

REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 1989

Licensee Announcements of Inspectors - Part 50

On October 25, 1988 (53 FR 42939), the NRC published an amendment to its regulations to ensure that the presence of NRC inspectors on nuclear power reactor sites is not widely communicated or broadcast to licensee and contractor personnel without the expressed request to do so by the inspector. The amendment, effective immediately, will allow the NRC inspectors, badged at the facility, to observe ongoing activities as they are being performed without advanced notification of the inspection to licensee and contractor personnel.

Relocation of NRC's Public Document Room; Other Minor Nomenclature Changes - Parts 1, 2, 7, 9, 15, 19, 20, 21, 30, 35, 40, 50, 51, 53, 55, 60, 61, 70, 71, 72, 73, 74, 75, 81, 100, 110, 140, 150, 170, and 171

On October 27, 1988 (53 FR 43419), the NRC published an amendment to its regulations to indicate that its Public Document Room has moved to a new location in the District of Columbia. These amendments, effective immediately, also make minor nomenclature changes in NRC organization to reflect new internal organizational titles.

Safeguards Requirements for Fuel Facilities Possessing Formula Quantities of Strategic Special Nuclear Material - Parts 2, 70, and 73

On November 10, 1988 (53 FR 45447), the NRC published an amendment to its physical protection and security personnel performance regulations and its design basis threat for fuel facilities possessing formula quantities of strategic special nuclear material to require protection equivalent to that in place at comparable Department of Energy fuel facilities. The amendment, effective December 12, 1988, provides greater assurance that physical protection measures at these fuel facilities provide adequate protection against theft.

Alternative Method for Leakage Rate Testing - Part 50

On November 15, 1988 (53 FR 45890), the NRC published an amendment to its regulations, effective immediately, to modify the requirements applicable to the leakage testing of containments of light-water-cooled nuclear power plants.

Revision of Fee Schedules - Parts 170 and 171

On December 29, 1988 (53 FR 52632), the NRC published an amendment to its regulations that revises its fee schedules contained in 10 CFR Parts 170 and 171. As a result of the amendment, effective January 30, 1989, the power reactor, fuel cycle facility, and materials applicants and licensees who require the greatest expenditure of NRC resources will pay the greatest fees.

Reorganization of Functions Within the Office of Administration and Resources Management and Minor Corrective Amendments - Parts 1, 2, 9, and 73

On December 30, 1988 (53 FR 52993), the NRC published an amendment to its regulations to codify nomenclature changes required by a reorganization of NRC staff activities within the Office of Administration and Resources Management. The amendments, effective

immediately, are necessary to reflect the reorganization of functions reporting to the Deputy Director for Administration.

Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities - Part 62

On February 3, 1989 (54 FR 5409), the NRC published an amendment to its regulations, effective March 6, 1989, establishing criteria and procedures for fulfilling its responsibilities associated with acting on requests by low-level radioactive waste generators, or State officials on behalf of those generators, for emergency access to operating, non-Federal or regional, low-level radioactive waste disposal facilities under section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

Centralization of Material Control and Accounting Licensing and Inspection Activities for Non-Reactor Facilities - Parts 70 and 74

On February 15, 1989 (54 FR 6876), the NRC published an amendment to its regulations, effective immediately, to reflect a management action to centralize material control and accounting licensing and inspection activities in NRC Headquarters, Rockville, Md., for non-reactor facilities.

Licensee Action During National Security Emergency - Part 50

On February 17, 1989 (54 FR 7178), the NRC published an amendment to its regulations to allow a licensee to take action that departs from approved technical specifications in a national security emergency. The amendment, effective March 20, 1989, is necessary to specify in the regulations that for a national security emergency a licensee is permitted to take a needed action although it may deviate from technical specifications.

Issuance or Amendment of Power Reactor License or Permit Following Initial Decision - Part 2

On February 23, 1989 (54 FR 7756), the NRC published an amendment to its regulations that specifies when a license, permit, or amendment can be issued following an initial adjudicatory decision resolving all issues before the presiding officer in favor of authorizing the licensing action. The amendment, effective March 27, 1989, deletes outdated language in the existing regulation emanating from Three Mile Island-related regulatory policies upon which action has now been completed. This action is necessary to clarify existing procedures.

Informal Hearing Procedures for Materials Licensing Adjudications - Part 2

On February 28, 1989 (54 FR 8269), the NRC published an amendment to its regulations, effective March 30, 1989, to provide rules of procedure for the conduct of informal adjudicatory hearings in materials licensing proceedings. The Atomic Energy Act of 1954 requires that the NRC afford an interested person, upon request, a "hearing" in any proceeding for the granting, suspending, revoking, or amending of an NRC license, including a license involving source, byproduct, and special nuclear materials.

Freedom of Information Act; Appeal Authority for Deputy Executive Director - Part 9

On March 10, 1989 (54 FR 10138), the NRC published an amendment to its regulations to reflect the reorganization within the Office of the Executive Director for Operations. This amendment, effective immediately, will permit a Deputy Executive Director to respond to Freedom of Information Act appeals in lieu of the Executive Director for Operations.

Extension of Time for the Implementation of the Decontamination Priority and Trusteeship Provisions of Property Insurance Requirements - Part 50

On March 17, 1989 (54 FR 11161), the NRC published an amendment to its regulations, effective immediately, amending the implementation schedule to change the effective date for the stabilization and decontamination priority and trusteeship provisions of its property insurance regulations.

Flow Control Conditions for the Standby Liquid Control System in Boiling Water Reactors - Part 50

On April 3, 1989 (54 FR 13361), the NRC published an amendment to its regulations to set forth conditions and considerations for determining reactivity control capacity for boiling water reactor standby liquid control systems. The changes, effective May 3, 1989, are necessary to clarify existing regulations.

Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees - Parts 30, 40, and 70

On April 7, 1989 (54 FR 14051), the NRC published an amendment to its regulations to require approximately 30 major NRC fuel cycle and other radioactive material licensees to maintain emergency plans for coping with serious accidents involving licensed radioactive materials for which responses by off-site response organizations (such as police, fire, and medical organizations) might be needed. This action, effective April 7, 1990, is intended to ensure that these licensees are prepared to take action to protect public health and safety if an accident occurs.

Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-Level Radioactive Waste - Part 2

On April 14, 1989 (54 FR 14925), the NRC published an amendment to its rules of practice for the adjudicatory proceeding on the application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to 10 CFR Part 60. This action, effective May 15, 1989, establishes the basic procedures for the licensing proceeding, including procedures for the use of the Licensing Support System, an electronic information management system, in the proceeding.

Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors - Parts 2, 50, 51, 52, and 170

On April 18, 1989 (54 FR 15372), the NRC published an amendment to its regulations adding a new part which provides for issuance of early site permits, standard design certifications, and combined construction permits and operating licenses with conditions for nuclear power reactors. This action, effective May 18, 1989, is intended to achieve the early resolution of licensing issues and enhance the safety and reliability of nuclear power plants.

Access to Safeguards Information - Part 73

On April 25, 1989 (54 FR 17703), the NRC published an amendment to its regulations for access to Safeguards Information to be consistent with "The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986." The Act requires nuclear power reactor applicants and licensees to conduct Federal Bureau of Investigation criminal history checks of certain individuals with access to information protected as Safeguards Information. This action, effective May 25, 1989, is necessary to ensure that applicable NRC regulations reflect this requirement.

Disposal of Radioactive Wastes - Part 61

On May 25, 1989 (54 FR 22578), the NRC published an amendment to its regulations to require disposal of greater-than-Class C (GTCC) low-level radioactive wastes in a deep geologic repository unless disposal elsewhere has been approved by the Commission. This action, effective June 26, 1989, is necessary to ensure that GTCC wastes are disposed of in a manner that would protect the public health and safety and eliminate the need for altering existing classifications of radioactive wastes as high-level or low-level.

Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments Necessitated By Changes in the Price-Anderson Act - Part 140

On June 6, 1989 (54 FR 24157), the NRC published an amendment to its regulations to conform to changes made to the Price-Anderson Act by "The Price-Anderson Amendments Act of 1988," which was enacted on August 20, 1988. The NRC is also amending its regulations to increase the level of the primary layer of financial protection required of certain indemnified licensees. These amendments, effective July 1, 1989, would provide additional insurance to pay public liability claims arising out of a nuclear incident.

Fitness-For-Duty Programs - Parts 2 and 26

On June 7, 1989 (54 FR 24468), the NRC published an amendment to its regulations to require licensees authorized to construct or operate nuclear power reactors to implement a fitness-for-duty program. This amendment, effective July 7, 1989, is intended to create an environment which is free of drugs and the effects of such substances.

Manner of Service of Pleadings Upon the Secretary of the Commission - Part 2

On June 26, 1989 (54 FR 26730), the NRC published an amendment to its regulations that requires all parties in NRC proceedings to file copies of all pleadings filed with any agency adjudicatory tribunal with the Office of the Secretary in the same or equivalent manner in which they were filed with the tribunal. This amendment, effective July 26, 1989, will result in the Office of the Secretary receiving the pleading on approximately the same day as the tribunal.

Advisory Committees; Policies and Procedures - Part 7

On June 27, 1989 (54 FR 26947), the NRC published an amendment to its regulations that defines the policies and procedures to be followed by the NRC in the establishment, utilization, and termination of advisory committees. This amendment, effective immediately, is intended to reflect administrative and management changes that have taken place since NRC's regulations were published in 1975 and to maintain consistency between NRC regulations and those issued by the General Services Administration in 1987.

NEPA Review Procedures for Geologic Repositories for High-Level Waste - Parts 2, 51, and 60

On July 3, 1989 (54 FR 27864), the NRC published an amendment to its regulations to adopt procedures for the implementation of the National Environmental Policy Act with respect to geologic repositories for high-level radioactive waste. In accordance with the Nuclear Waste Policy Act of 1982, as amended, the Commission will adopt, to the extent practicable, the final environmental impact statement prepared by the Department of Energy that accompanies a recommendation to the President for repository development. The amendment, effective August 2, 1989, sets out the standards and procedures that would be used in determining whether adoption of the Department's final environmental impact statement is practicable.

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

On August 11, 1989 (54 FR 33168), the NRC published an amendment to its regulations to improve the hearing process with due regard for the rights of the parties. The amendment, effective September 11, 1989, requires a person seeking to participate as a party in an NRC proceeding to file a list of contentions with the presiding officer together with a brief explanation of the bases for each contention, a concise statement of the alleged facts or expert opinion that support the contention and which, at the time of the filing, the person intends to rely upon in supporting the contention at the hearing, and references to the specific sources and documents of which the person is aware and upon which he or she intends to rely to establish such facts or expert opinions.

Duplication Fees - Part 9

On September 5, 1989 (54 FR 36757), the NRC published an amendment to its regulations to revise 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.

REGULATIONS AND AMENDMENTS PROPOSED

Debt Collection Procedures - Part 15

On October 7, 1988 (53 FR 39480), the NRC published a notice of proposed rulemaking that would amend its regulations concerning the procedures that the NRC uses to collect the debts which are owed to it. The proposed action is intended to allow the NRC to further improve its collection of debts due the United States.

Flow Control Conditions for the Standby Liquid Control System in Boiling Water Reactors - Part 50

On October 24, 1988 (53 FR 41607), the NRC published a notice of proposed rulemaking that would amend its regulations concerning the flow control conditions for the standby liquid control system in a boiling water reactor. The proposed action would set forth conditions and considerations for determining the reactivity control capacity of a BWR standby liquid control system.

Rule on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-Level Radioactive Waste - Part 2

On November 3, 1988 (53 FR 44411), the NRC published a notice of proposed rulemaking that would amend its rules of practice for the adjudicatory proceeding on the application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to 10 CFR Part 60. The proposed revisions would establish the basic procedures for the licensing proceeding, including procedures for the use of the Licensing Support System, an electronic information management system, in the proceeding.

Criteria and Procedures for the Reporting of Defects - Parts 21 and 50

On November 4, 1988 (53 FR 41594), the NRC published a notice of proposed rulemaking that would amend its regulations on the reporting of safety defects. The proposed amendments would eliminate duplicative reporting of defects, clarify the criteria for reporting defects, and would establish uniform time periods for reporting and uniform requirements for the content of reports of defects.

Sequestration of Witnesses Interviewed Under Subpoena - Part 19

On November 14, 1988 (53 FR 45768), the NRC published a notice of proposed rulemaking that would amend its regulations to provide that all persons compelled to appear before NRC representatives under subpoena in connection with an agency investigation (and their counsel, if any) will, unless otherwise authorized by the NRC official conducting the investigation, be sequestered from other interviewees in the same investigation. The proposed

rule is intended to clarify and delineate the rights and responsibilities of the agency, interviewees, and licensees during the conduct of agency investigations and inspections.

Ensuring the Effectiveness of Maintenance Programs for Nuclear Power Plants - Part 50

On November 28, 1988 (53 FR 47822), the NRC published a notice of proposed rulemaking that would amend its regulations to require commercial nuclear power plant licensees to strengthen their maintenance activities in order to reduce the likelihood of failures and events caused by the lack of effective maintenance. The proposed rule would require plant maintenance programs to include specific activities, including the monitoring of the effectiveness of plant maintenance programs.

Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments Necessitated by Changes in the Price-Anderson Act - Part 140

On December 20, 1988 (53 FR 51120), the NRC published a notice of proposed rulemaking that would amend its regulations to conform to changes made to the Price-Anderson Act by "The Price-Anderson Amendments Act of 1988," which was enacted on August 20, 1988. The NRC is also proposing to amend its regulations to increase the level of the primary layer of financial protection required of certain indemnified licensees. This proposed change would provide additional insurance to pay public liability claims arising out of a nuclear incident.

Education and Experience Requirements for Senior Reactor Operators and Supervisors at Nuclear Power Plants - Parts 50 and 55

On December 29, 1988 (53 FR 52716), the NRC published a notice of proposed rulemaking that would amend its regulations concerning operating personnel at nuclear power plants. The proposed amendment would require additional education and experience requirements for senior operators and supervisors. In consideration of the comments received on this proposed rule and the status of industry initiatives to enhance the education level of its operating personnel, the Commission concluded that the proposed rule should be withdrawn. The notice of withdrawal was published in the Federal Register on August 15, 1989 (54 FR 33568).

Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs - Part 4

On March 8, 1989 (54 FR 9966), the NRC published a notice of proposed rulemaking that would amend its regulations concerning enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in Federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards.

Palladium-103 for Interstitial Treatment of Cancer - Part 35

On April 6, 1989 (54 FR 13892), the NRC published a notice of proposed rulemaking that would amend its regulations governing the medical use of byproduct material. This

proposed amendment would add palladium-103 as a sealed source in seeds to the list of brachytherapy sources permitted for use in the treatment of cancer.

Informal Hearing Procedures for Nuclear Reactor Operator Licensing Adjudications - Part 2

On April 26, 1989 (54 FR 17961), the NRC published a notice of proposed rulemaking that would amend its regulations to provide rules of procedure for the conduct of informal adjudicatory hearings in nuclear reactor operator licensing proceedings. This proposed amendment would include reactor operator licensing proceedings under the informal hearing procedures already established for materials licensing proceedings.

Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites - Parts 50, 72, and 170

On May 5, 1989 (54 FR 19379), the NRC published a notice of proposed rulemaking that would amend its regulations to provide, as directed by the Nuclear Waste Policy Act of 1982, for the storage of spent fuel at the sites of power reactors without, to the maximum extent practicable, the need for additional site-specific approvals. This proposed amendment contains criteria for obtaining an NRC Certificate of Compliance for spent fuel storage casks.

Preserving the Free Flow of Information to the Commission - Parts 30, 40, 50, 60, 70, 72, and 150

On July 18, 1989 (54 FR 30049), the NRC published a notice of proposed rulemaking that would amend its regulations governing the conduct of all Commission licensees and license applicants. This proposed rule would prohibit the use of provisions which would inhibit the free flow of safety information to the Commission in agreements related to employment.

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

On August 15, 1989 (54 FR 33570), the NRC published a notice of proposed rulemaking that would amend its regulations that cover the physical protection of special nuclear material. The proposed amendments are necessary to reflect the results of a systematic review of NRC's safeguards regulations.

Credit Checks; Expanded Personnel Security Investigative Coverages - Parts 11, 25, and 95

On September 21, 1989 (54 FR 38863), the NRC published a notice of proposed rulemaking that would amend its regulations to (1) expand the investigative scope for license "R" special nuclear material access authorization and "L" security clearance applicants by adding a credit check; and (2) revise the corresponding fee schedules to recover the additional cost of each credit check. This proposed amendment would achieve a higher degree of assurance that licensee "R" and "L" applicants are reliable, trustworthy, and do not have any significant financial problems which may cause them to be susceptible to pressure, blackmail, or coercion to act contrary to the national interest.

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

On September 26, 1989 (54 FR 39387), the NRC published a notice of proposed rulemaking that would amend its regulations for the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW proceeding). This proposed amendment would facilitate 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, while providing for a thorough technical review of the license application and the equitable treatment of the parties to the hearing.

Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation - Part 51

On September 28, 1989 (54 FR 39765), the NRC published a notice of proposed rulemaking that would amend its regulations concerning its generic determinations on the timing of availability of a geologic repository for commercial high-level radioactive waste and spent fuel and the environmental impacts of storage of spent fuel at reactor sites after the expiration of reactor operating licenses. This proposed amendment reflects proposed findings of the Commission reached in a five-year update and supplement to its 1984 "Waste Confidence" rulemaking proceeding, which was published on September 28, 1989 (54 FR 39767).

ADVANCE NOTICES OF PROPOSED RULEMAKING

Indemnification of Licensees that Manufacture, Produce, Possess, or Use Radiopharmaceuticals or Radioisotopes for Medical Purposes - Part 140

On October 14, 1988 (53 FR 40233), the NRC published a notice of intent establishing the schedule and format for a negotiated rulemaking proceeding. Section 19 of the Price-Anderson Amendments Act of 1988 requires the NRC to conduct a "negotiated rulemaking" to determine whether to enter into indemnity agreements with persons licensed by the Commission or by an Agreement State for the manufacture, production, possession, or use of radioisotopes or radiopharmaceuticals for medical purposes. The convenor of the negotiated rulemaking proceeding recommended that the NRC not extend the Price-Anderson indemnification to radiopharmaceutical licensees, and therefore terminate the rulemaking proceeding. The Federal Register notice terminating this rulemaking proceeding was published in the Federal Register on May 24, 1989 (54 FR 22444).

Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems and Components - Part 50

On March 6, 1989 (54 FR 9229), the NRC published an advance notice of proposed rulemaking (ANPRM) announcing its intent to develop regulations requiring enhanced acceptance procedures including, but not limited to, receipt inspection and testing of products purchased for use in nuclear power plant structures, systems and components. This ANPRM is intended to solicit comments on the need for additional regulatory requirements and to obtain

an improved understanding of alternatives to regulatory requirements that could provide assurance that structures, systems and components procured for use in nuclear power plants will perform as expected to protect public health and safety.