

## **REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 1991**

### **Submitting Applications for the Licensing of Test and Research Reactor Operators Directly to Headquarters - Part 55**

On October 11, 1990 (55 FR 41334), the NRC published an amendment to its regulations that requires that test and research reactor facility applications for operator and senior reactor operator licenses be submitted to the responsible Headquarters office. This amendment, effective November 13, 1990, is necessary to improve efficiency and consistency of examination and licensing of test and research reactor operators by having a central office monitor the issuance and renewal of licenses.

### **Interim Procedures for Agency Appellate Review - Part 2**

On October 24, 1990 (55 FR 42944), the NRC published an amendment to its regulations, effective October 25, 1990, that implements a transition plan which provides that, with certain exceptions, the Commission, rather than an appeal board, will provide agency appellate review for appellate matters filed in the interim period between October 25, 1990, and the effective date of a final appellate review.

### **Custody and Long-Term Care of Uranium and Thorium Mill Tailings Disposal Sites - Part 40**

On October 30, 1990 (55 FR 45591), the NRC published an amendment to its regulations by issuing general licenses that permit NRC to license the custody and long-term care of reclaimed or closed uranium or thorium mill tailings sites after remedial action or closure under the Uranium Mill Tailings Radiation Control Act has been completed. This amendment, effective November 29, 1990, is necessary to meet the requirements of Titles I and II of the Uranium Mill Tailings Radiation Control Act.

### **Statement of Organization and General Information; Minor Amendments - Parts 0 and 1**

On November 15, 1990 (55 FR 47740), the NRC published an amendment to its regulations, effective immediately, to reflect the establishment of the Office of Inspector General (OIG) by formally removing references to the Office of Inspector and Auditor (OIA) from its regulations. The authority and responsibility for OIA functions have been transferred to the OIG.

### **Operations Center Area Code Telephone Number Change - Parts 20 and 50**

On January 10, 1991 (56 FR 944), the NRC published an amendment to its regulations, effective immediately, to change the current area code telephone number at the NRC Operations Center from (202) to (301). This action is necessary to implement changes initiated by the C&P Telephone Company to accommodate the increasing demand for telephone numbers in the metropolitan Washington, DC area.

### **Access Authorization Fee Schedule for Licensee Personnel -Parts 11 and 25**

On February 14, 1991 (56 FR 5926), the NRC published an amendment to its regulations, effective immediately, 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. This action is necessary to inform the public of the changes to the fee schedules in the NRC's regulations. A confirmation of effective date for information collection requirements for this rule was published on September 20, 1991 (56 FR 47671).

### **Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository - Part 2**

On February 26, 1991 (56 FR 7787), the NRC published an amendment to its regulations, effective March 28, 1991, concerning the Rules of Practice for the licensing of high-level radioactive waste at a geologic repository. This action enhances the Commission's ability to comply with the schedule for the Commission's decision on the construction authorization for the repository contained in Section 114(d) of the Nuclear Waste Policy Act of 1982, as amended, while providing for the thorough technical review of the license application and the fair treatment of the parties to the hearing.

### **Assistance to Prospective Petitioners - Part 2**

On March 12, 1991 (56 FR 10359), the NRC published an amendment to its regulations, effective immediately, concerning its procedures for filing a petition or rulemaking with the NRC. This action is necessary to clarify the type of assistance that the NRC may provide to a prospective petitioner.

### **ASNT Certification of Industrial Radiographers - Part 34**

On March 19, 1991 (56 FR 11504), the NRC published an amendment to its regulations, effective April 18, 1991, concerning radiographic operations to provide license applicants and licensees the option to affirm that individuals acting as radiographers will be certified in radiation safety by the American Society for Nondestructive Testing (ASNT) prior to commencing duties as radiographers. The intent of this rulemaking is to encourage industrial radiography licensees and license applicants to participate in the ASNT program because the Commission believes that this program can contribute significantly to improved safety.

### **Access Authorization Program for Nuclear Power Plants - Part 73**

On April 25, 1991 (56 FR 18997), the NRC published an amendment to its regulations to require an access authorization program for individuals requiring unescorted access to protected and vital areas at nuclear power plants. This amendment, effective May 28, 1991, will provide increased assurance that the likelihood that unescorted access to protected and vital areas will be given to individuals whose background, psychological profile, or changes in behavioral pattern indicate a potential for committing acts that are, or could be, detrimental to the public health and safety, will be minimized.

### **Change in Commercial Telephone Number for Region V - Parts 20, 21, and 73**

On April 26, 1991 (56 FR 19253), the NRC published an amendment to its regulations, effective immediately, to indicate a change in the commercial telephone number for the NRC's

Region V Office located in Walnut Creek, California. These amendments are necessary to inform the public of these administrative changes to NRC regulations.

### **Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events - Part 50**

On May 15, 1991 (56 FR 22300), the NRC published an amendment to its regulations for light-water nuclear power plants to change the procedure for calculating the amount of radiation embrittlement that a reactor vessel receives. This amendment, effective June 14, 1991, establishes a screening criterion that limits the amount of embrittlement of a reactor vessel beltline material beyond which the plant cannot continue to operate without justification based on a plant-specific analysis. This amendment also prescribes the procedures that must be used for calculating the amount of embrittlement for comparison to the screening criterion.

### **Standards for Protection Against Radiation - Parts 2, 19, 20, 30, 31, 32, 34, 35, 39, 40, 50, 61 and 70**

On May 21, 1991 (56 FR 23369), the NRC published an amendment to its regulations revising its standards for protection against ionizing radiation. This amendment, effective June 20, 1991, is necessary to incorporate updated scientific information and to reflect changes in the basic philosophy of radiation protection. The revision conforms the Commission's regulations to the Presidential Radiation Protection Guidance to Federal Agencies for Occupational Exposure and to recommendations of national and international radiation protection organizations.

### **Return of Topaz II Reactor to Soviet Union - Part 110**

On May 31, 1991 (56 FR 24682), the NRC published an amendment to its regulations pertaining to import and export of nuclear equipment and material to permit the return of the Topaz II Reactor System to the Union of Soviet Socialist Republics (USSR). This rulemaking action permits the export of Topaz II, which is owned by the Government of the USSR, without issuance of a license by the NRC.

### **Procedures for Direct Commission Review of Decisions of Presiding Officers - Parts 0, 1 and 2**

On June 27, 1991 (56 FR 29403), the NRC published an amendment to its regulations, effective July 29, 1991, to establish a new system for agency appellate review of decisions and actions of presiding officers in all formal and informal agency adjudications. The new system provides for discretionary review by the Commissioners of the NRC of most partial and final initial decisions, referred rulings and certifications of questions.

### **Monitoring the Effectiveness of Maintenance at Nuclear Power Plants - Part 50**

On July 10, 1991 (56 FR 31306), the NRC published an amendment to its regulations, effective July 10, 1996, to require commercial nuclear power plant licensees to monitor the effectiveness of maintenance activities for safety significant plant equipment in order to minimize the likelihood of failures and events caused by the lack of effective maintenance.

## **Revision of Fee Schedules; 100% Fee Recovery - Parts 52, 71, 170 and 171**

On July 10, 1991 (56 FR 31472), the NRC published an amendment to its regulations governing the licensing, inspection, and annual fees charged to its licensees. The amendments, effective August 9, 1991, are necessary to implement Public Law 101-508, passed by the Congress on November 5, 1990, which mandates that the NRC recover approximately 100% of its budget authority (\$465 million) in Fiscal Year 1991, and the four succeeding years.

## **Operators' Licenses - Parts 2 and 55**

On July 15, 1991 (56 FR 32066), the NRC published an amendment to its regulations to specify that the conditions and cutoff levels established pursuant to the Commission's Fitness-for-Duty Programs are applicable to licensed operators as conditions of their licenses. This amendment, effective August 14, 1991, provides a basis for taking enforcement actions against licensed operators: (1) who use drugs or alcohol in a manner that would exceed the cutoff levels contained in the fitness-for-duty rule; (2) who are determined by a facility medical review officer to be under the influence of any prescription or over-the-counter drug that could adversely affect his or her ability to safely and competently perform licensed duties; or (3) who sell, use, or possess illegal drugs.

## **Duplication Fees - Part 9**

On July 15, 1991 (56 FR 32070), the NRC published an amendment to its regulations that revises the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. This amendment, effective immediately, is necessary in order to reflect the change in copying charges resulting from the Commission's award of a new contract for the copying of records.

## **Standards for Protection Against Radiation: Monitoring Reports - Part 20**

On July 15, 1991 (56 FR 32071), the NRC published an amendment to its regulations concerning the submittal of radiation exposure monitoring reports. The amendment, effective immediately, changes the address to which the licensee submits reports on an individual exposure to radiation and radioactive material to the NRC.

## **Quality Management Program and Misadministration - Parts 2 and 35**

On July 25, 1991 (56 FR 34104), the NRC published an amendment to its regulations governing therapeutic administrations of byproduct material and certain uses of radioactive sodium iodide to require implementation of a quality management program to provide high confidence that the byproduct material or radiation from byproduct material will be administered as directed by an authorized user physician.

## **Criteria and Procedures for the Reporting of Defects and Conditions of Construction Permits - Parts 21 and 50**

On July 31, 1991 (56 FR 36081), the NRC published an amendment to its regulations on the reporting of safety defects. The amendments, effective October 29, 1991, will reduce duplicate reporting of defects, clarify the criteria for reporting defects, and will establish uniform time periods for reporting and uniform requirements for the content of safety defect reports.

## **Imports From South Africa - Part 110**

On August 13, 1991 (56 FR 38335), the NRC published an amendment to its regulations pertaining to the import of source material or special nuclear material from South Africa to permit uranium manufactured or produced in South Africa to be imported into the United States under general license. This amendment, effective immediately, is necessary to conform the Commission's regulations to Executive Order 12769, issued by President Bush on July 10, 1991, which among other things, terminates the prohibition on nuclear trade with South Africa in section 309 and 311 of the Comprehensive Anti-Apartheid Act of 1986.

## **Emergency Response Data System - Part 50**

On August 13, 1991 (56 FR 40178), the NRC published an amendment to its regulations to require licensees of all operating nuclear power facilities except Big Rock Point to participate in the Emergency Response Data System (ERDS) program. This amendment, effective September 12, 1991, requires licensees to submit to the NRC timely and accurate data on a limited set of parameters whose values indicate the condition of the plant during a declaration of an alert or higher emergency classification.

## **Revisions to Procedures to Issue Orders; Deliberate Misconduct by Unlicensed Persons - Parts 2, 30, 40, 50, 60, 61, 70, 72, 110 and 150**

On August 15, 1991 (56 FR 40664), the NRC published an amendment to its regulations, effective September 16, 1991, that establishes procedures to be used in issuing orders to licensed and unlicensed persons to provide reasonable assurance that licensed activities will be conducted in a manner that will protect the public health and safety. The NRC is also revising its Enforcement Policy to reflect these new amendments.

## **Notifications of Incidents - Parts 20, 30, 31, 34, 39, 40 and 70**

On August 16, 1991 (56 FR 40757), the NRC published an amendment to its regulations to revise material licensee reporting requirements for byproduct, source, and special nuclear material regarding the incidents related to radiation safety. This amendment, effective October 15, 1991, is necessary to ensure that significant occurrences at material licensee facilities are promptly reported to NRC so that the Commission can evaluate whether the licensee has taken appropriate action to protect the public health and safety and whether prompt NRC action is necessary to address generic safety concerns.

## **Change in Commercial Telephone Number for Region V - Parts 20, 21 and 73**

On August 21, 1991 (56 FR 41448), the NRC published an amendment to its regulations, effective September 2, 1991, to indicate a change in the commercial telephone number for the NRC's Region V Office located in Walnut Creek, California.

## **Fitness-for-Duty-Programs - Part 26**

On August 26, 1991 (56 FR 41922), the NRC published an amendment to its regulations governing fitness-for-duty programs that are applicable to licensees who are authorized to construct or operate nuclear power reactors. This amendment, effective September 25, 1991, clarifies the NRC's intent concerning the unacceptability of taking action against an individual that is based solely on the preliminary results of a drug screening test and to permit, under certain conditions, employment actions, up to and including the action of temporary removal of an individual from unescorted access or from normal duties based on an unconfirmed positive result from an initial screening test for marijuana or cocaine.

## **Program Fraud Civil Remedies Act - Part 13**

On September 18, 1991 (56 FR 47132), the NRC published an amendment to its regulations, effective October 18, 1991, to establish the procedures the Commission will follow in implementing the provisions of the Program Fraud Civil Remedies Act of 1986 (the Act) and specifies the hearing and appeal rights of persons subject to penalties and assessments under the Act. The Act authorizes certain Federal agencies, including the Nuclear Regulatory Commission, to impose, through administrative adjudication, civil penalties and assessments against any person who makes, submits, or presents a false fictitious, or fraudulent claim or written statement to the agency.

## **REGULATIONS AND AMENDMENTS PROPOSED**

### **Emergency Response Data System - Part 50**

On October 9, 1990 (55 FR 41095), the NRC published an amendment to its regulations that would require licensees to participate in the Emergency Response Data System (ERDS) program and to set a definite schedule for its implementation. The ERDS is a direct electronic data link between computer data systems used by licensees and the NRC Operations Center.

### **Options and Procedures for Direct Commission Review of Licensing Board Decisions - Part 2**

On October 24, 1990 (55 FR 42947), the NRC published an amendment to its regulations that would provide rules of procedure for direct Commission review of the decisions of presiding officers in all formal and informal adjudicatory proceedings. These regulatory changes are necessitated by the Commission's decision to abolish the Atomic Safety and Licensing Appeal Panel.

## **Licenses and Radiation Safety Requirements for Large Irradiators - Parts 19, 20, 21, 30, 36, 40, 51, 70 and 170**

On December 4, 1990 (55 FR 50008), the NRC published an amendment to its regulations establishing a new Part 36 to specify radiation safety requirements and licensing requirements for the use of licensed radioactive materials in large irradiators.

## **Material Control and Accounting Requirements for Uranium Enrichment Facilities Producing Special Nuclear Material of Low Strategic Significance - Parts 2, 40, 70 and 74**

On December 17, 1990 (55 FR 51726), the NRC published an amendment to its regulations that proposes new performance-based material control and accounting requirements that would be applicable to uranium enrichment facility licensees who produce significant quantities of special nuclear material of low strategic significance. The proposed amendment would impose additional requirements to ensure that enrichment facilities would produce only enriched uranium of low strategic significance as authorized.

## **Codes and Standards for Nuclear Power Plants - Part 50**

On January 31, 1991 (56 FR 3796), the NRC published an amendment to its regulations to incorporate by reference the 1986 Addenda, 1987 Addenda, 1988 Addenda, and 1989 Edition of Section III, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the 1986 Addenda, 1987 Addenda, 1988 Addenda, and 1989 Edition of Section XI, Division 1, of the ASME Code, with a specified modification. The proposed amendment would impose augmented examination of reactor vessel shell welds, and would separate in the regulations the requirements for inservice testing from those for inservice inspection by placing the requirements for inservice testing in a separate paragraph.

## **Revision of Fee Schedules; 100% Fee Recovery - Parts 71, 170 and 171**

On April 12, 1991 (56 FR 14870), the NRC published an amendment to its regulations governing the licensing, inspection and annual fees charged to its licensees. These changes are necessary to implement Public Law 101-508, passed by the Congress on November 5, 1990, which mandates that the NRC recover approximately 100% of its budget authority in Fiscal Year 1991.

## **NRC Licensee Reinvestigation Program - Part 25**

On July 31, 1991 (56 FR 36113), the NRC published an amendment to its regulations to require a reinvestigation program for NRC licensee personnel with "Q" and "L" access authorizations and to amend the fee schedule to cover investigative costs. This amendment is necessary to achieve a higher level of assurance that licensee personnel with access to Restricted Data or National Security Information remain eligible for such access.

## **Decommissioning Funding for Prematurely Shutdown Power Reactors - Part 50**

On August 21, 1991 (56 FR 41493), the NRC published an amendment to its regulations on the timing of the collection of funds for decommissioning for those nuclear power reactors

that have shut down before the expected end of their operating lives. The proposed rule would require that the NRC evaluate decommissioning funding plans for power reactors that shut down prematurely on a case-by-case basis. The NRC's evaluation would take into account the specific safety and financial situations at each plant.

#### **Uranium Enrichment Regulations - Parts 2, 40, 50, 51, 70, 75, 110, 140, 150 and 170**

On September 16, 1991 (56 FR 46739), the NRC published an amendment to its regulations concerning the licensing of uranium enrichment facilities to reflect changes made to the Atomic Energy Act of 1954, as amended (Act) by the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990. The proposed rule would ensure that uranium enrichment facilities will be licensed subject to the provisions of the Act pertaining to source material and special nuclear material rather than under the provisions pertaining to a production facility.

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

On September 17, 1991 (56 FR 47016), the NRC published an amendment to its regulations to establish new requirements for environmental review of applications to renew operating licenses for nuclear power plants. The proposed rule would define the number and scope of environmental impacts that would need to be addressed as part of a license renewal application.

#### **DOE-L or DOE-Q Reinvestigation Program for NRC-R Access Authorization Renewal Requirements - Part 11**

On September 30, 1991 (56 FR 49435), the NRC published an amendment to its regulations to allow an exception to NRC-R access authorization renewal requirements. The proposed rule is intended to reduce administrative and investigative costs to the licensee and administrative costs to the Federal government.