

## REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 1992

### **Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government - Parts 15 and 16**

On October 16, 1991 (56 FR 51829), the NRC published an amendment to its regulations establishing procedures to collect certain debts owed by Federal employees to the NRC and other Federal agencies by deduction(s) from their pay. This amendment, effective November 15, 1991, is necessary to conform NRC regulations to the Debt Collection Act of 1982 which requires each agency to establish a salary offset program for the collection of these debts.

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

On October 31, 1991 (56 FR 55991), the NRC published an amendment to its regulations to include performance-based material control and accounting requirements that will apply to uranium enrichment facility licensees who produce significant quantities of special nuclear material of low strategic significance. This amendment, effective December 2, 1991, is necessary to ensure that enrichment facilities produce enriched uranium of low strategic significance only as authorized. This amendment applies to all applicants who build or operate enrichment facilities.

### **Revision of Fee Schedules; 100 Percent Fee Recovery; Clarification of Size Standards - Part 171**

On November 13, 1991 (56 FR 57587), the NRC published an amendment to its regulations, effective immediately, concerning the payment of annual fees to clarify the provisions that identify the size standards used to determine whether an NRC licensee would qualify as a "small entity" under the Regulatory Flexibility Act for the purpose of paying a reduced annual fee.

### **Nuclear Power Plant License Renewal - Parts 2, 50, 54 and 140**

On December 13, 1991 (56 FR 64943), the NRC published an amendment to its regulations that establishes the requirements that an applicant for renewal of a nuclear power plant operating license must meet, the information that must be submitted to the NRC for review so that the agency can determine whether those requirements have in fact been met, and the application procedures. This amendment, effective January 13, 1992, is necessary to provide the regulatory requirements for extending nuclear power plant operating licenses beyond 40 years.

### **Exclusion of Attorneys From Interviews Under Subpoena - Part 19**

On December 19, 1991 (56 FR 65948), the NRC published an amendment, effective January 21, 1992, revoking its regulations pertaining to exclusion of attorneys from interviews under subpoena. These regulations were vacated upon judicial review by the United States Court of Appeals for the District of Columbia Circuit.

## **Reorganization of the Office of Governmental and Public Affairs - Part 1**

On January 15, 1992 (57 FR 1638), the NRC published an amendment to its regulations, effective immediately, to reflect the Commission's decision to abolish the Office of Governmental and Public Affairs and to reassign its subordinate offices and functions.

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

On January 22, 1992 (57 FR 2441), the NRC published an amendment to its regulations to allow an exception to NRC-R access authorization renewal requirements. This amendment, effective February 21, 1992, is intended to reduce administrative and investigative costs to affected licensees and administrative costs to the Federal government.

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

On January 31, 1992 (57 FR 3719), the NRC published an amendment to its regulations, effective March 31, 1992, to require a reinvestigation program for NRC licensee personnel with "Q" and "L" access authorizations and to amend the fee schedule to recover the investigative costs. The reinvestigation program is consistent with the Department of Energy's program for its contractors and with NRC's policy of reinvestigating its own employees, consultants, contractors, experts, and panel members.

## **Revisions to Procedures to Issue Orders - Parts 2 and 15**

On February 4, 1992 (57 FR 4152), the NRC published an amendment to its regulations, effective immediately, to conform several sections in 10 CFR Parts 2 and 15 to the changes in Part 2 contained in the final rule "Revisions to Procedures to Issue Orders; Deliberate Misconduct by Unlicensed Persons," which was effective September 16, 1991 (56 FR 40678; August 15, 1991).

## **Fingerprint Cards: Resubmittal Procedure Change - Part 73**

On March 4, 1992 (57 FR 7645), the NRC published an amendment to its regulations to conform to new procedures adopted by the Federal Bureau of Investigation. This amendment, effective April 3, 1992, reflects an administrative change pertaining to the resubmittal of rejected fingerprint cards associated with granting access to Safeguards Information or for granting unescorted access to an operating nuclear power plant as required by Public Law 93-399.

## **Limited Revision of Fee Schedules - Parts 170 and 171**

On April 17, 1992 (57 FR 13625), the NRC published an amendment to its regulations to make two limited changes to its assessment of license and annual fees. The amendment assesses license fees, which are based on the full-cost method, quarterly instead of semiannually and establishes a lower tier small entity annual fee for those licensees that are small entities with relatively low annual gross receipts or supporting populations. This amendment, effective May 18, 1992, is intended to improve NRC financial management and

further mitigate the impact of the annual fee on small licensees with relatively low annual gross receipts or supporting populations.

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

On April 30, 1992 (57 FR 18388), the NRC published an amendment to its regulations, effective June 1, 1992, concerning the licensing of uranium enrichment facilities to reflect changes made to the Atomic Energy Act of 1954, as amended by the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

### **Revisions to Procedures to Issue Orders: Challenges to Orders That Are Made Immediately Effective - Part 2**

On May 12, 1992 (57 FR 20194), the NRC published an amendment to its regulations, effective June 11, 1992, to allow challenges to the immediate effectiveness of an order to be made at the outset of a proceeding and provide procedures for the expedited consideration and disposition of these challenges. The amendment also requires that challenges to the merits of an immediately effective order be heard expeditiously, except where good cause exists for delay.

### **Acquisition Regulation (NRCAR): Debarment - 48 CFR Chapter 20**

On July 1, 1992 (57 FR 29220), the NRC published an amendment to its regulations, effective July 31, 1992, establishing the Nuclear Regulatory Commission Acquisition Regulation (NRCAR). The NRCAR is intended to implement and supplement the government-wide Federal Acquisition Regulation. This final rule contains only the agency's debarment, suspension, and ineligibility procedures.

### **Decommissioning Funding for Prematurely Shut Down Power Reactors - Part 50**

On July 9, 1992 (57 FR 30383), the NRC published an amendment to its regulations, effective August 10, 1992, on the timing of the collection of funds for decommissioning for those nuclear power reactors that have shut down before the expected ends of their operating lives. This amendment requires 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 nuclear power plant.

### **Revision of Fee Schedules; 100% Fee Recovery, FY 1992 - Parts 170 and 171**

On July 23, 1992 (57 FR 32691), the NRC published an amendment to its regulations, effective August 24, 1992, to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments are necessary to implement Public Law 101-508, signed into law on November 5, 1990, which mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year (FY) 1992 less amounts appropriated from the Nuclear Waste Fund. The amount to be recovered for FY 1992 is approximately \$492.5 million.

### **Minor Amendments to the Physical Protection Requirements - Parts 70, 72, 73 and 75**

On July 29, 1992 (57 FR 33426), the NRC published an amendment to its regulations that covers the physical protection of special nuclear material. This amendment, effective on August 28, 1992, (1) supplements the definitions section, (2) deletes action dates that no longer apply, (3) corrects outdated terms and cross references, (4) clarifies wording that is susceptible to differing interpretations, (5) corrects typographical errors, and (6) makes other minor changes.

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

On August 6, 1992 (57 FR 34666), the NRC published an amendment to its regulations, effective September 8, 1992, that 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.

### **Standards for Protection Against Radiation; Extension of Implementation Date - Parts 19 and 20**

On August 26, 1992 (57 FR 38588), the NRC published an amendment to its regulations extending the implementation date for its revised standards for protection against radiation and making a conforming change to its regulations. This amendment, effective September 25, 1992, extends the date by which the NRC licensees are required to implement the revised standards for protection against radiation to January 1, 1994. The 1-year extension provides licensees additional time to examine and implement the regulatory guidance developed to support the rule. It also establishes a concurrent implementation date for the NRC licensees and Agreement State licensees.

### **Reducing the Regulatory Burden on Nuclear Licensees - Parts 20 and 50**

On August 31, 1992 (57 FR 39353), the NRC published an amendment to its regulations, effective October 1, 1992, to reduce the regulatory burden on nuclear licensees. This action reflects an initiative undertaken by the Commission in response to a Presidential memorandum requesting that selected Federal agencies review and modify regulations that would eliminate any unnecessary burden of governmental regulation and ensure that the regulated community is not subject to duplicative or inconsistent regulation. The NRC's Committee to Review Generic Requirements identified eight areas where regulations could be revised to reduce the regulatory burden on licensees without reducing the protection for the public health and safety or the common defense and security. The final amendments address unnecessary regulatory requirements related to the frequency of reporting information, analysis of emergency core cooling systems for operating power reactors, and clarification and update of regulations affecting certain material licensees.

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

On September 10, 1992 (57 FR 41375), the NRC published an amendment to its regulations, effective October 13, 1992, 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 concurrent with notifications of any changes in the rate charged the NRC by the Office of Personnel Management for conducting investigations. This rule also inserts full identification (NRC Form number and name) of several forms used in the NRC personnel security process.

### **Quality Management Program and Misadministrations; NRC Override of OMB Disapproval of NRC Information Collection Request - Part 35**

On September 10, 1992 (57 FR 41376), the NRC published an amendment to its regulations, effective immediately, announcing the Commission's vote to override the Office of Management and Budget (OMB) disapproval of the information collection requirements imposed in the final rule entitled "Quality Management Program and Misadministrations" (July 25, 1991; 56 FR 34104). This amendment reflects OMB's assignment of a new control number to these information collection requirements.

### **Minor Modifications to Nuclear Power Reactor Event Reporting Requirements - Part 50**

On September 10, 1992 (57 FR 41378), the NRC published an amendment to its regulations to make minor modifications to the current nuclear power reactor event reporting requirements. The final rule, effective October 13, 1992, reduces the industry's reporting burden and the NRC's response burden in event review and assessment.

## **REGULATIONS AND AMENDMENTS PROPOSED**

### **Decommissioning Recordkeeping and License Termination: Documentation Additions - Parts 30, 40, 70, and 72**

On October 7, 1991 (56 FR 50524), the NRC published an amendment to its regulations that would require holders of a specific license for possession of byproduct material, source material, special nuclear material, and independent storage of spent nuclear fuel and high-level radioactive waste to prepare and maintain additional documentation identifying areas where licensed materials and equipment were stored or used outside restricted areas, areas where spills have occurred, locations and contents of current and previous burial areas within the site, and equipment involved in the licensing activity that will remain on site at the time of termination of the license. This amendment would provide greater assurance that decontamination and decommissioning of licensed facilities are carried out in accordance with the Commission's regulations.

### **Physical Fitness Programs and Day Firing Qualifications for Security Personnel at Category I Licensee Fuel Cycle Facilities - Part 73**

On December 13, 1991 (56 FR 65024), the NRC published an amendment to its regulations that would amend security personnel performance regulations for fuel cycle facilities possessing formula quantities of strategic special nuclear material (Category I licensees).

### **Exclusion of Attorneys From Interviews Under Subpoena - Part 19**

On December 19, 1991 (56 FR 65949), the NRC published an amendment to its regulations that would provide for the exclusion of counsel from interviews of a subpoenaed witness when that counsel represents multiple interests and there is concrete evidence that such representation would obstruct and impede the investigation. The proposed amendments are designed to ensure the integrity and efficacy of the investigative and inspection process. Concurrently, the NRC published a final rule (December 19, 1991; 56 FR 65948), effective January 21, 1992, revoking its previously published attorney exclusion regulations. Those regulations were vacated upon judicial review.

### **Requirements for the Possession of Industrial Devices Containing Byproduct Material - Parts 31 and 32**

On December 27, 1991 (56 FR 67011), the NRC published an amendment to its regulations that would govern the safe use of byproduct material in certain measuring, gauging, or controlling devices. The proposed changes are intended to ensure that general licensees are aware of and understand the requirements for the possession of devices containing byproduct material.

### **Clarification of Statutory Authority for Purposes of Criminal Enforcement - Parts 11, 19, 20, 21, 25, 26, 30, 31, 32, 33, 34, 35, 39, 40, 50, 52, 53, 54, 55, 60, 61, 70, 71, 72, 73, 74, 75, 95, 110, 140, and 150**

On January 3, 1992 (57 FR 222), the NRC published an amendment to its regulations that would clarify the applicability of the criminal penalty provisions of the Atomic Energy Act of 1954, as amended, to certain regulations. The proposed rule would identify more clearly those regulations which may subject the violator to criminal penalties for willful violation, attempted violation, or conspiracy to violate.

### **Training and Qualification of Nuclear Power Plant Personnel - Parts 50 and 52**

On January 7, 1992 (57 FR 537), the NRC published an amendment to its regulations that would require each applicant for and each holder of a license to operate a nuclear power plant to establish, implement, and maintain a training program for nuclear power plant personnel based on a systems approach to training. The amendment is being proposed to meet the directives of Section 306 of the Nuclear Waste Policy Act of 1982.

### **Limited Revision of Fee Schedules - Parts 170 and 171**

On January 9, 1992 (57 FR 847), the NRC published an amendment to its regulations that would govern the assessment on license and annual fees. The proposed amendments would improve NRC financial management and further mitigate the impact of the annual fee on small licensees with relatively low annual gross receipts or supporting populations.

## **Licensing Requirements for Land Disposal of Radioactive Wastes - Part 61**

On March 6, 1992 (57 FR 8093), the NRC published an amendment to its regulations containing licensing requirements for low-level radioactive waste (LLW) disposal facilities. The proposed amendment would simplify LLW disposal facility licensing interactions for NRC, the NRC Agreement States, and potential applicants for LLW disposal licenses.

## **Low-Level Waste Shipment Manifest Information and Reporting - Parts 20 and 61**

On April 21, 1992 (57 FR 14500), the NRC published an amendment to its regulations that would improve low-level waste (LLW) manifest information and reporting. The proposed amendment would (1) Improve the quality and uniformity of information contained in manifests which are required to control transfers of LLW intended for disposal at a land disposal facility; (2) Establish a set of forms to serve as a national Uniform Low-Level Radioactive Waste Manifest, in response to requests by Compacts and States; (3) Require the use of one of these forms as a mandatory shipping paper for LLW transport; (4) Require LLW disposal site operators to electronically store the information contained in the Uniform Manifest documents for each container; and (5) Require the disposal site operators to report the Uniform Manifest information on a machine-readable medium (e.g., magnetic disks or tapes).

## **Loss of All Alternating Current Power - Part 50**

On April 21, 1992 (57 FR 14514), the NRC published an amendment to its regulations regarding the reliability of onsite alternating current sources for light-water-cooled nuclear power plants. The proposed amendment would require licensees to test and monitor emergency diesel generators (EDG) against criteria that indicate possible degradation from the EDG target levels selected for determining the specified station blackout duration.

## **Receipt of Byproduct and Special Nuclear Material - Part 50**

On April 24, 1992 (57 FR 15034), the NRC published an amendment to its regulations that would allow a reactor licensee to receive back byproduct and special nuclear material that is produced by operating the reactor after that waste has been sent offsite to be reduced in volume by compaction or incineration. The proposed amendment would ensure that licensees have adequate short-term on-site storage capacity for self-generated LLW until permanent disposal capacity is available.

## **Import and Export of Radioactive Wastes - Part 110**

On April 28, 1992 (57 FR 17859), the NRC published an amendment to its regulations that would reflect the September 1990 decision of the General Conference of the International Atomic Energy Agency approving a voluntary Code of Practice to guide Nation States in the development and harmonization of policies and laws on the international transboundary movement of radioactive waste. The proposed amendment would conform U.S. policies with these international recommendations.

### **Revision of Fee Schedules; 100% Fee Recovery, FY 1992 - Parts 170 and 171**

On April 29, 1992 (57 FR 18095), the NRC published an amendment to its regulations that would amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendment would implement Public Law 101-508, signed into law on November 5, 1990, which mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year 1992, less amounts appropriated from the Nuclear Waste Fund.

### **Fitness-for-Duty Requirements for Licensees Who Possess, Use, or Transport Category I Material - Parts 26, 70 and 73**

On April 30, 1992 (57 FR 18415), the NRC published an amendment to its regulations that would establish fitness-for-duty requirements for licensees authorized to possess, use, or transport unirradiated formula quantity of strategic special nuclear material.

### **Standards for Protection Against Radiation; Extension of Implementation Date - Parts 19 and 20**

On May 19, 1992 (57 FR 21216), the NRC published an amendment to its regulations that would extend the date by which NRC licensees are required to implement the revised standards for protection against radiation to January 1, 1994. The proposed amendment would also establish a concurrent implementation date for NRC licensees and Agreement State licensees by eliminating the 1-year period during which Agreement States could continue to enforce the existing Part 20 while the NRC would be enforcing the revised standards.

### **Clarification of Physical Protection Requirements at Fixed Sites - Part 73**

On May 29, 1992 (57 FR 22670), the NRC published an amendment to its regulations that would make clear that the Commission's regulations do not require protection against both radiological sabotage and theft of special nuclear material at all facilities. The proposed amendment would also add a requirement that nonpower reactor licensees who operate at or above 2 megawatts thermal protect against radiological sabotage.

### **Departures From Manufacturer's Instructions; Elimination of Recordkeeping Requirements - Parts 30 and 35**

On June 11, 1992 (57 FR 24763), the NRC published an amendment to its regulations that would eliminate certain recordkeeping requirements related to the preparation and use of radiopharmaceuticals. The proposed rule would eliminate recordkeeping requirements related to the justification for and a precise description of the departure, and the number of departures from the Food and Drug Administration's approved manufacturer's instructions.

### **Reducing the Regulatory Burden on Nuclear Licensees - Parts 20 and 50**

On June 18, 1992 (57 FR 27187), the NRC published an amendment to its regulations that would reduce the regulatory burden on all licensees. This proposed rule reflects an initiative undertaken by the Commission in response to a Presidential memorandum requesting that selected Federal agencies review and modify regulations that will reduce the burden of

governmental regulation to ensure that the regulated community is not subject to duplicative or inconsistent regulation. The NRC's Committee to Review Generic Requirements (CRGR) identified regulations in eight areas that could be amended to reduce the regulatory burden on licensees without in any way reducing the protection for the public health and safety or the common defense and security. The proposed rule would address the frequency of reporting information and emergency core cooling system analysis for operating power reactors, clarify and update regulations affecting certain material licensees, and remove unnecessary regulatory requirements.

#### **Minor Modifications to Nuclear Power Reactor Event Reporting Requirements - Part 50**

On June 26, 1992 (57 FR 28642), the NRC published an amendment to its regulations that would make minor modifications to the current nuclear power reactor event reporting requirements. The proposed amendment would reduce the industry's reporting burden and the NRC's response burden in event review and assessment.

#### **List of Approved Spent Fuel Storage Casks: Additions - Part 72**

On June 26, 1992 (57 FR 28645), the NRC published an amendment to its regulations that would approve two additional spent fuel storage casks (TN-24 and VSC-24). These casks would be added to the "List of Approved Spent Fuel Storage Casks."

#### **Acquisition Regulation (NRCAR); Organizational Conflicts of Interest - 48 CFR Chapter 20**

On August 18, 1992 (57 FR 37140), the NRC published an amendment to its proposed Nuclear Regulatory Commission Acquisition Regulation (NRCAR) concerning organizational conflicts of interest. The proposed amendment would modify a section of the conflicts of interest regulations relating to work for others during the period that work is being performed for the NRC.

### **ADVANCE NOTICES OF PROPOSED RULEMAKING**

#### **Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations - Part 50**

On September 28, 1992 (57 FR 44513), the NRC published an advance notice of proposed rulemaking indicating its consideration of an amendment to its regulations which would add provisions for the design of the plant structures to withstand certain challenges from phenomena associated with severe core damage accidents beyond the current "design basis accidents."