

## **REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 1986**

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

On October 9, 1985 (50 FR 41127), the NRC published an amendment to its regulations pertaining to the availability of records under the Freedom of Information Act to clarify and conform them to existing case law and to reflect long-standing agency practice. The amendment, effective immediately, also conformed the reproduction costs for Privacy Act records to costs currently charged at the NRC's Public Document Room and other NRC offices for publicly available documents.

### **Regional Licensing Program; Fort St. Vrain Nuclear Generating Station - Part 50**

On October 9, 1985 (50 FR 41128), the NRC published an amendment to its regulations concerning the domestic licensing of utilization facilities to reflect the NRC's regional licensing program. The amendment, effective October 4, 1985, states that authority and responsibility for implementing NRC's nuclear reactor licensing program pertaining to the Fort St. Vrain Nuclear Generating Station will be carried out by the Director of Nuclear Reactor Regulation.

### **Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors - Parts 2 and 72**

On October 15, 1985 (50 FR 41662), the NRC amended its regulations, effective November 14, 1985, to implement Section 134 of the Nuclear Waste Policy Act of 1982. The Act permits the use of a modified hearing process in certain contested proceedings on an application for a license or license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. The amendment changes existing agency practice by employing less formal procedures in the early stage of the hearing process and by designating only genuine and substantial issues for resolution in an adjudicatory hearing.

### **Uranium Mill Tailing Regulations: Conforming NRC Requirements to EPA Standards - Parts 40 and 150**

On October 16, 1985 (50 FR 41852), the NRC published an amendment to its regulations governing the disposal of uranium mill tailings. The regulation, effective November 15, 1985, conforms existing NRC regulations to the regulations published by the Environmental Protection Agency for the protection of the environment from these wastes.

### **Statement of Organization and General Information - Part 1**

On October 18, 1985 (50 FR 42145), the NRC published an amendment to its regulations, effective immediately, that granted additional rulemaking authority to its Executive Director for Operations.

### **General Statement of Policy and Procedure for Enforcement Actions - Part 2**

On November 20, 1985 (50 FR 47716), the NRC published an amendment to the regulations that describes the agency's enforcement policy. The amendment, effective February 18, 1986, describes how the enforcement policy applies to vendors of products or services that

are supplied to the nuclear industry for ultimate use in facilities or activities that are licensed by the NRC.

### **Miscellaneous Amendments - Part 9**

On December 10, 1985 (50 FR 50283), the NRC published an amendment to its regulations pertaining to public records. The amendment, effective immediately, indicates that Executive Order 12356 governs classified documents and removes references to a defunct NRC Committee.

### **Specific Exemptions; Clarification of Standard - Part 50**

On December 12, 1985 (50 FR 50764), the NRC published an amendment to its regulations for the licensing of production and utilization facilities. The amendment, effective January 13, 1986, clarifies the standards applied by the NRC when it considers whether to grant an exemption from the requirements set out in 10 CFR Part 50.

### **Limiting the Use of Highly Enriched Uranium in Domestically Licensed Research and Test Reactors - Part 50**

On February 25, 1986 (51 FR 6514), the NRC published an amendment to its regulations that limits the use of highly enriched uranium (HEU) fuel in domestically licensed research and test reactors (non-power reactors). The amendment, effective March 27, 1986, generally requires that newly licensed non-power reactors use low enriched uranium (LEU) fuel and, contingent on Federal funding for conversion costs, that licensees of existing non-power reactors replace HEU fuel with LEU fuel. The amendment is intended to reduce the risk of theft or diversion of HEU fuel used in non-power reactors.

### **Final Procedures and Standards on No Significant Hazards Considerations - Parts 2 and 50**

On March 6, 1986 (51 FR 7744), the NRC published an amendment to its regulations providing procedures under which the agency normally would give notice of opportunity for a hearing on applications it receives to amend operating licenses for nuclear power reactors and testing facilities and prior notice and reasonable opportunity for comment on proposed determinations about whether these amendments involve no significant hazards considerations. The amendments, effective May 5, 1986, also specify criteria for dispensing with prior notice and opportunity for comment if emergency conditions exist, for shortening the comment period if exigent circumstances exist, and for furnishing procedures for consultation with the State in which the facility requesting the amendment is located.

### **Material Balance Reports of Source Material and Special Nuclear Material - Parts 40, 51, 74, and 150**

On March 21, 1986 (51 FR 9763), the NRC published an amendment to its regulations concerning the submission of material balance inventory reports. The final rule, effective April 21, 1986, eliminates the requirement to submit a statement of material balance for U.S. origin source material for all licenses except those reporting under the US/IAEA Safeguards

Agreement. The final rule also eliminates the requirement to report the composition of ending inventory for all except nuclear reactor licensees and licensees reporting under the Agreement.

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

On April 11, 1986 (51 FR 12502), the NRC published an amendment to its regulations, effective May 12, 1986, modifying General Design Criterion 4 of Appendix A to Part 50. The amendment allows the use of leak-before-break technology for excluding from the design basis the dynamic effects of postulated ruptures in primary coolant loop piping in pressurized water reactors.

### **Licensing Requirements for the Export of Nuclear Equipment and Material - Part 110**

On April 14, 1986 (51 FR 12598), the NRC published an amendment to its regulations, effective immediately, pertaining to the export of nuclear equipment and material. The amendment requires certain holders of export licenses to notify the Commission, in writing, at least 40 days prior to exporting Canadian-origin nuclear material or equipment. The amendment also expands the general license for byproduct material to cover the export of americium-241 contained in industrial process control equipment and updates the list of countries in the provisions setting out restricted destinations.

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

On May 30, 1986 (51 FR 19535), the NRC published an amendment to its regulations, effective June 30, 1986, that codified and refined NRC case law criteria for reopening a closed evidentiary record in a formal licensing proceeding. The amendment will ensure that no uncertainty exists concerning requirements for a motion to reopen a record and will facilitate proper and timely consideration of motions to reopen by an adjudicatory board.

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

On June 16, 1986 (51 FR 21736), the NRC published an amendment to its regulations concerning industrial radiography. The amendment, effective July 16, 1986, requires industrial radiography licensees to perform an additional survey of a radiography device at the time the device is put into storage and to record the results of the time-of-storage survey in place of the previous requirement to record the last-use survey. The amendment also requires each applicant for a radiography license to describe the program it will use to evaluate the safety performance of each radiographer and radiographer's assistant.

### **Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs - Part 4**

On June 23, 1986 (51 FR 22880), the NRC published an amendment to its regulations requiring that the NRC ensure nondiscrimination against qualified handicapped persons in programs or activities it conducts. The amendment, effective August 22, 1986, sets forth standards for what constitutes discrimination on the basis of handicap, provides a definition of

handicapped person and qualified handicapped person, and establishes a complaint mechanism for resolving allegations of discrimination.

### **Disposal of High-Level Radioactive Wastes in Geologic Repositories: Amendments to Licensing Procedures - Parts 2 and 60**

On July 30, 1986 (51 FR 27158), the NRC published an amendment to its regulations applicable to the disposal of high-level radioactive wastes in geologic repositories. The amendments, effective August 29, 1986, deal with the procedural aspects of site characterization and the participation of States and Indian Tribes.

### **Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants - Parts 50 and 73**

On August 4, 1986 (51 FR 27817), the NRC published an amendment to its regulations, effective September 3, 1986, that provides a more safety conscious safeguards system for the physical protection of nuclear power plants. The revised requirements include refined policy on vital area access controls, authority to suspend safeguards measures during safety emergencies, protection of certain security equipment, and key and lock controls.

### **Searches of Individuals at Power Reactor Facilities - Part 73**

On August 4, 1986 (51 FR 27822), the NRC amended its requirements for entry searches at power reactor facilities, effective September 3, 1986. The amendment requires equipment searches of all individuals, except on-duty law enforcement officers, seeking access to protected areas and pat-down searches when detection equipment fails or cause for suspicion exists.

### **Licensing Requirements for the Export of Tritium - Part 110**

On August 4, 1986 (51 FR 27825), the NRC published an amendment to its regulations concerning the export of tritium under a general license. The amendment, effective immediately, imposes more restrictive limits on the amount of dispersed tritium which can be contained in luminescent light sources and other items exported under the general license.

### **Radioactive Waste Below Regulatory Concern; Policy Statement - Part 2**

On August 29, 1986 (51 FR 30839), the NRC published a policy statement, codified as Appendix B to Part 2, concerning the expeditious handling of petitions for rulemaking requesting that a specific waste stream be exempted from disposal in a low-level waste disposal facility. The policy statement, effective October 27, 1986, and the accompanying staff implementation plan describe the information petitioners should file and the decision criteria and administrative procedures the Commission will use to act on the petition in an expeditious manner.

## **Annual Fee for Power Reactor Operating Licenses and Conforming Amendment - Parts 51 and 171**

On September 18, 1986 (51 FR 33224), the NRC published an addition to its regulations, effective October 20, 1986, that imposes an annual fee on power reactors with operating licenses. The annual fee will recover allowable NRC budgeted costs for providing regulatory services to power reactors with operating licenses and will not alter the existing fee schedule under 10 CFR Part 170.

## **REGULATIONS AND AMENDMENTS PROPOSED**

### **Standards for Production Against Radiation - Parts 10, 20, 30, 31, 32, 34, 40, 50, 61, and 70**

On December 20, 1985 (50 FR 51992), the NRC published a notice of proposed rulemaking that would revise its regulations that set out requirements for the protection of individuals exposed to ionizing radiation from routine activities licensed by the NRC. The proposed rule is intended to improve NRC radiation protection standards by reflecting developments in the principles that underlie radiation protection and advances in related sciences since the current regulations were promulgated nearly thirty years ago. Because of numerous typesetting errors, this document was republished in its entirety on January 9, 1986 (50 FR 1092).

### **Station Blackout - Part 50**

On March 21, 1986 (51 FR 9829), the NRC published a notice of proposed rulemaking that would require that light-water-cooled nuclear power reactors be capable of withstanding a total loss of alternating current (AC) electric power for a specified period and maintaining reactor core cooling during that period.

### **Revision to Ex Parte and Separation of Function Rules Applicable to Formal Adjudicatory Proceedings - Parts 0 and 2**

On March 26, 1986 (51 FR 10393), the NRC published a notice of proposed rulemaking that would amend its regulations dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions in formal agency proceedings. The proposed rule would update agency rules of practice and incorporate requirements imposed by the Government in the Sunshine Act.

### **Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste - Parts 2, 19, 20, 21, 51, 70, 72, 73, 75, and 150**

On May 27, 1986 (51 FR 19106), the NRC published a notice of proposed rulemaking that would subject monitored retrievable storage facilities for spent nuclear fuel and high-level radioactive waste to NRC licensing requirements if Congress approves construction of such a facility. The proposed action is necessary for the NRC to have the regulations required by the Nuclear Waste Policy Act of 1982 in place in a timely manner.

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

On June 19, 1986 (51 FR 22288), the NRC published a notice of proposed rulemaking that would amend its regulations for the disposal of high-level radioactive wastes in geologic repositories. The proposed rule would conform existing NRC regulations to the environmental standards for management and disposal of high-level radioactive wastes issued by the Environmental Protection Agency by incorporating the substantive requirements of the environmental standards into NRC's regulations.

## **Bankruptcy Filing; Notification Requirements - Parts 30, 40, 50, 61, 70, and 72**

On June 20, 1986 (51 FR 22531), the NRC published a notice of proposed rulemaking that would require a licensee to inform the NRC in the event that the licensee is involved in a bankruptcy proceeding. The proposed rule is needed because a licensee's severe financial condition could affect its ability to handle licensed radioactive material and because the NRC must be aware of the situation so that appropriate measures to protect public health and safety can be taken.

## **Annual Fee for Nuclear Power Reactors Operating Licenses or Applications and Major Materials Licenses and Conforming Amendment - Parts 51 and 171**

On July 1, 1986 (51 FR 24078), the NRC published a notice of proposed rulemaking that would prescribe an annual fee for all persons who have applied for or hold a license to operate a nuclear power reactor and for major materials licensees. The annual fee would recover allowable NRC budgeted costs for reactor-related and certain materials-related regulatory services.

## **Rules of Practice for Domestic Licensing Proceedings - Procedural Changes in the Hearing Process - Part 2**

On July 3, 1986 (51 FR 24365), the NRC published a notice of proposed rulemaking that would make procedural changes in the hearing process that are intended to improve nuclear power plant licensing. The proposed rule would address the admission of contentions, discovery against the NRC staff, use of cross-examination plans, timing of motions for summary disposition, and limitations on intervenors' filings of proposed findings of fact, conclusions of law, and appellate briefs.

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

On July 8, 1986 (51 FR 24697), the NRC published a notice of proposed rulemaking that would amend its regulations governing the disposal of uranium mill tailings. The proposed amendments are intended to incorporate the ground-water protection regulations published by the Environmental Protection Agency into existing NRC regulations. This action is taken in order to comply with the statutory requirement that NRC conform its regulations to EPA standards.

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

On July 23, 1986 (51 FR 26393), the NRC published a notice of proposed rulemaking that would expand the scope of a previous amendment concerning the protection of structures, systems, and components important to safety against dynamic effects from postulated pipe ruptures. The proposed rule, which would cover all high energy piping in all nuclear power plants, is based on the results of recent research and insights from probabilistic risks analyses.

## **ADVANCE NOTICES OF PROPOSED RULEMAKING**

### **Degree Requirements for Senior Operators at Nuclear Power Plants - Parts 50 and 55**

On May 30, 1986 (51 FR 19561), the NRC published an advance notice of proposed rulemaking to request public comment on a contemplated amendment to its regulations that would require an applicant for a license as a Senior Operator of a nuclear power plant to hold a baccalaureate degree in engineering or the physical sciences from an accredited institution.

### **Seismic and Geologic Siting Criteria for Nuclear Power Plants; Reassessment of Current Criteria - Part 100**

On August 25, 1986 (51 FR 30224), the NRC published a notice to request public comment and announce a public meeting on the initiation of its reassessment of the current seismic and geologic siting criteria for nuclear power plants.