be reevaluated after completion of risk assessment of nuclear byproduct materials licensees.

**NMSS-C5-36 Revision to Parts 30, 40, to Address RSO Duties--RM#386**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to upgrade licensee radiation safety programs by specifying duties and qualifications for a radiation safety officer to oversee the radiation safety program.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should not proceed. In addition, this initiative will be reevaluated after completion of risk assessment of nuclear byproduct materials licensees.

**NMSS-C5-37 General Domestic Licenses for Byproduct Material, Part 31--RM#487**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations on Part 31 since it provides general licenses for the possession, use and transfer of certain products based on the determination that the additional requirements of a specific license are not necessary to ensure public health and safety. However, questions have been raised as to the effectiveness of the general license provisions in Section 31.5. One issue relates to a determination, from a risk perspective, of the effectiveness of the current methods for licensing similar products. The rule also provides general licenses for the possession, use and transfer of certain products based on the determination that the additional requirements of a specific license are not necessary to ensure public health and safety. One of the general license categories (Section 31.10) is obsolete, since new methods exist that allow ice detection without the use of radioactive material.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should not proceed. In addition, this initiative will be reevaluated after completion of risk assessment of nuclear byproduct materials licensees.

#### **NMSS-C5-38 Storage of Greater Than Class C Waste, Part 72--RM#436--W#960157**

**OBJECTIVE--** The proposed rulemaking would expand the scope of Part 72 to include storage of Greater than Class C (GTCC) waste, that is, waste that exceeds the concentration limits in 10 CFR 61.55. It is anticipated that the decommissioning activities at nuclear power plants will generate relatively small volumes of GTCC waste. However, since there are currently no disposal options for GTCC waste, utilities must store these wastes under their Part 50 licenses pending development of a disposal facility. The Department of Energy has the responsibility for developing a national strategy for disposal of GTCC waste. Based on current plans, this disposal capability will not likely be available for many years. This rulemaking would allow independent spent fuel storage installations to store GTCC waste similar to storage of spent fuel and facilitate the likely eventual transfer to a permanent geologic repository. This proposed rule would also respond to a petition for rulemaking from the Portland General Electric Company (PRM-72-02).

#### **TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** NRC review of the issue revealed that a reactor licensee could elect to store GTCC waste at an ISFSI site under a Part 30 or Part 70 license. However, the regulations are not clear and specific licensing criteria do not exist for storage of this type of waste. The staff believes that the future level of decommissioning activities and the handling of this type material warrant clear coverage in the regulations and will therefore proceed with rulemaking as a medium rather than high priority as originally planned. This change should not significantly impact this schedule of this work.

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should not proceed. The rulemaking plan was initially sent for office concurrence on 01/14/97. The rulemaking plan was sent for EDO approval on February 25, 1997. Commission SRM on SECY-97-056 dated 04/03/97 approved sending the plan to the Agreement States for comment. The final rulemaking plan was sent for office review and comment on 07/15/97. The rulemaking plan was sent for EDO approval on August 1, 1997. However, the petition for rulemaking is now being denied, therefore, the rulemaking plan has been terminated.

#### **NMSS-C5-39 ELIMINATE 10 CFR PART 2, APPENDIX A--RM#489**

**OBJECTIVE--** The proposed rule would eliminate 10 CFR Part 2, Appendix A since it is not needed. This appendix provides a narrative restatement of the general policy and procedures applicable to proceedings involving reactor construction permits and operating licenses. It also contains a statement explaining how proceedings are to be conducted for consideration of antitrust issues related to such licensing actions. It has no direct impact on safety and for the most part reiterates the requirements which are already set forth in 10 CFR Part 2.

#### **TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** No. The responsibility for this rulemaking effort has been transferred to OGC. OGC's rulemakings are not under the responsibility of the Office of EDO and are not tracked by the rulemaking activity plan. Therefore, this rule is being dropped this rulemaking activity plan.

#### **ADM-C5-40 Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information, Part 10 -- RM#431--AF48**

**OBJECTIVE--** The final rule would conform NRC policy for the protection of classified national security information at licensee facilities with new national policy directives and initiatives, including the National Industrial Security Program Operating Manual (NISPOM); Executive Order (EO) 12958, "Classified National Security Information"; and EO 12968, "Access to Classified Information." The NRC must comply with these Presidential and national policies.

#### **TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There is little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/certificate holders from this rulemaking. There should not be any significant or costly security revisions required.

**RECOMMENDATION TO PROCEED--** No. ADM has determined and EDO agrees that this rulemaking effort has been incorporated into C1MP-25, RM #502 and is no longer needed. Accordingly, this rulemaking effort has been terminated (dropped) and will be withdrawn from the regulatory agenda.

#### **NMSS-C5-41 Addition Of DOE Multi Purpose Canisters, 10 CFR 72.214--RM#412**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to add the Department of Energy (DOE) standardized spent fuel storage systems to the list of approved storage casks in 10 CFR 72.214 for use under a general license. These canisters are a part of the national spent fuel management system. The alternative would be issue a specific license to each operating power reactor licensee wanting or needing to use the system.

#### **TYPE-- REDUCE REGULATORY BURDEN/ADDS FLEXIBILITY**

**COST/BENEFIT--** A net benefit to the NRC will result because the canisters would have to be approved only once for use by a number of licensees. If a specific license would be required, the NRC would have to review each license application. For licensees, the rule would provide more options for the storage of spent fuel under the provisions of a general license.

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should not proceed because Congress longer support the funding DOE for the development of a multi purpose canister as a spent fuel storage system. Responding to Commission SRM on SECY-97-240, the NRC staff meet with DOE on April 14, 1998 to determine the disposition of the multi purpose canister as a spent fuel storage system. At that meeting, the DOE representative indicated that DOE is now using a market-driven approach, in which private industries will apply to NRC for approval of spent fuel storage cask designs. Therefore, DOE has no further interest in obtaining NRC's approval of the cask design. A memorandum was sent to the Commission on 5/14/98 informing them that DOE no longer supports the multi purpose canister as a spent fuel storage system. Therefore, the rulemaking has been terminated.

**NRR-C5-43 Shutdown and Spent Fuel Pool Operations, Part 50--RM#398--AE97--W#920223**

**OBJECTIVE--** This rule was intended to provide a regulatory basis for spent fuel pool operations and for the protection of public health and safety during shutdown operation. It would have established minimum functional requirements consistent with minimizing event occurrence, mitigating events that do occur, and providing defense-in-depth to assure prevention of core damage and provision of containment integrity.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** Spent fuel pool operations backfit is not justified on a cost/benefit basis and would be voluntary. Benefit for shutdown operations backfit is estimated to be a reduction of core damage frequency of approximately 4E-04 per reactor-year for PWRs and approximately 2E-05 per reactor-year for BWRs. Value/impact ratios greater than unity (i.e., supportive of backfitting) are estimated for both reactor types.

**RECOMMENDATION TO PROCEED:** No. Commission SRM dated December 11, 1997 indicated that the staff may not proceed further with this rulemaking.

**NRR-C5-44 Revise 10 CFR 50.34(f) To Apply To Unknown Future Designs--RM#485**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations on 10 CFR 50.34(f) to make it generally applicable to unknown future designs, to make the regulation more performance oriented, to reference updated information (source term) and to utilize current regulatory analysis guidelines. The current regulation applies TMI requirements to certain future plants, but not to ALWRs which are presently seeking design certification.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** No. There is no need to proceed with this rulemaking.

**NRR-C5-45 Licensing Requirements for Senior Reactor Operators Limited to Fuel Handling--RM#486**

**OBJECTIVE--** The purpose of this proposed rulemaking is to minimize the need for granting of exemptions so that senior reactor operators may be permitted to conduct the necessary control manipulations required to grant a license or a renewal. Currently the regulations require that all operator license applicants perform five significant reactivity changes using the controls located in the control room. The senior reactor operator license, for those limited to fuel handling operations, prohibits the performing of manipulations in the control room.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** No. The staff is considering a separate but related rulemaking that would amend the requirement for all applicants to perform five significant control manipulations on the reactor.

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**CATEGORY VI**

**RULES COMPLETED**

**RULEMAKINGS/PETITIONS THAT HAVE  
BEEN COMPLETED SINCE THE LAST  
RULEMAKING ACTIVITY PLAN  
WAS APPROVED AND ISSUED**

**NOTE--FOR RULEMAKINGS/PETITIONS COMPLETED OR TERMINATED SINCE THE INITIAL "RULEMAKING ACTIVITY PLAN" WAS APPROVED BY THE COMMISSION, REFER TO NRC HOMEPAGE, "ARCHIVED RULEMAKINGS"**

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**RES-C1HP-21 Reduction In Nuclear Power Reactor Security Requirements Associated With Insider Threat , 10 CFR 73.55--RM#405--AF11--W#950117**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations by

updating the requirements for the physical security of nuclear power reactors. The proposed rule will reduce the regulatory burden without compromising physical protection against insider threat by revising or eliminating requirements in five areas: key controls for access to vital areas, maintenance of access lists for vital areas, response to vital area doors, search requirements for on-duty guards, and requirements for vehicle escort.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** It is expected that the licensees will realize cost savings, with no reduction in protection of health and safety.

**RECOMMENDATION TO PROCEED--** The rulemaking plan was sent for EDO/Commission approval on 05/09/96 using Management Directive 6.3 process. The rulemaking plan was sent for Commission approval, SECY-96-105, on 05/14/96. The rulemaking plan was approved by Commission SRM dated June 11, 1996. The proposed rulemaking was sent for EDO/Commission approval on August 22, 1996. The proposed rulemaking was sent for Commission, SECY-96-248, approval on December 9, 1996. Commission SRM on SECY-96-248 dated January 29, 1997 approved the proposed rule. The proposed rulemaking was sent to ADM to be published for public comment in the Federal Register on February 7, 1997. The proposed rulemaking was published for public comment in the Federal Register on February 20, 1997 (62 FR 7721). The final rule was sent for office review and comment on 08/25/97. The final rulemaking was sent for EDO approval on 09/29/97. The final rule was sent for Commission, SECY-97-228, approval on 10/03/97. Commission SRM on SECY-97-228 dated November 5, 1997 approved the final rule. The final rulemaking was sent to ADM for publication in the Federal Register on November 18, 1997. The final rule was published in the Federal Register on December 2, 1997 (62 FR 63640).

**STAFF RESOURCES --** Total FTE = 0.155; RES = 0.06; NRR = 0.04; OGC = 0.02 ADM = 0.025; CIO = 0.005; CFO = 0.005

**NMSS-C1HP-22 Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste, Parts 60, 72, 73,74, 75--RM#346--AF32--W#930128**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to clarify safeguards requirements for spent nuclear fuel or high-level radioactive waste (HLW) stored at independent spent fuel storage installations, power reactors that have permanently ceased reactor operations, monitored retrievable storage installations, and geologic repository operations areas. This action is necessary to reduce the regulatory uncertainty regarding the safeguards requirements for the storage of spent nuclear fuel and high-level radioactive waste without reducing the level of protection for public health and safety.

Currently, the Commission's regulations addressing the storage of spent nuclear fuel or high-level radioactive waste (HLW), 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," refer the applicant or licensee to "...applicable requirements of Part 73..." for requirements for physical protection. However, Part 73 does not identify any physical protection requirements as specific to the storage of spent nuclear fuel or HLW. In practice, affected facilities are being licensed using selected portions of 10 CFR 73.50 and 73.55 and interim licensing criteria as guidance. In addition, the Commission's requirement for the safeguards of HLW and spent nuclear fuel at the Department of Energy's (DOE) geologic repository is that DOE provide "...such safeguards as it requires at comparable surface facilities..."

In licensing (under Part 72) the storage of spent nuclear fuel or HLW at an ISFSI or a power reactor that has permanently ceased reactor operations, the NRC staff has had to sort through the many safeguards requirements of Part 73 to choose appropriate safeguards requirements, and impose those requirements through license conditions. This rulemaking is needed to codify existing practice for the safeguarding of stored spent nuclear fuel or HLW and provide a consistent set of requirements for future licensing. The proposed rule: (1) addresses a safeguards issue; (2) has potential for reducing regulatory burden; and (3) will improve efficiency of licensing.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The original intent of the proposed requirements was to clarify and codify the existing regulatory practice with no additional burden placed on current licensees. The NRC would derive a cost savings through a more efficient licensing process providing a basis for future licensing actions. However, a number of those commenting on the rule contend that the costs of some of the proposed safeguards measures were too high when considered in terms of the degree of safeguards protection they would provide. Based on these comments, the costs and benefits of the proposed rule are being re-evaluated. Also a more performance-based approach in the final rulemaking is being considered to maximize flexibility.

**RECOMMENDATION TO PROCEED--** The proposed rulemaking was published for comment on 08/15/95 (60 FR 42079). The final rulemaking was sent for office review and comment in January 1998. The final rulemaking was sent for EDO approval on 2/2/98. The final rulemaking was sent for Commission approval on 2/18/98 Via SECY-98-024. Commission SRM on SECY-98-024 dated April 3, 1998 approved the final rule. The final rulemaking was sent to ADM for publication in the Federal Register in May 1998. The final rule was published in the Federal Register on May 15, 1998 (63 FR 26955).

**STAFF RESOURCES --** Total FTE = 0.636; NMSS = 0.48; NRR = 0.09; OGC = 0.02; ADM = 0.035; CIO = 0.005; CFO = 0.005

**NMSS-C1HP-24 Requirements for Shipping Packages Used to Transport Vitrified Wastes Containing Plutonium, Part 71 (PRM-71-11)--RM#491--AF59--W#960169**

**OBJECTIVE--** The proposed rule would exempt canisters containing vitrified plutonium waste from the packaging requirement for double containment. This amendment is being proposed in response to a petition for rulemaking (PRM-71-11) submitted by the Department of Energy. The primary purpose for double containment is to ensure that any respirable plutonium will not be leaked into the atmosphere. The staff believe that vitrified waste containing plutonium is essentially nonrespirable, and therefore, the packaging requirement for double containment is unnecessary. This proposed rule would also make a minor correction to the usage of units to be consistent with existing NRC policy.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** It is expected that the proposed regulatory action will reduce the regulatory requirements for certain DOE plutonium shipments, and therefore cost less, while having no significant impact to safety.

**RECOMMENDATION TO PROCEED--** Commission SRM on SECY-96-215 dated October 31, 1996 approved a proposed rulemaking on an expedited basis. The proposed rulemaking was sent for EDO approval on February 13, 1997. The proposed rulemaking was sent for Commission approval on 02/26/97 Via SECY-97-047. Commission SRM on SECY-97-047 dated April 4, 1997 approved the proposed rule. The proposed rulemaking was sent to ADM to be published for public comment in the Federal Register on April 23, 1997. The proposed rulemaking was published for public comment in the Federal Register on May 8, 1997 (62 FR 25146). The final rulemaking was sent for office review and comment in February 1998. The final rulemaking was sent for EDO approval on 2/27/98. The final rulemaking was sent for Commission approval on 3/5/98 Via SECY-98-040. Commission SRM on SECY-98-040 dated April 30, 1998 approved the final rule. The final rulemaking was sent to ADM for publication in the Federal Register on 5/13/98. The final rule was published in the Federal Register on June 15, 1998 (63 FR 32600).

**STAFF RESOURCES --** Total FTE = 0.45; NMSS = 0.38; OGC = 0.02; ADM = 0.035; SP = 0.005; CIO = 0.005; CFO = 0.005

#### **NMSS-C1HP-27 Removal of the 5-Year Term for Licenses for The Medical Use of Byproduct Material, 10 CFR 35.18--RM#493--AF77**

**OBJECTIVE** The purpose of this proposed rulemaking is to remove from 10 CFR 35.18 the 5-year term for licenses for the medical use of byproduct material. There is no reference to a specific term for other licenses issued under 10 CFR Parts 30, 40, 70. Removal of this reference to a 5-year license term would enable the license term for medical use of byproduct material to be set by practice, as is the case with other material licenses.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking would eliminate an inconsistency between how license terms for medical licenses, and all other materials licenses are established. The former are established in codified regulation, whereas the latter are set by practice. Assuming that the Commission approves the extension of the license term for all other materials licenses from 5-years to 10-years, failure to complete this rulemaking would result in a disparity between medical use licenses and all other materials licenses.

**RECOMMENDATION TO PROCEED--** Commission SRM on SECY-96-252 dated January 24, 1997 approved the rulemaking plan. The proposed rule was sent for office review and comment on 5/28/97. The proposed rule was published for public comment in the Federal Register on August 1, 1997 (62 FR 40975). The final rulemaking was sent for office review and comment on 4/9/98. The final rulemaking was approved for publication by EDO on 5/20/98. The final rulemaking was sent to ADM for publication in the Federal Register on 5/29/98. The final rule was published in the Federal Register on June 10, 1998 (63 FR 31604).

**STAFF RESOURCES --** Total FTE = 0.41; NMSS = 0.34; OGC = 0.02; ADM = 0.035; SP = 0.005; CIO = 0.005; CFO = 0.005

#### **RES-C1HP-31 Exempt Distribution and Use of a Radioactive Drug Containing One Microcurie of Carbon 14 Urea, Part 30, 32, (PRM-35-12)--Rm#432--AF70--W#970042**

**OBJECTIVE--** The proposed rulemaking would amend the Commission's regulations to permit any person to receive and administer to humans capsules containing one microcurie of Carbon-14 for diagnostic testing. The proposed rule would not relieve persons from the requirement to comply with applicable Food and Drug Administration or other federal or state requirements governing receipt, administration and use of drugs. This proposed rule also responds to a petition for rulemaking from Tri-Med Specialties, Inc. (PRM-35-12).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The benefits of adopting the petition accrue as a result of reduced patient cost and reduced health-care cost resulting from the elimination of the need for referrals from a physician who is not an authorized user (e.g., gastrointestinal specialist). There would also be some regulatory savings because the NRC would not have to expend resources reviewing new applications for specific medical use licenses. However, these savings would be small because the NRC expects that few physicians who are not authorized users would apply for a specific NRC license for use of this one product. The benefit calculation is based on the assumption that as a result of the proposed action, a significant portion of the 600,000 patients would receive the <sup>14</sup>C breath test from physicians who are not authorized users (e.g., gastrointestinal specialists). The actual savings would be dependent on the number of tests ultimately administered by physicians who are not authorized users, thereby eliminating the need for a referral to physicians who are authorized users (e.g., nuclear medicine specialists).

The annual savings could be as low as approximately \$7 million or as high as approximately \$22 million if there were a complete shift of the administration of the tests from physicians who are authorized users (i.e., base case) to physicians who are not authorized users.

The basis for this estimate is as follows: Assuming adoption of the petition eliminates the need for up to 600,000 referrals, patient savings in averted travel expenses (transportation and personal time incurred with medical referral) would be: Assuming round trip of 20 miles @ \$0.25/mile, and personal time of 0.5/hours/trip valued at \$25.00/hour; 600,000 trips/year x (20 miles/trip x \$0.25/mile + 0.5 hours/trip x \$25.00/hour) = \$10.5 million/year AND Health Care Savings in averted administrative expenses (administrative costs incurred with medical referral) would be: 600,000 patients/year x \$19.00/patient = \$11.4 million/year Assuming \$19.00 (administrative cost/patient) as the differential between the cost of an office visit to a general family practice physician by an established patient (\$45.90), and the cost to a new patient (\$64.90 per visit) for completion of new patient paperwork, reviewing health history, maintaining medical records, etc. The patient who is referred to an authorized user (e.g., nuclear medicine specialist) for the <sup>14</sup>C-urea breath test would most likely be a new patient for the authorized user.

Total Savings: \$10.5 million/year + \$11.4 million/year = \$ 21.9 million/year

Alternatively, if only 200,000 or 400,000 of the 600,000 tests were performed by a physician who is not an authorized user, the annual cost savings would be approximately \$7 million per year and \$15 million per year, respectively.

**RECOMMENDATION TO PROCEED--** The rulemaking plan was sent for office review on August 14, 1996. The rulemaking plan was sent to the agreement states for comment on September 30, 1996. Agreement States comments were incorporated into the rule plan and sent to EDO for approval on January 30, 1997. The rulemaking plan was sent to the Commission for approval on February 3, 1997 Via SECY-97-031. Commission SRM on SECY-97-031 dated March 3, 1997 approved the rule plan The proposed rulemaking was sent for office review and comment on February 28, 1997. The proposed rulemaking was sent for EDO approval on April 17, 1997. The proposed rulemaking was sent for Commission, SECY-97-090, approval on April 28, 1997. Commission SRM on SECY-97-090 dated May 30, 1997 approved the proposed rulemaking. The proposed rulemaking was published for public comment on 06/16/96 (62 FR 32552). The final rulemaking was sent for office review and comment on 08/25/97. The final rulemaking was sent for EDO approval on 09/29/97. The final rulemaking was sent for Commission approval on 10/09/97, SECY-97-232. Commission SRM on SECY-97-232 dated November 5, 1997 approved the final rule. The final rule was sent to ADM for publication in the Federal Register on November 17, 1997. The final rule was published in the Federal Register on December 2, 1997 (62 FR 63634).

**STAFF RESOURCES --** Total FTE = 0.09; RES = 0.02; NMSS = 0.01; OGC = 0.01 SP = 0.005; ADM = 0.025; CIO = 0.005; CFO= 0.01

#### **RES-C1HP-36 Exemption from Criticality Monitor Requirements for Fresh Fuel, 10 CFR 70.24--RM#494--AF87--W#9700237**

**OBJECTIVE--** This regulation requires criticality monitors to be used at a facility if certain quantity limits for special nuclear materials are exceeded. The staff envisions that the regulatory language could be changed to require criticality monitors for those cases in which an evaluation has determined that a criticality is credible. The change is expected to make the rule more performance based for Part 50 licensees, whose fuel handling facilities, equipment, and procedures are designed to prevent inadvertent criticality events. In addition, 10 CFR 70.24 makes reference to a generic exemption for criticality monitoring. The staff envisions that this section 10 CFR 70.24(d) should be eliminated.

#### **TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry. This change does not address an immediate safety issue or involve significant cost savings to licensees; therefore, its priority is medium.

**RECOMMENDATION TO PROCEED--** Commission SRM on SECY-97-155 dated August 19, 1997, approved the plan for the proposed rule. The direct final rule was sent for office review and comment on October 6, 1997. The direct final rule was sent to EDO for approval on November 7, 1997. The direct final rule was approved for publication in the Federal Register by EDO on November 14, 1997. The direct final rule was sent to ADM for publication in the Federal Register on November 26, 1997. The direct proposed rule was published for comment in the Federal Register on November 3, 1997 (62 FR 63911). The direct final rule was published in the Federal Register on November 3, 1997 (62 FR 63825). The direct final rule withdrawal notice was published in the Federal Register on February 25 1998 (63 FR 9402).

**STAFF RESOURCES --** Total FTE = 0.15; RES = 0.06; NMSS = 0.02; NRR = 0.02; OGC = 0.01; ADM = 0.025; CIO = 0.005; CFO = 0.005

#### **RES-C1MP-14 Deliberate Misconduct Rule, Parts 30, 40, 50, 60, 61, 70, 72, 110)--RM#425--AF35--W#960007**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations by extending the requirements of the deliberate misconduct rule to apply to the applicants for NRC licenses and certificates of compliance applicants and reciprocity applicants.

#### **TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** It is expected that the rulemaking will not create an additional cost to licensees, however it will be a potential benefit to health and safety.

**RECOMMENDATION TO PROCEED--** The rulemaking plan was approved by Commission SRM on SECY-96-017 dated 02/08/96. Proposed rule sent for office review and comment on 06/03/96. Proposed rule sent for EDO approval on 08/13/96. Proposed rule sent to the Commission, SECY-96-184, for approval on 08/20/96. Commission SRM on SECY-96-184 dated 09/11/96 approved the proposed rulemaking. The proposed rulemaking was published for comment on 10/04/96 (61 FR 51835). The final rulemaking was sent for office review and comment on August 14, 1997. The final rulemaking was sent for EDO approval on 10/06/97. The final rulemaking was sent for Commission, SECY-97-252, approval on 10/27/97. The final rulemaking was published in the Federal Register on January 13, 1998 (63 FR 1890).

**STAFF RESOURCES** -- Total FTE = Not Applicable

**NMSS-C1MP-17 Alternative Financial Criteria for Non-Profit Entities and Alternative Financial Criteria for Non-Bond Issuing Licensees--RM#408--W#930212**

**OBJECTIVE--** The final rule will revise the Commission's regulations to allow qualifying non-profit entities and non-bond issuing business corporations to use self-guarantee as an additional mechanism for financial assurance. The overall objective is to reduce the licensee's cost burden without causing adverse effects on public health and safety.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Estimated annual savings to industry is over \$1.0 million.

**RECOMMENDATION TO PROCEED--** Commission memorandum, SECY-95-278 dated November 28, 1995, recommended that a rulemaking plan be developed. Commission SRM dated 02/05/96 approved development of a rulemaking plan. The rulemaking plan was sent for Commission, SECY-96-091, approval on 04/30/96. Commission SRM on SECY-96-091 dated May 24, 1996 approved sending the rulemaking plan to the agreement states for comment. The final rulemaking plan was approved on September 4, 1996 and the proposed rulemaking is being developed. The proposed rulemaking was sent for office review on 12/19/96. The proposed rulemaking was sent for EDO approval on 1/31/97. The proposed rulemaking was sent for Commission approval on 02/13/97 Via SECY-97-041. Commission SRM on SECY-97-041 dated 04/01/97 approved the proposed rulemaking. The proposed rulemaking was sent to ADM to be published for public comment in the Federal Register on April 17, 1997. The proposed rulemaking was published for public comment in the Federal Register on April 30, 1997 (62 FR 23394). The final rulemaking was sent for office review and comment in February 1998. The final rulemaking was sent for EDO approval on 2/27/98. The final rulemaking was sent for Commission approval on 3/9/98 Via SECY-98-046. Commission SRM on SECY-98-046 dated May 13, 1998 approved the final rule. The final rule was sent to ADM for publication in the Federal Register on May 19, 1998. The final rulemaking was published in the Federal Register on June 1, 1998 (63 FR 29535).

**STAFF RESOURCES** -- Total FTE = 0.57; NMSS = 0.50; OGC = 0.02; ADM = 0.035 SP = 0.005; CIO = 0.005; CFO = 0.005

**NMSS-C1MP-21 Revision of Prototype Testing Requirements for Watches Containing Tritium (PRM-32-04), 10 CFR 32.14--RM#423--AF76**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to include watches containing gaseous tritium light sources (GTLs) on the same regulatory basis as luminous tritium paint. Since the application of tritium luminescent technology has changed sufficiently, a modification of the regulation is needed. Although the exemption in 10 CFR 30.15(a)(1) puts no restriction on the form of tritium in timepieces, the prototype testing requirements of 10 CFR 32.14 were designed for luminous tritium paint and preclude distribution of timepieces containing gaseous tritium light sources (GTLs) for use under this exemption. Currently timepieces containing GTLs must be approved for distribution under 10 CFR 32.22 for use under 10 CFR 30.19, the class exemption for self-luminous products. Exposures to the public are very low from watches using either GTLs or luminous tritium paint, with watches using GTLs generally resulting in lower exposures. In this case, the more burdensome process involved in obtaining authorization to distribute this product under 10 CFR 32.22 is unnecessary. Revision of the prototype testing requirements will allow distribution on the same regulatory basis as watches containing luminous tritium paint. The proposed rule also resolves petition for rulemaking (PRM-32-04) received from mb-microtec.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The licensees will realize a cost saving, with no reduction in health and safety. The current total fees can vary from \$12,600 for an initial application, including the device application and the device registration fees to \$12,100 for the annual license and device registration fees; the proposed fees could vary from \$4,300 for an initial application to \$8,800 for the annual license fee. This results in a cost savings to the applicant/licensee of \$8,300 for an initial application and \$4,300 for annual fees. The discounted annual savings over 10 years would be \$2,185.90, this value is expressed in constant dollars. The current number of licensees that would be affected by this rule is 13. The total resultant annual cost savings for this particular industry would be \$28,416.70.

**RECOMMENDATION TO PROCEED--** The rule plan was sent for office review on 9/5/96. The rule plan was sent for EDO approval on 1/14/97. The rule plan was sent for Commission approval, SECY-97-028, on 2/4/97. Commission SRM on SECY-97-028 of 2/7/97 approved the rule plan. The proposed rule was sent for office review and comment on 05/13/97. The proposed rule was sent for EDO approval on 06/24/97. The proposed rule was sent for Commission approval on 07/07/97 Via SECY-97-139. Commission SRM on SECY-97-139 of 8/14/97 approved the proposed rule. The proposed rule was sent to ADM for publication in the Federal Register on 9/3/97. The proposed rule was published for public comment in the Federal Register on 9/19/97 (62 FR 49173). The final rule was sent for office review and comment on 2/27/98. The final rule was sent for EDO approval on 3/19/98. The final rule was sent for Commission approval on 3/27/98 via SECY-98-060. Commission SRM on SECY-98-060 of 5/13/98 approved the final rule. The final rule was sent to ADM for publication on 6/4/98. The final rule was published in the Federal Register on June 17, 1998 (63 FR 32969).

**STAFF RESOURCES** -- Total FTE = 0.49; NMSS = 0.43; OGC = 0.01; ADM = 0.035 SP = 0.005; CIO = 0.005; CFO = 0.005

**RES-C1MP-24 Codes and Standards, 10 CFR 50.55a (h)--RM#498--AF73**

**OBJECTIVE--** The direct final rulemaking would update the Commission regulations in Section 50.55a (h) of 10 CFR Part 50 to reflect current practice. The direct final rulemaking would update and clarify existing regulations and would incorporate a new national consensus standard (ANSI/IEEE Std. 603-

1991).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This change would update and clarify existing NRC regulations. The licensing basis of the operating power plants will not change. The rule, however, applies to electrical and I&C system modifications, which are initiated by the licensees. This is consistent with the NRC forward-looking policy of maintaining state-of-the-technology.

**RECOMMENDATION TO PROCEED--** The direct final rulemaking plan was approved on January 26, 1997. The direct final rulemaking was sent to EDO for approval on September 4, 1997. The direct final rulemaking was sent for Commission, SECY-97-201, approval on September 8, 1997. The proposed rulemaking was published for comment in the Federal Register on October 17, 1997 (62 FR 53975). The direct final rulemaking was published in the Federal Register on October 17, 1997 (62 FR 53933). The direct final rulemaking withdrawal notice was published in the Federal Register on December 23, 1997 (62 FR 66977).

**ADM-C1MP-27 Statement of Organization and General Information; Minor Amendments, Parts 1, 2, 4, 7, 9, 15, 76, 110--RM#510--AF89**

**OBJECTIVE--** The final rule would amend the Commission's statement of organization and general information to reflect the reorganization within the Office of Administration, the creation of the Office of the Chief Information Officer, the creation of the Office of the Chief Financial Officer, and the renaming of the Office of Personnel to the Office of Human Resources. These changes are necessary to inform the public of these administrative changes to the NRC's regulations.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There is little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/certificate holders from this rulemaking.

**RECOMMENDATION TO PROCEED--** The final rule was approved by EDO for publication in the Federal Register on March 19, 1998. The final rulemaking was published in the Federal Register on April 1, 1998 (63 FR 15740)

**ADM-C1MP-28 Access Authorization Fee Schedule for Licensee Personnel, Parts 11, 25--RM#511--AF90**

**OBJECTIVE--** The final rule would amend the Commission's regulations to revise the fee schedule for background investigations of licensee personnel who require access to National Security Information and/or Restricted Data and access to or control over Special Nuclear Material. These amendments comply with current regulations that provide that the NRC will publish fee adjustments upon notification of any changes in the rate charged the NRC by the Office of Personnel Management for conducting investigations.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There is little or no cost to NRC (other than the FTE resources to prepare the rulemaking). It is expected that a very minor cost burden would be imposed on licensees or applicants as a result of this rulemaking.

**RECOMMENDATION TO PROCEED--** The final rule was approved by EDO for publication in the Federal Register on February 13, 1998. The final rule was published in the Federal Register on May 7, 1998 (63 FR 25156)

**CFO-C1MP-29 Revision of Fee Schedules; 100% Fee Recovery; FY 1998, Parts 140, 170, 171--RM#514--AF83**

**OBJECTIVE--** This rule would amend the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The amendments are necessary to recover approximately 100 percent of the NRC budget authority for Fiscal Year 1998, less the amounts appropriated from the Nuclear Waste Fund and the General Fund. The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the NRC accomplish the 100 percent recovery through the assessment of fees. The Act requires that the fees for FY 1998 must be collected by September 30, 1998. Therefore, the final rule is to become effective by 8/8/98.

**TYPE--OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** The cost to NRC licensees is approximately 100% of the NRC FY 1998 budget authority less the amount appropriated from the Nuclear Waste Fund and the General fund. The dollar amount to be recovered for FY 1998 is \$454.8 million.

**RECOMMENDATION TO PROCEED:** This action is mandated by statute and the fees must be established through rulemaking. The proposed rule was published for public comment on April 1, 1998 (63 FR 16046). The final rulemaking was approved for publication by the CFO on 5/22/98. The final rulemaking was sent to ADM for publication by the CFO on 6/2/98. The final rule was published in the Federal Register on June 10, 1998 (63 FR 31840).

**CIO-C1MP-30 Electronic Freedom of Information Act; Implementation, Part 9--RM#515--AF78**

**OBJECTIVE--** The final rule will conform the Commission's regulations to the requirements of the Electronic Freedom of Information Act of 1996. The

final rule will clarify that FOIA applies equally to records maintained in electronic format, and broaden public access to government information by placing more records online. The final rule will implement statutory provisions for establishing multitrack processing of requests, permitting expedited processing of FOIA requests for compelling reasons, extending the former 10-day requirement for processing requests to 20 days, and establishing the conditions and procedures for negotiating with requesters to tailor requests to improve responsiveness.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There would be little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/applicants from this rulemaking.

**RECOMMENDATION TO PROCEED:** The proposed rulemaking was published for comment in the Federal Register on September 5, 1997 (62 FR 46922). The final rulemaking was published in the Federal Register on January 20, 1998 (63 FR 2873)

**RES-C5-24 Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations, Part 50--RM#268--AE38--W#900201**

**OBJECTIVE--** An advance notice of proposed rulemaking (ANPRM) was published to request public comment on amending the Commission's regulations to incorporate severe accident performance criteria applicable to future light water reactor designs. This rulemaking was envisioned as part of a larger effort to decouple source term and dose calculations from reactor siting and to permit the use of updated source term insights for future light water reactors. The NRC is of course presently in the process of reviewing advanced reactor designs under the design certification process.

The larger rulemaking effort comprises two phases. The first phase is described in the final rule titled, "Reactor Site Criteria; Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants (3150-AD93)." The second phase will consist of the issuance of an ANPRM, followed by a final revision of 10 CFR Part 50 to incorporate updated source term and severe accident research insights into plant design requirements for future light water reactors. The intent of this second phase of rulemaking is aimed at codifying requirements for future light water reactors regarding severe accident prevention and mitigation, and is expected to ensure that the risks from these events remains very low.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There are no significant licensee costs associated with this action.

**RECOMMENDATION TO PROCEED--** No. A recommendation to terminate the proposed rule was sent for Commission approval Via SECY-97-148 dated July 15, 1997. Commission SRM on SECY-97-148 dated August 6, 1997 approved terminating the proposed rule. The rulemaking withdrawal notice was published in the Federal Register on October 14, 1997 (62 FR 53250).

**NMSS-C5-25 Specific Domestic Licenses of Broad Scope for Byproduct Material, Part 33--RM#448--AF54**

**OBJECTIVE--** The Commission is considering revising its regulations governing specific licenses of broad scope for byproduct material to clarify current licensing practices and to provide licensees with the flexibility to make certain types of changes to their radiation safety programs. Currently, 10 CFR Part 33 provides limited requirements. In addition to ongoing staff efforts regarding the possible need for clarification of requirements for broad scope licensees, consideration of changes to Part 33 was also a recommendation of the Incident Investigation Team reviewing a recent incident involving ingestion of phosphorus-32 at a broad scope facility. The NRC is also considering codification of guidance, and license standard review plans for management oversight of broad-scope licensed programs, that include the roles of the Radiation Safety Officer, the Radiation Safety Committee, supervision, qualifications of the authorized user, the use of audits and inventory requirements, and security and control of licensed material.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** If 10 CFR Part 33 is revised to provide licensees the flexibility to make certain types of changes to their radiation safety programs without seeking a license amendment, there would be a reduction in the burden to licensees and NRC.

**RECOMMENDATION TO PROCEED--** No. An advanced notice of proposed rulemaking (ANPR) was published for comment on November 14, 1996 (61 FR 58346). Based on analysis of comments received in response to the ANPR, a recommendation to terminate the proposed rulemaking was sent for Commission approval. Commission SRM on SECY-98-016 dated 02/24/98 approved terminating the rulemaking and approved finalization of draft guidance in a NUREG. The rulemaking withdrawal notice was published in the Federal Register on March 25, 1998 (63 FR 14381).

**Summary of Rulemaking Activity Plan Actions**

**Key for Rule Type**

- (1a) - Safety Enhancement
- (1b) - Regulatory Reform/Regulatory Burden Reduction/Adds Flexibility
- (1c) - Other: such as General/Procedural/Process/Administrative

(2) - Further Management Consideration Required

RM NO. - Rulemaking Number Used to Track Rules in The Five Year Plan.

RIN NO. - Rulemaking Number Used to Track Rules in The Regulatory Agenda.

WITS NO. - Rulemaking Number Used By EDO to Track Rulemaking Actions.

**CATEGORY I, ACTIVE RULES, IN DEVELOPMENT/BEING COMPLETED**

**Higher Priority**

CAT NO.	OFFICE	TITLE	RM NO.	RIN NO.	WITS NO.	TYPE
C1HP-08	NMSS	Rad. Criteria for Uranium Recovery Termination, Part 20	#211a	NONE	NONE	1b
			COMMISSION OPTIONS PAPER WAS SENT FOR APPROVAL ON 4/15/98, SECY-98-084			
C1HP-11	NRR	ISI/IST Risk Focus, 10 CFR 50.55a	#318	AE26	960100	1b
			PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 12/03/97 (62 FR 63892)			
C1HP-26	NRR	Initial Operator License Exam Requirements, Part 55	#484	AF62	950056	1b
			PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 08/07/97 (62 FR 42426)			
C1HP-28	NRR	NPP Decommissioning Financial Assurance, 10 CFR 50.2, 50.75	#424	AF41	950112	1b
			THE FINAL RULEMAKING WAS SENT FOR OFFICE REVIEW AND COMMENT ON 5/15/98			
C1HP-29	NRR	Financial Protection Requirements for Permanently Shutdown NPP (PRM-50-57)	#312	AF79	930116	1b
			PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 10/30/97 (62 FR 58690)			
C1HP-30	NRR	FFD Part 26 (General Relax.),	#397	AF12	890042	1b
C1HP-32	NRR	Revise Respiratory Protection Requirements	#269	AF81	970194	1b
			SRM ON SECY-98-077 DATED 6/18/98 APPROVED			
C1HP-35	NMSS	Part 70 Revisions	#351	AF22	940010	1b
C1HP-36	NRR	Criticality Monitor Requirement for Fresh Fuel, 10 CFR 70.24	#494	AF87	970237	1b
			PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 12/03/97 (62 FR 63911)			
C1HP-37	NMSS	Major Revision to Part 35	#497	AF74	NONE	1b
			RULEMAKING WAS SENT FOR COMMISSION APPROVAL ON 6/4/98, SECY-98-128			
C1HP-39	NRR	Fire Protection for Reactors	#340	AF29	920197	1b
			COMMISSION SRM DATED 4/28/98 PROVIDE STAFF GUIDANCE PRIOR TO SECY-98-058			
C1HP-40	NMSS	Certification Amendment Process Part 76	#499	AF85	970255	1b
			RULEMAKING ADDED TO CATEGORY LISTING ON			

			4/9/98 SECY-98-044 APPROVED REVISED PLAN			
C1HP-41	NMSS	Expand Applicability to Include Additional Parties, Part 72	#439	AF93	960160	1b
			RULEMAKING WAS SENT FOR COMMISSION APPROVAL ON 5/26/98, SECY-98-113			
C1HP-42	NRR	Monitoring the Effectiveness of Maintenance at NPP, 10 CFR 50.65 2	#509	AF95	NONE	1b
			NEW RULE ADDED TO CATEGORY LISTING COMMISSION SRM ON SECY-97-173 DATED 12 /17/97 APPROVED RULEMAKING PLAN			
C1HP-43	NRR	Changes, Tests, Experiments, Part 50	#506	AF94	NONE	1b
C1HP-44	NMSS	Yucca Mountain, Part 63	#513	NONE	NONE	1a
			NEW RULE ADDED TO CATEGORY LISTING COMMISSION SRM ON SECY-97-300 DATED 03/6/98 APPROVED RULEMAKING			
C1HP-45	NRR	Financial Protection Requirements and Indemnity Agreements, Part 140	#517	NONE	NONE	1c
			NEW RULE ADDED TO CATEGORY LISTING			
C1HP-46	NMSS	Requirements for Possession of Industrial Devices, Part 31	#519	NONE	NONE	1a
			NEW RULE ADDED TO CATEGORY LISTING COMMISSION SRM ON SECY-97-273 DATED 4/15/98 APPROVED RULEMAKING			
C1HP-47	NMSS	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts Multi	#520	NONE	NONE	1a
			NEW RULE ADDED TO CATEGORY LISTING			
C1HP-48	NMSS	Eliminate 30-Day Delay In Loading Spent Fuel, 10 CFR 72.82(E)	#433	NONE	NONE	1b
			RULEMAKING ADDED TO CATEGORY LISTING COMMISSION SRM ON SECY-98-056 DATED 4/27/98 APPROVED RULEMAKING PLAN			
C1HP-49	AEOD	Event Reporting Requirements	#512	AF98	NONE	1b
			NEW RULE ADDED TO CATEGORY LISTING COMMISSION SRM ON SECY-98-036 DATED 5/14/98 APPROVED RULEMAKING PLAN			
C1HP-50	NRR	Environmental Impacts of High Level Waste Transportation, 10 CFR 51.53	#508	NONE	980003	1b
			NEW RULE ADDED TO CATEGORY LISTING COMMISSION SRM ON SECY-97-279 DATED 1/13/98 APPROVED THE RULEMAKING			
<b>Medium Priority</b>						
C1MP-18	NRR	Audit Frequency for Emergency Planning and Security, Part 50, (PRMs 50-59 and 50-60)	#413	AF63	960187	1b
			THE FINAL RULEMAKING WAS SENT FOR OFFICE REVIEW AND COMMENT ON 5/13/98			
C1MP-19	NRR	Table S-3, S4 Revisions	#116	AA31	910146	1c
			RULE CHANGED CATEGORY LISTING--C4B-15			
C1MP-22	NMSS	Miscellaneous Changes, Part 72	#446	AF80	960162	1c

			<b>PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 6/9/98 (63 FR 31364)</b>			
C1MP-23	NRR	EP Requirements for Defueled Reactors and Exercise Reqmts for Offsite EPs, App. E, Pt 500	#435	AF92	970230	1b
			COMMISSION SRM ON SECY-97-120 DATED 7/10/97 APPROVED RULEMAKING PLAN			
C1MP-24	NRR	Codes and Standards,10 CFR 50.55a(h)	#498	AF96	NONE	1b
			<b>PROPOSED RULEMAKING WAS REPUBLISHED FOR COMMENT ON 4/23/98 (63 FR 20136)</b>			
C1MP-25	ADM	Access to And Protection of Classified Information, Parts 10, 11, 25, 95	#502	AF97	NONE	1c
C1MP-26	NMSS	Adoption of Part 20 Dosimetry Methodology for Part 72	#437	AF84	960158	1b
			<b>RULEMAKING ADDED TO CATEGORY LISTING PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 3/19/98 (63 FR 13372)</b>			
<b>Lower Priority</b>						
C1LP-05	NMSS	Minor Adm. Changes, Clarifying and Policy Changes, Parts 20, 32, 35, 39	#402	AF46	NONE	1c
			<b>THE FINAL RULEMAKING WAS SENT FOR OFFICE REVIEW AND COMMENT ON 09/17/97</b>			
C1LP-17	CIO	Submittal Procedures for Documents	#445	AF61	NONE	1c
C1LP-18	ADM	Acquisition Reg. (NRCAR) Part 48	#475	AF52	NONE	1c
C1LP-20	NMSS	Clarification and Minor Corrections, Part 34	#516	AE07	NONE	1c
			<b>NEW RULE ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS SENT FOR OFFICE REVIEW AND COMMENT ON 4/1/98</b>			
<b>CATEGORY II, TECH. BASIS DEVELOPMENT - RULES/PETITIONS - MD 6.3 APPLIES TO SOME RULES</b>						
<b>Higher Priority</b>						
C2HP-04	NMSS	Criteria for Reuse/Recycle,	#381	NONE	940059	1b
			<b>COMMISSION OPTIONS PAPER WAS SENT FOR GUIDANCE ON 1/12/98, SECY-98-028</b>			
C2HP-05	NMSS	Release to Sanitary Sewage,	#288	AE90	940008	1a
C2HP-07	NMSS	Amend VSC-24 Certification	#390	NONE	NONE	1b
<b>Medium Priority</b>						
C2MP-05	NMSS	Exemptions from Licensing Certain Products, Parts 30, 32	#400	NONE	900208	1b
<b>Lower Priority----NONE</b>						
<b>CATEGORY III, RULES AND PETITIONS BEING PLANNED - MD 6.3 APPLIES (EXCEPT TO STRICTLY ADMINISTRATIVE RULES)</b>						
<b>Higher Priority</b>						
C3HP-07	NRR	Hot Particle Skin Dose, Part 50	#164	NONE	900178	1b
			<b>THE RULEMAKING PLAN WAS SENT FOR OFFICE REVIEW AND COMMENT ON 01/15/98</b>			
C3HP-09	NMSS	Update Decomm. Funding, Parts 30, 40, 70	#243	NONE	NONE	1c

C3HP-10	NMSS	Eliminate 30-Day Delay In Loading Spent Fuel, 10 CFR 72.82(E)	#433	NONE	NONE	1b
			RULE CHANGED CATEGORY LISTING--C1HP-48			
C3HP-12	NMSS	Storage of Greater Than Class C Waste, PRM-72-02, Part 72	#436	NONE	960157	1b
			RULE CHANGED CATEGORY LISTING--C5-38			
scope="row"C3HP-13	NMSS	Energy Compensation Sources for Well Logging, Part 39	#440	NONE	NONE	1b
			RULE PLAN WAS SENT FOR COMMISSION APPROVAL ON 5/12/98, SECY-98-105			
C3HP-14	NMSS	Expand Applicability to Include Additional Parties, Part 72	#439	AF93	960160	1b
			RULE CHANGED CATEGORY LISTING--C1HP-41			
C3HP-20	NMSS	Radiography and Radiographic Equipment and ANSI N432, Part 34 Resolves PRM-34-05	#477	NONE	NONE	1b
			THE RULEMAKING PLAN WAS SENT FOR OFFICE REVIEW AND COMMENT ON 02/26/97			
C3HP-25	NMSS	Certification Amendment Process Part 76	#499	AF85	970255	1b
			RULE CHANGED CATEGORY LISTING--C1HP-40			
C3HP-27	NMSS	Stand-Alone Reg. for U2 Mining and Milling Facilities, Part 41	#503	NONE	NONE	1a
			THE RULEMAKING PLAN WAS SENT FOR OFFICE REVIEW AND COMMENT ON 6/23/98			
C3HP-28	NRR	Design Certification for AP600, Part 52	#504	NONE	920142D	1b
C3HP-29	NRR	Changes, Tests, Experiments 10 CFR 50.59	#506	AF94	NONE	1b
			RULE CHANGED CATEGORY LISTING--C1HP-43			
C3HP-30	AEOD	Event Reporting Requirements	#512	NONE	NONE	1b
			RULE CHANGED CATEGORY LISTING--C1HP-49			
C3HP-31	NMSS	Fissile Material Shipments and Exemptions, Part 71	#521	NONE	NONE	1a
			NEW RULE ADDED TO CATEGORY LISTING			
<b>Medium Priority</b>						
C3MP-06	NMSS	Special Nuclear Material Accountability, Parts 70, 74	#309	NONE	NONE	1b
C3MP-12	NMSS	Clarifications and Addition of Flexibility to Part 72	#438	NONE	960159	1b
			THE RULEMAKING PLAN WAS SENT FOR EDO APPROVAL ON 5/19/98			
C3MP-13	NMSS	Geological and Seismological Char. of Storage, Part 72	#441	NONE	960161	1b
			THE RULEMAKING PLAN WAS SENT FOR COMMISSION APPROVAL 6/4/98, SECY-98-126			
C3MP-14	NMSS	Dosimetry Methodology for Part 72	#437	AF84	960158	1b
			RULE CHANGED CATEGORY LISTING--C1MP-26			

C3MP-15	NMSS	Financial Assurance for Waste Brokers and Sealed Source Users	#480	NONE	NONE	1a
<b>C3MP-16</b>	<b>NRR</b>	<b>Alternative Site Reviews, Part 50</b>	<b>#313</b>	<b>NONE</b>	<b>NONE</b>	<b>1</b>
			<b>RULE CHANGED CATEGORY LISTING--C4B-26</b>			
C3MP-18	NRR	Staffing and Training Requirements for Defueled Reactors, Parts 50, 55	#444	NONE	NONE	1b
C3MP-19	NRR	Use of Alternate Cladding Materials In Reactors, Part 50	#449	NONE	NONE	1b
C3MP-22	NMSS	Teletherapy Devices for Non-Human Irradiation, Part 36	#479	NONE	NONE	1b
			RULE CHANGED CATEGORY LISTING--C4B-27			
C3MP-26	NMSS	Compatibility with the IAEA Transportation Standards, Part 71	#496	NONE	NONE	1b
C3MP-29	NMSS	Spent Fuel Shipment Information Protection Requirements, Part 73	#501	NONE	NONE	1b
			RULE CHANGED CATEGORY LISTING--C4B-28			
C3MP-30	NRR	Lessons Learned from Design Certification, Part 52	#505	NONE	970060	1b
C3MP-31	NRR	Exclusion area, Low Population Zone, and Population Center Dist. And Control Room, Parts 50, 100	#507	NONE	970060	1b
<b>C3MP-32</b>	<b>NMSS</b>	<b>VECTRA Technologies, In. NUHOMS Dry Shielded Canister, Part 72</b>	<b>#518</b>	<b>NONE</b>	<b>NONE</b>	<b>1b</b>
			<b>NEW RULEMAKING ADDED TO CATEGORY LISTING</b>			
<b>Lower Priority</b>		<b>NONE</b>				
<b>CATEGORY IV, Petitions Being Resolved/ACTIVITIES ON HOLD</b>						
<b>4A:</b>	<b>Petitions for Which Further Assessment Is Required Before Deciding Whether to Initiate Rulemaking (not prioritized)</b>					
C4A-07	NMSS	Petition for Rulemaking from Keith J. Schiager, Ph.D. PRM-20-21	#451	NONE	NONE	2
<b>C4A-14</b>	<b>NRR</b>	<b>Quality Assurance Programs (PRM-50-62)</b>	<b>#459</b>	<b>NONE</b>	<b>NONE</b>	<b>2</b>
<b>C4A-15</b>	<b>RES/NRR</b>	<b>Stockpiling Potassium Iodide (PRM-50-63)</b>	<b>#460</b>	<b>NONE</b>	<b>970193</b>	<b>2</b>
			<b>PETITION DENIAL SENT FOR COMMISSION APPROVAL ON 10/23/97, SECY-97-245</b>			
C4A-17	NMSS	Storage of Radioactive Waste, PRM-72-02	#462	NONE	NONE	2
C4A-18	NMSS	Training Requirements for a Rad Safety Officer (PRM-35-13)	#463	NONE	NONE	2
C4A-19	NMSS	Dry Cask Storage of Radioactive Waste (PRM-72-03)	#464	NONE	NONE	2
C4A-23	NMSS	Nuclear Material Licensees (PRM-30-61)	#468	NONE	NONE	2
			THE PETITION DENIAL WAS SENT FOR OFFICE REVIEW AND COMMENT ON 6/15/98			
<b>C4A-25</b>	<b>NMSS</b>	<b>Nickel-Thoria Alloy Exemption PRM-40-26</b>	<b>#470</b>	<b>NONE</b>	<b>NONE</b>	<b>2</b>
			<b>NEW PETITION ADDED TO CATEGORY LISTING</b>			

C4A-26	NMSS	Requirements for Plutonium Shipments, Part 71, PRM-71-12	#471	NONE	NONE	2
			NEW PETITION ADDED TO CATEGORY LISTING			
C4A-27	RES/NRR	Stockpiling Potassium Iodide (PRM-50-63A)	472	#NONE	970193	2
			NEW PETITION ADDED TO CATEGORY LISTING			
C4A-28	NMSS	Independent Storage of Spent Nuclear Fuel in Dry Casks, Part 72, PRM-72-04	#473	NONE	NONE	2
			NEW PETITION ADDED TO CATEGORY LISTING			
<b>4B:</b>	<b>Rulemakings On-Hold; Cannot be Further Worked Without Additional Information (not prioritized - rule action still needs to be decided)</b>					
C4B-09	NRR	Rule on Living PRA for COLs Part 52	#411	NONE	9400140	1b
C4B-15	NRR	Table S-3, S4 Revisions, Part 50	#116	AA31	910146	1c
			RULEMAKING PLACED ON HOLD--SEE C1MP-19			
C4B-19	NMSS	Transfer of Source or Byproduct Material, 10 CFR 40.51	#447	NONE	NONE	1c
C4B-24	NRR	Revise Reporting Reqmts, Part 50	#387	NONE	940118	1b
C4B-26	NRR	Alternative Site Reviews, Part 50	#313	NONE	NONE	1
			RULEMAKING PLACED ON HOLD--SEE C3MP-16			
C4B-27	NMSS	Teletherapy Devices for Non-Human Irradiation, Part 36	#479	NONE	NONE	1b
			RULEMAKING PLACED ON HOLD--SEE C3MP-22			
C4B-28	NMSS	Spent Fuel Shipment Information Protection Requirements, Part 73	#501	NONE	NONE	1b
			RULEMAKING PLACED ON HOLD--SEE C3MP-29			
<b>CATEGORY V, DROP FROM FURTHER CONSIDERATION</b>						
C5-06	NMSS	Eliminate Inconsistencies VS NRC Regs and EPA HLW Stds, Part 60	#79	AC03	840171	2
			RULEMAKING WAS TERMINATED RULE INCORPORATED INTO C1HP-44, RM #513			
C5-09	NMSS	Dist. of Source Byproduct Mat. Licensing, Part 32, 40-Phase I	#292	AE33	940069	2
			RULEMAKING BEING TERMINATED			
C5-10	NRR	Criteria for ENO, Part 140	#51	AB01	810014	2
			RULEMAKING BEING TERMINATED			
C5-11	NMSS	Conc. of SNM in Contam. Soils,	#409	NONE	NONE	2
			RULEMAKING BEING TERMINATED			
C5-19	AEOD	Reliability Data Rule, 10 CFR 50.76	#414	AF33	940180	1b
			RULEMAKING BEING TERMINATED BASED ON COMMISSION SRM ON SECY-97-101, 06/13/97			
C5-28	NRR	SG Rule	#394	AF04	940048	1b
			RULEMAKING BEING TERMINATED BASED ON COMMISSION SRM ON COMSECY-97-013			
C5-29	NRR	NPP Decommissioning Cost	#347	AF40	950111	1b

		Requirements, 10 CFR 50.75				
			RULEMAKING TERMINATED BASED ON COMMISSION SRM OF 02/05/98, SECY-97-251			
C5-30	NRR	Extremity Doses,	#146	NONE	870013	1a
			REQUEST TO TERMINATE RULE WAS SENT FOR COMMISSION APPROVAL ON 03/19/98			
C5-31	NMSS	Dose Limit for Public Exposed to Hospitalized Patients Part 20 (PRM 20-24)	#490	AF91	960154	1b
			RULEMAKING WAS TERMINATED RULE INCORPORATED INTO C1HP-37, RM #497			
C5-32	NMSS	Financial Assurance for Licensees Using Teletherapy and Kr-85	#482	NONE	NONE	1b
			RULEMAKING WAS TERMINATED			
C5-33	NMSS	Conform to EPA Standard and NAS Recommendations, Part 60	#430	NONE	NONE	1a
			RULEMAKING WAS TERMINATED RULE INCORPORATED INTO C1HP-44, RM #513			
C5-34	NMSS	Requirements for Possession of Industrial Devices, Parts 31, 32	#81	AD34	890090	2
			RULEMAKING BEING TERMINATED, COMMISSION SRM ON SECY-97-273, 4/15/98 PORTION OF RULE INCORPORATED INTO C1HP-46, RM #519			
C5-35	NMSS	Air Gap for Generally Licensed Devices, Parts 31, 32	#264	AD82	900192	2
			RULEMAKING BEING TERMINATED			
C5-36	NMSS	Revision to Parts 30, 40 to Address RSO Duties	#386	NONE	NONE	2
			RULEMAKING WAS TERMINATED			
C5-37	NMSS	General Domestic Licenses for Byproduct Materials, Part 31	#487	NONE	NONE	1b
			RULEMAKING WAS TERMINATED			
C5-38	NMSS	Storage of Greater Than Class C Waste, PRM-72-02, Part 72	#436	NONE	960157	1b
			RULEMAKING WAS TERMINATED			
C5-39	NMSS	Eliminate Appendix A to, Part 2	#489	NONE	NONE	1b
			RULEMAKING WAS TERMINATED			
C5-40	ADM	Part 10 Conform to USG policy	#431	AF48	NONE	1c
			RULEMAKING WAS TERMINATED			
C5-41	NMSS	Addition of DOE Multi-Purpose Canisters, 10 CFR 72.214	#412	NONE	NONE	2
			RULEMAKING WAS TERMINATED			
C5-43	NRR	Shutdown and Spent Fuel Pool Operations, Part 50	#398	AE97	920223	1a
			RULEMAKING WAS TERMINATED			
C5-44	NRR	Revise 10 CFR 50.34(f) to Apply to Future Plant Designs	#485	NONE	NONE	1b

			RULEMAKING WAS TERMINATED			
C5-45	NRR	Licensing Requirements for SROs Limited to Fuel Handling, Part 55	#486	NONE	NONE	1b
			RULEMAKING WAS TERMINATED			
CATEGORY VI, RULES COMPLETED OR NEARLY COMPLETED (COMMISSION APPROVED)						
C1HP-21	RES/ NRR/NMSS	10 CFR 73.55 (Reduce Insider Reqmts)	#405	AF53	950117	1b
			THE FINAL RULEMAKING WAS PUBLISHED ON 12/02/97 (62 FR 63640)			
C1HP-22	NMSS	Physical Protection for Spent Fuels HLW Repos.,	#346	AF32	930128	1b
			THE FINAL RULEMAKING WAS PUBLISHED ON 5/15/98 (63 FR 26955)			
C1HP-24	NMSS	Reqmts for Shipping Packages to Transport Vitrified Wastes Containing Plutonium, Part 71, PRM-71-11	#491	AF59	960169	1b
			THE FINAL RULEMAKING WAS PUBLISHED ON 6/15/98 (63 FR 32600)			
C1HP-27	NMSS	Removal of 5-Year Term for Licenses, 10 CFR 35.18	#493	AF77	NONE	1b
			THE FINAL RULEMAKING WAS PUBLISHED ON 6/10/98 (63 FR 31604)			
C1HP-31	RES/NMSS	Distribution and Use of C-14, Diagnostic Testing, PRM-35-12, Part 30, 32	#432	AF70	970042	1b
			THE FINAL RULEMAKING WAS PUBLISHED ON 12/02/97 (62 FR 63634)			
C1HP-36	RES/NRR	Criticality Monitor Requirement for Fresh Fuel, 10 CFR 70.24	#494	AF87	970237	1b
			DIRECT FINAL RULEMAKING WAS WITHDRAWN ON 2/25/98 (63 FR 9402)			
C1MP-14	RES/ NRR/NMSS	Deliberate Misconduct Rule, Parts 30,40,50,60,61,70,72,110	#425	AF35	960007	1c
			THE FINAL RULEMAKING WAS PUBLISHED ON 01/13/98 (63 FR 1890)			
C1MP-17	NMSS	Alt. Financial Criteria for Non-Bond and Non-Profit Facilities	#408	AF64	930212	1b
			THE FINAL RULEMAKING WAS PUBLISHED ON 06/01/98 (63 FR 29535)			
C1MP-21	NMSS	Gaseous Tritium Light Sources, Part 32, PRM-32-04	#423	AF76	970049	1b
			THE FINAL RULEMAKING WAS PUBLISHED ON 06/17/98 (63 FR 32969)			
C1MP-24	RES/NRR	Codes and Standards, 10 CFR 50.55a(h)	#498	AF73	NONE	1b
			DIRECT FINAL RULEMAKING WAS WITHDRAWN ON 12/23/97 (62 FR 66977)			
C1MP-27	ADM	Statement of Organization and Gen. Information, Parts Multi	#510	AF89	NONE	1c
			NEW RULEMAKING ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS PUBLISHED ON 4/1/98 (63			

			FR 15740)			
C1MP-28	ADM	Access Authorization Fee Sched. for Licensee Personnel, Parts 11, 25	#511	AF90	NONE	1c
			NEW RULEMAKING ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS PUBLISHED ON 5/7/98 (63 FR 25156)			
C1MP-29	CFO	Revision of Fee Schedules; 100% Fee Recovery; FY 1998, Parts 170, 171	#514	AF83	NONE	1c
			NEW RULE ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS PUBLISHED ON 6/10/98 63 FR (31840)			
C1MP-30	CIO	Electronic Freedom of Information Act; Implementation, Part 9	#515	AF78	NONE	1c
			NEW RULEMAKING ADDED TO CATEGORY LISTING THE FINAL RULEMAKING WAS PUBLISHED ON 1/20/98 (63 FR 2873)			
C5-24	RES/NRR	Acceptability for Plant Performance for Severe Accidents, Part 50	#268	AE38	900201	2
			THE RULEMAKING WAS WITHDRAWN ON 10/14/97 (62 FR 53250)			
C5-25	NMSS	Specific Domestic Licenses Broad Scope, Part 33	#448	AF54	NONE	1b
			THE RULEMAKING WAS WITHDRAWN ON 3/25/98 (63 FR 14381)			

APPENDIX B

**Regulatory Improvement  
In Granting Generic  
Exemptions To Regulations**

CURRENT AS OF JUNE 19, 1998

**Regulatory Improvement in the Area of Exemptions Granted to Regulations**

**Category I - High Priority**

Exemption From Criticality Monitor Requirements for Fresh Fuel, 10 CFR 70.24--RM#494--NRR-C1HP-36 SEE PAGE CI-8

Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities, Part 50--RM#340--AF29--NRR-C1HP-39 SEE PAGE CI-10

**Category I - Medium Priority**

Emergency Planning Requirements for Defueled Reactors, 10 CFR 50.54(Q), Appendix E--RM#435--NRR-C1MP-23 SEE PAGE CI-21

**Category III - Higher Priority**

Options for the Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--NMSS-C3HP-20 SEE PAGE CIII-3

**Category III - Medium Priority**

Staffing and Training Requirements for Defueled Reactors, Part 50, 55--RM#444--NRR-C3MP-18 SEE PAGE CIII-8

Use of Advanced Cladding Material in Light Water Reactor Fuel Designs, Part 50--RM#449--NRR-C3MP-19 SEE PAGE CIII-9

**Category IVB and V - On Hold/Terminated**

Relief From the Use of Part 35 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479--NMSS-C3MP-22 SEE PAGE CIVB-4

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APPENDIX B

ATTACHMENT 1

**EXEMPTIONS RECEIVED  
BY NRR AS OF MID MAY 1998**

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APPENDIX B

ATTACHMENT 2

**EXEMPTIONS RECEIVED  
BY NMSS AS OF MID MAY 1998**

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APPENDIX C

**RISK-INFORMED, PERFORMANCE-BASED  
AND  
RISK-INFORMED, LESS PRESCRIPTIVE  
REGULATIONS**

**CURRENT AS OF JUNE 19, 1998**

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**RISK-INFORMED REGULATIONS**

**Regulatory Risk-Informed, Performance-Based Regulations That Are Ongoing or Planned**

Insurance Requirements for Power Reactor Facilities Under a Possession Only License, Part 50--RM#312--AF79--NRR-C1HP-29 CI-6

Revision of Respiratory Protection Requirements, Part 20--RM#269--AF81--NRR-C1HP-32 CI-7

Domestic Licensing of Special Nuclear Material-Revision, Part 70--RM#351--AF22--NMSS-C1HP-35 CI-8

Major Revision to Part 35, Medical Use of Byproduct Material--RM#497--AF74--NMSS-C1HP-37 CI-9

Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities, Part 50--RM#340--AF29--NRR-C1HP-39 CI-10

Yucca Mountain, Part 63--RM#513--NMSS-C1HP-44 CI-14

Audit Frequency for Emergency Planning and Security, Part 50, PRM-50-59, PRM-50-60--RM#413--AF63--NRR-C1MP-18 CI-20

Emergency Planning Requirements for Defueled Reactors and Exercise Requirements for Offsite Emergency Plans Appendix E, 10 CFR 50.54(Q)--RM#435--AF92--W#970230--NRR-C1MP-23 CI-21

Adoption of Part 20 Dosimetry Methodology To Part 72--RM#437--AF84--NMSS-C1MP-26 CI-24

Criteria for Recycle/Reuse--RM#381--NMSS-C2HP-04 CII-1

Exemption from Licensing of Certain Products, Parts 30, 32--RM#400--NMSS-C2MP-05 CII-3

Development of a Stand-Alone Regulation for Uranium Milling and Milling Facilities, Part 41--RM#503--NMSS-C3HP-27 CIII-3

Special Nuclear Material Accountability, Parts 70, 74--RM#309--NMSS-C3MP-06 CIII-6

Staffing and Training Requirements for Defueled Reactors, Part 50, 55--RM#444--NRR-C3MP-18 CIII-8

Determination of Exclusion Area, Low Population Zone, and Population Center Distance, 10 CFR 100.11 and Control Room, Part 50 (Appendix A, GDC 19)--RM#507--NRR-C3MP-31 CIII-10

Rulemaking on Probabilistic Risk Assessment, Part 52--RM#411--NRR--C4B-09 CIVB-1

Transfer of Unimportant Quantities of Source or Byproduct Material to Exempt Persons, 10 CFR 40.51--RM#447--NMSS-C4B-19 CIVB-2

Reduction of Additional Reporting Requirements Imposed on NRC Licensees (10 CFR 50), RRGR Item 59a--RM#387--[NRR-C4B-24](#) CIVB-3

Alternative Site Reviews, Part 50--RM#313--[NRR-C4B-26](#) CIVB-3

### **Regulatory Risk-Informed, Less Prescriptive Regulations That Are Ongoing or Planned**

Amending Initial Operator License Examination Requirements, Part 55--RM#484--AF62--[NRR-C1HP-26](#) CI-3

Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants, 10 CFR 50.65--RM#509--AF95--[NRR-CIHP-42](#) CI-13

Revision to 10 CFR 50.59; Changes, Tests, and Experiments--RM#506--[NRR-C1HP-43](#) CI-13

Elimination of 30-Day Delay In Loading Spent Fuel After Preoperational Testing, 10 CFR 72.82(E)--RM#433--[NMSS-C1HP-48](#) CI-17

Modification to Event Reporting Requirements for Power Reactors; Immediate Notification Requirements for Operating NPR, 10 CFR 50.72 and Licensee Event Report System, 10 CFR 50.73-- RM#512--[AEOD-C1HP-49](#) CI-18

Transportation of High Level Waste for Category I Material, 10 CFR 51.53--RM#508--[NRR-C1HP-50](#) CI-18

Codes and Standards, 10 CFR 50.55a (h)--RM#498--AF73--[NRR-C1MP-24](#) CI-22

Amend Certification of Compliance NO.72-1007 for the VSC-24 Dry Spent Fuel Storage Cask, 10 CFR 72.214--RM#390--[NMSS-C2HP-07](#) CII-2

Skin Dose Limits for Hot Particles--RM#164--[NRR-C3HP-07](#) CIII-1

Energy Compensation Sources for Well Logging, Part 39--RM#440--[NMSS-C3HP-13](#) CIII-2

Options for the Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--[NMSS-C3HP-20](#) CIII-3

Fissile Material Shipments And Exemptions, Part 71--RM#521--[NMSS-C3HP-31](#) CIII-5

Geological and Seismological Characteristics of Spent Fuel Storage Systems, (PRM-72-03) Part 72--RM#441--[NMSS-C3MP-13](#) CIII-7

Relief from Use of Part 35 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479--[NMSS-C4B-27](#) CIVB-4

### **Areas Which Are Amenable to Risk-Informed, Performance-Based or Risk-Informed, Less Prescriptive Approaches in Future Changes to Regulations, But Are Not Associated With An Ongoing or Planned Rule Change Now**

- Revisions to 10 CFR Part 73, Security Requirements
- Significant Revisions to 10 CFR Part 20
- Regulation Changes Pertaining to Part 50, Motor Operated Valves
- Revisions Associated With Graded Quality Assurance
- Revision to Part 50, Maintenance Rule