

## **REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 1985**

### **Training and Qualifications of Civilian Nuclear Power Plant Personnel and Operator's Licenses - Part 55**

On October 24, 1984 (49 FR 42693), the NRC published an amendment to its regulations, effective November 23, 1984, governing the training and qualifications of civilian nuclear power plant personnel. The amendment conforms the literal language of the regulations to the long-standing agency practice of treating the satisfactory completion of an NRC approved program for training reactor operators as the equivalent of actual operating experience at a reactor.

### **Environmental Qualification of Electrical Equipment; Removal of June 30, 1982 Deadline - Part 50**

On November 19, 1984 (49 FR 45571), the NRC published an amendment to its regulations, effective immediately, that deletes a June 30, 1982, deadline for the environmental qualification of electrical equipment from power plant operating licenses. The final rule specifies the schedule for environmental qualification that licensees of operating power plants are expected to meet.

### **Export and Import of Nuclear Equipment and Material - Part 110**

On December 3, 1984 (49 FR 47191), the NRC published an amendment to its regulations, effective January 2, 1985, pertaining to the export and import of nuclear equipment and material. The amended regulations expand the authority to export nonsensitive nuclear equipment and minor quantities of nuclear material without applying for and obtaining a specific NRC license authorizing the action.

### **Hydrogen Control Requirements - Part 50**

On January 25, 1985 (50 FR 3498), the NRC published an amendment to its regulations that improves hydrogen control capability for boiling water reactors with MARK III containments and for pressurized water reactors with ice condenser containments. The amendments, effective February 25, 1985, require improved hydrogen control systems that can handle large amounts of hydrogen during and after an accident.

### **Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity - Parts 1 and 53**

On February 11, 1985 (50 FR 5548), the NRC published an amendment to its regulations, effective March 13, 1985, that establishes procedures and criteria for determining whether a person owning or operating a civilian nuclear power reactor cannot reasonably provide adequate spent nuclear fuel storage capacity. This determination is necessary before the Department of Energy may enter into contractual arrangements to provide interim Federal storage capacity for limited amounts of spent nuclear fuel.

## **Amended Material Control and Accounting Requirements for Special Nuclear Material of Low Strategic Significance - Parts 70 and 74**

On February 25, 1985 (50 FR 7575), the NRC published an amendment to its regulations concerning material control and accounting (MC&A) requirements for licensees possessing and using quantities larger than one effective kilogram of special nuclear material of low strategic significance. The amendments, effective March 27, 1985, reform the MC&A regulations for fuel cycle facilities by establishing a grading of requirements between those applicable to more strategically significant forms of special nuclear material and those applicable to low enriched uranium.

## **Implementation of the Convention on Physical Protection of Nuclear Material - Parts 40, 70, 73 and 110**

On March 28, 1985 (50 FR 12221), the NRC published an amendment to its regulations to bring them into accord with the provisions of the Convention on the Physical Protection of Nuclear Material. The amendments, which become effective 30 days after the 21st country ratifies the Convention, will result in strengthened protection of shipments of Convention-defined materials during international transport.

## **Exceptions to Notice and Comment Rulemaking Procedures - Part 2**

On April 2, 1985 (50 FR 13006), the NRC published an amendment to its rules of practice, effective May 3, 1985, that revised the Commission's rulemaking procedures. The final rule clarifies the Commission's use of the exceptions to notice and comment rulemaking contained in the Administrative Procedure Act.

## **Regional Nuclear Materials Licensing For Certain Federal Facilities - Parts 30, 40, and 70**

On April 15, 1985 (50 FR 14692), the NRC published an amendment to its regulations, effective April 1, 1985, that further decentralized the licensing process for materials licensees. The amendment extends to the Regional Offices the same licensing authority for certain Federal licensees that they possess for non-Federal activities.

## **Emergency Planning and Preparedness - Part 50**

On May 8, 1985 (50 FR 19323), the NRC published an amendment, effective immediately, that revised its emergency planning and preparedness regulations for nuclear power reactors. This amendment, made in response to a decision by the United States Court of Appeals for the District of Columbia Circuit, removes the provision stating that emergency preparedness exercises are not required for any initial licensing decision.

## **Delegation of Subpoena Authority - Part 1**

On May 20, 1985 (50 FR 20741), the NRC published an amendment to its regulations that reflected the Commission's decision to delegate the authority to issue subpoenas to the Office of Investigations where necessary or appropriate for the conduct of investigations. This

amendment, effective June 19, 1985, permits the Office of Investigations to issue a subpoena independently during the course of an investigation.

### **Export of Reprocessing Plant Components - Part 110**

On May 20, 1985 (50 FR 20742), the NRC published an amendment to its regulations that further clarified the list of components considered especially designed or prepared for use in a nuclear fuel reprocessing plant and therefore subject to the Commission's export licensing authority. This amendment, effective May 21, 1985, implements a decision of the multilateral Non-Proliferation Treaty Exporters Committee.

### **Government in the Sunshine Act Regulations - Part 9**

On May 21, 1985 (50 FR 20889), the NRC published an interim rule, effective immediately, to conform its definition of "meeting" under the Government in the Sunshine Act to the statutory intent as clarified in a recent Supreme Court decision. As a result of this change, background briefings and generalized discussions of agency business are not considered "meetings" for Sunshine Act purposes.

### **Update of NRC Addresses and Copying Charges for Environmental Documents - Parts I and 51**

On May 22, 1985 (50 FR 21036), the NRC published an amendment to its regulations, effective immediately, that updated the addresses of NRC's principal offices and conformed the charges for the reproduction of environmental documents at the NRC's Public Document Room to the charges found in 10 CFR Part 9.

### **Charges for the Production of Records - Part 9**

On June 18, 1985 (50 FR 25204), the NRC published an amendment to its regulations, effective immediately, that revised the charges for copying records available in the NRC's Public Document Room.

### **Conduct of Employees; Minor Amendments - Part 0**

On June 21, 1985 (50 FR 25697), the NRC published an amendment to its standards of conduct for employees. The amendment, effective immediately, codifies provisions of the Ethics in Government Act of 1978 relating to the reporting of assets by senior NRC officials. This amendment also makes several additional minor changes to the regulations governing the communication of scientific or technological information to the NRC by former employees, the acceptance of gifts, meals, and entertainment from foreign governments, and the publication of the prohibited securities list.

### **Public Records; Freedom of Information Act; Granting Appeals - Part 9**

On July 2, 1985 (50 FR 27214), the NRC published an amendment to its Freedom of Information Act (FOIA) regulations. The amendment, effective July 1, 1985, provides that appeals from an initial denial of a FOIA request be decided by the Secretary of the

Commission, with the advice and concurrence of the Office of the General Counsel, instead of being decided by the Commission.

### **Disposal of High-Level Radioactive Wastes in Geologic Repositories - Part 60**

On July 22, 1985 (50 FR 29641), the NRC published an amendment to its regulations, effective immediately, for the disposal of high-level radioactive wastes in geologic repositories. This amendment sets out specific criteria for the disposal of high-level radioactive wastes within the unsaturated zone. This action is necessary to assure that NRC regulations address considerations relevant to all geologic repositories.

### **Analysis of Potential Pressurized Thermal Shock Events - Part 50**

On July 23, 1985 (50 FR 29937), the NRC published an amendment to its regulations, effective immediately, for light water nuclear power plants. The amendment establishes a screening criterion related to the fracture resistance of pressurized water reactor vessels during pressurized thermal shock events, requires analyses and schedules for implementation of flux reduction programs that are reasonably practicable to avoid exceeding the screening criterion, and requires that detailed safety operations be performed before plant operation beyond the screening criterion will be considered.

### **Minor Clarifying Amendments; Definitions - Parts 1, 20, and 50**

On August 23, 1985 (50 FR 34085), the NRC published an amendment to its regulations pertaining to the domestic licensing of production and utilization facilities. The amendment, effective immediately, rearranged the definitions section from a listing by alphabetical designators to an undesignated alphabetical listing by term.

### **Physician's Use of Radioactive Drugs - Part 35**

On September 10, 1985 (50 FR 36866), the NRC published an amendment to its regulations that allows medical licensees to use certain radioactive drugs for specified clinical purposes. The amendment, effective immediately, allows the use of specified drugs for particular procedures without requiring a physician or hospital to apply for an amendment to their license.

### **Access to and Protection of National Security Information and Restricted Data - Parts 25 and 95**

On September 11, 1985 (50 FR 36983), the NRC published an amendment to its regulations incorporating an exception to personal security background investigation requirements for access to certain Communications Security information. The amendments, effective October 11, 1985, also provide a procedure to ensure that a licensee obtains prior NRC approval before making any substantive changes to the licensee's security plan.

## **Procedures for Production or Disclosure of Records or Information in Response to Subpoenas or Demands of Courts or Other Authorities - Part 9**

On September 17, 1985 (50 FR 37642), the NRC published an amendment to its regulations that prescribes procedures for the production of documents or the disclosure of information in response to subpoenas or demands of courts or other judicial or quasi-judicial authorities in State and Federal proceedings. The amendment, effective October 17, 1985, clarifies Commission procedures regarding subpoenas or other judicial or quasi-judicial demands on NRC employees to produce NRC records or disclosure information and ensures that the responsibility for determining the response to the demands is placed on the appropriate Commission official.

## **Revision of Backfitting Process for Power Reactors - Parts 2 and 50**

On September 20, 1985 (50 FR 38097), the NRC published an amendment to its regulations concerning "backfitting," a process which can include both plant specific and generic changes applied to one or more classes of power reactors. The amendment, effective October 21, 1985, establishes standards and an agency discipline for the future management of backfitting for power reactors.

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

On September 26, 1985 (50 FR 38970), the NRC published an amendment to its regulations incorporating by reference the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda, and 1983 Edition of Section III, Division I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) and the Winter 1982 Addenda, Summer 1983 Addenda, and 1983 Edition of Section XI, Division I of the ASME Code. The amendment, effective October 28, 1985, permits the use of improved methods for construction and inservice inspection of nuclear power plants.

## **Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material - Part 11**

On September 27, 1985 (50 FR 39076), the NRC published an amendment to its regulations allowing the use of information on file with the Federal government for individuals possessing current active clearances based on equivalent investigations. The amendment, effective October 28, 1985, applies to initial special nuclear material "U" and "R" access authorization applications and for the renewal of "U" access authorizations. The amendment eliminates unnecessary administrative and investigative costs to licensees for affected individuals and reduces NRC administrative costs.

## **REGULATIONS AND AMENDMENTS PROPOSED**

### **Industrial Radiography Radiation Surveys and Licensee's Performance Inspection Program - Part 34**

On October 4, 1984 (49 FR 39168), the NRC published a notice of proposed rulemaking that would amend its regulations pertaining to industrial radiography. The proposed rule would require that an industrial radiography licensee perform an additional survey of any radiography device any time the device is put into storage and maintain a record of this storage survey in place of the previously required record of the survey of the device made after the last exposure. The proposed rule would also require that each license application describe the program the licensee will use to evaluate the performance of each radiographer and radiographer's assistant at intervals not exceeding 3 months to ensure that they are following the Commission's regulatory requirements and the licensee's operating and emergency procedures.

### **Changes in Property Insurance Requirements for NRC Licensed Nuclear Power Plants - Part 50**

On November 8, 1984 (49 FR 44645), the NRC published a notice of proposed rulemaking that would amend regulations requiring that licensees maintain substantial amounts of on-site property insurance to assist in the decontamination of their licensed reactors. The proposed rule would increase the amount of insurance required and impose a decontamination priority on any proceeds from the insurance.

### **Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards - Part 40**

On November 26, 1984 (49 FR 46418), the NRC published a notice of proposed rulemaking that would amend its regulations governing the disposal of uranium mill tailings. The proposed changes are intended to conform existing NRC regulations to the regulations published by the Environmental Protection Agency for the protection of the environment from these wastes.

### **Operator's Licenses and Conforming Amendments - Parts 50 and 55**

On November 26, 1984 (49 FR 46428), the NRC published a notice of proposed rulemaking concerning its operator licensing regulations. The proposed rule would (1) clarify the regulations for the issuance of licenses to operators and senior operators; (2) revise the requirements and scope of written examinations and operating tests for operators and senior operators including a requirement for a simulation facility; (3) codify procedures for the administration of requalification examinations; and (4) describe the form and content for operator license applications.

### **Revision of Backfitting Process for Power Reactors - Parts 2 and 50**

On November 30, 1984 (49 FR 47034), the NRC published a notice of proposed rulemaking that addresses the "backfitting" issue. The proposed rule would establish

requirements for the long-term management of its review process for the implementation of new regulatory requirements on power reactors.

### **Emergency Planning and Preparedness for Production and Utilization Facilities - Part 50**

On December 21, 1984 (49 FR 49640), the NRC published a notice of proposed rulemaking that would amend its regulations concerning emergency planning and preparedness for nuclear power reactors. The proposed regulations would make previous Commission rulings that consideration of potential impacts of earthquakes an emergency planning for nuclear reactor sites is not required explicit in its regulations.

### **Criteria for Reopening Records in Formal Licensing Proceedings - Part 2**

On December 27, 1984 (49 FR 50189), the NRC published a notice of proposed rulemaking that would codify NRC case law criteria for reopening a closed evidentiary record in a formal licensing proceeding and would further specify the documentary bases for motions to reopen. The proposed rule is intended to facilitate proper and timely consideration of motions by adjudicatory boards while maintaining fairness to all other parties to a proceeding.

### **Disposal of High-Level Radioactive Waste in Geologic Repositories; Amendments to Licensing Procedures - Part 60**

On January 17, 1985 (50 FR 2579) the NRC published a notice of proposed rulemaking that would revise procedures with respect to NRC reviews of license applications for disposal of high-level radioactive waste in geologic repositories. The proposed revisions reflect provisions of the Nuclear Waste Policy Act of 1982 relating to site characterization and the participation of States and Indian tribes in the process of siting, licensing, and developing disposal facilities.

### **Decommissioning Criteria for Nuclear Facilities - Parts 30, 40, 50, 51, 70 and 72**

On February 11, 1985 (50 FR 5600), the NRC published a notice of proposed rulemaking that would set forth technical and financial criteria for decommissioning licensed facilities. The proposed rule is intended to ensure that all licensed facilities will be decommissioned in a safe and timely manner and that adequate licensee funds will be available for decommissioning.

### **Access to and Protection of National Security Information and Restricted Data - Parts 25 and 95**

On March 13, 1985 (50 FR 10064), the NRC published a notice of proposed rulemaking that would amend its regulations to incorporate a recently approved exception to the personnel security background investigation for access to certain Communications Security information. The proposed rule would also provide a procedure to ensure that a licensee obtains prior NRC approval before making any substantive changes to the licensee's security plan.

## **Communications Procedures Amendments - Part 50**

On March 26, 1985 (50 FR 11884), the NRC published a notice of proposed rulemaking that would establish procedures for submitting correspondence, reports, applications, or other written communications concerning the domestic licensing of production and utilization facilities. The proposed changes are intended to resolve problems that have developed in the submission of applications and reports by indicating the correct mailing address for written communications and specifying the number of copies required to facilitate NRC action.

## **Licenses and Radiation Safety Requirements For Well-Logging Operations - Parts 19, 20, 21, 30, 39, 40, 51, 70, 71, and 150**

On April 8, 1985 (50 FR 13797), the NRC published a notice of proposed rulemaking that would specify radiation safety requirements for the use of licensed material in well-logging operations. The proposed rule is intended to consolidate regulations applicable to well-logging operations, provide uniform safety requirements in NRC and Agreement State regulations, and reduce the risks of accidents involving the rupture of a radioactive source in well-logging operations.

## **Criteria for an Extraordinary Nuclear Occurrence - Part 140**

On April 9, 1985 (50 FR 13978), the NRC published a notice of proposed rulemaking that would revise the criteria for an "extraordinary nuclear occurrence". The proposed rule is intended to simplify the administrative criteria used in making an extraordinary nuclear occurrence determination and avoid the problems encountered by applying the existing criteria to the accident at Three Mile Island.

## **Physician's Use of Radioactive Drugs - Part 35**

On April 22, 1985 (50 FR 15752), the NRC published a notice of proposed rulemaking that would amend its regulations to allow medical licensees to use certain radioactive materials for specified clinical procedures. The proposed rule would allow the use of specified drugs for particular procedures without requiring a physician or hospital to apply for an amendment to their license.

## **Specific Exemptions - Part 50**

On April 26, 1985 (50 FR 16056) the NRC published a notice of proposed rulemaking that would clarify the standards that will be applied by the Commission when it considers whether to grant exemptions from the regulatory requirements codified in 10 CFR Part 50.

## **Material Balance Reports - Parts 40, 70, and 150**

On May 10, 1985 (50 FR 19695), the NRC published a notice of proposed rulemaking concerning the submission of source material and special nuclear material inventory reports. The proposed rule would reduce the reporting burden for specific licensees without adversely affecting the domestic safeguards program or the ability to satisfy existing international commitments.

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

On May 17, 1985 (50 FR 20574), the NRC published a notice of proposed rulemaking that would incorporate by reference the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda, and 1983 Edition of Section III, Division I, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) and the Winter 1982 Addenda, Summer 1983 Addenda, and 1983 Edition of Section XI, Division I of the ASME Code. The proposed rule would permit the use of improved methods for construction and inservice inspection of nuclear power plants.

## **Adjudications; Special Procedures for Resolving Conflicts Concerning the Disclosure or Nondisclosure of Information - Part 2**

On May 22, 1985 (50 FR 21072), the NRC published a notice of proposed rulemaking that would amend its rules of practice. The proposed rule would provide special procedures for resolving conflicts concerning the disclosure or nondisclosure of information relating to an NRC investigation or inspection not yet concluded or which would reveal the identity of a confidential informant considered relevant and material to an adjudication.

## **Modification of General Design Criterion 4 Requirements for Protection Against Dynamic Effects of Postulated Pipe Ruptures - Part 50**

On July 1, 1985 (50 FR 27006), the NRC published a notice of proposed rulemaking that would modify General Design Criterion 4 to allow demonstration of piping integrity by analyses to serve as a basis for excluding dynamic effects associated with certain pipe ruptures. These analyses constitute what is commonly referred to as the "leak before break" concept.

## **Medical Use of Byproduct Material - Parts 30, 31, 32, 35, and 40**

On July 26, 1985 (50 FR 30616), the NRC published a notice of proposed rulemaking that would modify the process for licensing and regulating the medical use of radioactive byproduct material. The proposed rule would consolidate and clarify the essential radiation safety requirements applicable to the medical uses of byproduct materials. The proposed rule would also provide licensees flexibility in the updating of their day-to-day radiation safety procedures.

## **Minor Clarifying Amendments - Part 9**

On August 1, 1985 (50 FR 31192), the NRC published a notice of proposed rulemaking that would clarify its regulations pertaining to the availability of records under the Freedom of Information Act by conforming them to reflect existing case law and long-standing agency practice. The proposed rule would also conform reproduction costs charged at the Public Document Room and other NRC offices for publicly available documents.

## **Changes to Safeguards Reporting Requirements - Parts 70, 72, 73, and 74**

On August 27, 1985 (50 FR 34708), the NRC published a notice of proposed rulemaking that would clarify reporting requirements for NRC licensees and would improve the NRC safeguards event data base by requiring more uniform safeguards event reports. The proposed rule would eliminate unnecessary reporting and result in a more uniform and detailed reporting and data analysis system which will provide feedback to the industry for improving safeguards systems.

## **ADVANCE NOTICES OF PROPOSED RULEMAKING**

### **Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues - Part 40**

On November 26, 1984 (49 FR 46425), the NRC published an advance notice of proposed rulemaking announcing its intent to consider further amendments to its uranium mill tailings regulations. This future rulemaking proceeding is intended to incorporate ground water protection provisions and other requirements established by the Environmental Protection Agency for similar hazardous wastes into NRC regulations.

### **Financial Responsibility Requirements Applicable to NRC Licensees for Cleanup of Accidental and Unexpected Releases of Radioactive Materials - Parts 30, 40, 61, 70, and 72**

On June 7, 1985 (50 FR 23960), the NRC published an advance notice of proposed rulemaking announcing its intent to consider requiring certain materials licensees to demonstrate that they possess adequate financial means to pay for cleanup of accidental releases of radioactive materials. This document invites advice and recommendations on the scope of this potential rulemaking, as well as the availability and cost to licensees of the various forms of financial assurance.

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

On September 19, 1985 (50 FR 38011), the NRC published a document withdrawing an advance notice of proposed rulemaking requesting comments on a suggested requirement that all industrial radiographers be certified by a third party approved by the NRC.