

## **REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 2000**

### **Changes, Tests, and Experiments - Parts 50 and 72**

On October 4, 1999 (64 FR 53582), the NRC published an amendment to its regulations to clarify the specific types of changes, tests, and experiments conducted at a licensed facility or by a certificate holder that require evaluation and to revise the criteria that licensees and certificate holders must use to determine when NRC approval is needed before these changes, tests, and experiments can be implemented. The amendment also adds definitions for terms that have been subject to different interpretations and reorganizes the rule language for clarity. Additionally, the amendment grants, in part, and denies, in part, a petition for rulemaking (PRM-72-3) submitted by Ms. Fawn Shillinglaw on December 9, 1995. The amendments to §§ 72.3, 72.9, 72.24, 72.56, 72.70, 72.80, 72.86, 72.244, 72.246, and 72.248 were effective on February 1, 2000. Sections 50.59, 50.66, 50.71(e), and 50.90 become effective 90 days after issuance of applicable regulatory guidance. Sections 72.48 and 72.212 are effective April 5, 2001.

### **Respiratory Protection and Controls to Restrict Internal Exposures - Part 20**

On October 7, 1999 (64 FR 54543), the NRC published an amendment to its regulations regarding the use of respiratory protection and other controls to restrict intake of radioactive material. The amendment makes the regulations more consistent with the philosophy of controlling the sum of internal and external radiation exposure and reflects current guidance on respiratory protection from the American National Standards Institute. This amendment, effective on February 4, 2000, is consistent with recently effective revisions to the Occupational Safety and Health Administration respiratory protection rule and makes NRC requirements for radiological protection less prescriptive while reducing unnecessary regulatory burden without reducing worker protection.

### **Expand Applicability of Part 72 to Holders of, and Applicants for, Certificates of Compliance - Part 72**

On October 15, 1999 (64 FR 56114), the NRC published an amendment to its regulations to clarify the obligations of holders of, and applicants for, Certificates of Compliance (CoC). This amendment, effective December 14, 1999, enhances the Commission's ability to take enforcement action against these persons when legally binding requirements are violated. This amendment also includes a new section that identifies recordkeeping and reporting requirements for certificate holders and applicants for a CoC.

### **Use of Alternative Source Terms at Operating Reactors - Parts 21, 50, and 54**

On December 23, 1999 (64 FR 71990), the NRC published an amendment to its regulations to allow holders of operating licenses for nuclear power plants to voluntarily replace the traditional source term used in design basis accident analyses with alternative source terms. This amendment, effective January 24, 2000, allows interested licensees to pursue cost-beneficial licensing actions to reduce unnecessary regulatory burden without compromising the margin of safety of the facility.

## **AP600 Design Certification - Part 52**

On December 23, 1999 (64 FR 72002), the NRC published an amendment to its regulations, effective January 24, 2000, to certify the AP600 standard plant design under Subpart B of 10 CFR Part 52.

## **List of Approved Spent Fuel Storage Casks: NAC-MPC Addition - Part 72**

On March 9, 2000 (65 FR 12444), the NRC published an amendment to its regulations to add the NAC International Multi-Purpose Canister cask system to the list of approved spent fuel storage casks. This amendment, effective April 10, 2000, allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

## **List of Approved Spent Fuel Storage Casks: TN-32 Addition - Part 72**

On March 20, 2000 (65 FR 14790), the NRC published an amendment to its regulations to add the Transnuclear TN-32 cask system to the list of approved spent fuel storage casks. This amendment, effective April 19, 2000, allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

## **List of Approved Spent Fuel Storage Casks; Revision, NUHOMS 24-P and NUHOMS 52-B - Part 72**

On March 28, 2000 (65 FR 16299), the NRC published an amendment to its regulations containing the list of approved spent fuel storage cask designs by adding an amended version of Certificate of Compliance Number 1004 to this list. This amendment, effective April 27, 2000, reflects a change of ownership of this certificate from VECTRA Technologies, Inc., to Transnuclear West, Inc., as well as an amendment to the certificate.

## **Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39**

On April 17, 2000 (65 FR 20337), the NRC published an amendment to its regulations dealing with low activity energy compensation sources; tritium neutron generator target sources; specific abandonment procedures in the event of an immediate threat; changes to requirements for inadvertent intrusion on an abandoned source; the codification of an existing generic exemption; and the removal of an obsolete date. This amendment, effective May 17, 2000, also updates the regulations to be consistent with the Commission's metrication policy.

## **List of Approved Spent Fuel Storage Casks: PSNA VSC-24 Revision - Part 72**

On April 27, 2000 (65 FR 24623), the NRC published an amendment to its regulations, effective May 30, 2000, to revise the Pacific Sierra Nuclear Associates VSC-24 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 1 to the Certificate of Compliance. Amendment No. 1 modifies the present cask system design to permit a licensee to store burnable poison rod assemblies in the VSC-24 cask system with the spent fuel under a general license.

### **List of Approved Spent Fuel Storage Casks: TN-68 Addition - Part 72**

On April 28, 2000 (65 FR 24855), the NRC published an amendment to its regulations to add the Transnuclear TN-68 cask system to the list of approved spent fuel storage casks. This amendment, effective May 30, 2000, allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

### **List of Approved Spent Fuel Storage Casks: Holtec HI-STORM 100 Addition - Part 72**

On May 1, 2000 (65 FR 25241), the NRC published an amendment to its regulations to add the HI-STORM 100 cask system to the list of approved spent fuel storage casks. This amendment, effective May 31, 2000, allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

### **Emergency Core Cooling System Evaluation Models - Part 50**

On June 1, 2000 (65 FR 34913), the NRC published an amendment to its regulations to allow holders of operating licenses for nuclear power plants to reduce the assumed reactor power level used in evacuations of emergency core cooling system performance. This amendment, effective July 31, 2000, allows interested licensees to pursue small, but cost-beneficial, power uprates and reduces unnecessary regulatory burden without compromising the margin of safety of a facility.

### **Revision of Fee Schedules; 100% Fee Recovery, FY 2000 - Parts 170 and 171**

On June 12, 2000 (65 FR 36946), the NRC published an amendment to its regulations revising the licensing, inspection, and annual fees charged to its applicants and licensees. This amendment, effective August 11, 2000, is necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended, which mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year 2000, less amounts appropriated from the Nuclear Waste Fund and the General Fund.

### **Elimination of the Requirement for Noncombustible Fire Barrier Penetration Seal Materials and Other Minor Changes - Part 50**

On June 20, 2000 (65 FR 38182), the NRC published an amendment to its regulations to remove the requirement that fire barrier penetration seal materials be noncombustible. This amendment, effective July 20, 2000, removes a requirement that has a negligible contribution to safety and includes editorial changes designed to meet the intent of the Presidential memorandum dated June 1, 1998, entitled "Plain Language in Government Writing."

### **List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P and NUHOMS-52B Revision - Part 72**

On June 22, 2000 (65 FR 38715), the NRC published an amendment to its regulations, effective September 5, 2000, revising the Transnuclear West, Inc., Standardized NUHOMS-24P and NUHOMS-52B cask system listing within the list of approved spent fuel storage casks

to include Amendment No. 2 to the Certificate of Compliance. The companion proposed rule was published in the Federal Register on June 22, 2000 (65 FR 38794).

#### **List of Approved Spent Fuel Storage Casks: VSC-24 Revision - Part 72**

On June 22, 2000 (65 FR 38718), the NRC published an amendment to its regulations, effective September 5, 2000, revising the Pacific Sierra Nuclear Associates VSC-24 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 2 to the Certificate of Compliance. The companion proposed rule was published in the Federal Register on June 22, 2000 (65 FR 58795).

#### **Antitrust Review Authority: Clarification - Parts 2 and 50**

On July 19, 2000 (65 FR 44649), the NRC published an amendment to its regulations, effective August 18, 2000, to limit the types of applications that must include antitrust information. Specifically, because the Commission is not authorized to conduct antitrust reviews of post-operating license transfer applications, or at least is not required to conduct this type of review and has decided that it no longer will conduct them, no antitrust information is required as part of a post-operating license transfer application. This amendment brings the regulations into conformance with the Commission's limited statutory authority to conduct antitrust reviews.

#### **Clarification and Addition of Flexibility - Part 72**

On August 21, 2000 (65 FR 50606), the NRC published an amendment to its regulations on spent fuel storage to specify those sections of the regulations that apply to general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a certificate of compliance. This amendment eliminates the necessity for repetitive reviews of cask design issues in a licensing proceeding on applications for specific licenses, where previously approved cask designs, or designs under Commission review, have been incorporated by reference into the application.

#### **Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance - Part 5**

On August 30, 2000 (65 FR 52858), the NRC published an amendment to its regulations, effective September 29, 2000, to provide for the enforcement of Title IX of the Education Amendments of 1972, as amended, by certain Federal agencies. This amendment provides guidance to recipients of Federal financial assistance who administer education programs or activities.

#### **Revision of References to Section 202 of the Energy Reorganization Act - Parts 1, 2, 19, 30, 40, 50, 51, and 70**

On September 12, 2000 (65 FR 54948), the NRC published an amendment to its regulations, effective immediately, removing the footnotes that describe the provisions of Section 202 in order for all such references in the regulations to be consistent and complete. This amendment also corrects a typographical error in Part 19, makes other minor changes to

conform Part 51 to other parts of 10 CFR Chapter 1, and reflects the abolishment of the Office for Analysis and Evaluation of Operational Data.

### **Domestic Licensing of Special Nuclear Material; Possession of a Critical Mass of Special Nuclear Material - Part 70**

On September 18, 2000 (65 FR 56211), the NRC published an amendment to its regulations that govern the domestic licensing of special nuclear material (SNM) for licensees authorized to possess a critical mass of SNM that are engaged in one of the following activities: enriched uranium processing; fabrication of uranium fuel or fuel assemblies; uranium enrichment (other than certified existing gaseous diffusion plants); enriched uranium hexafluoride conversion; plutonium processing; fabrication of mixed-oxide fuel or fuel assemblies; scrap recovery of SNM; or any other activity involving a critical mass of SNM that the Commission determines could significantly affect public health and safety or the environment. The amendment (except §70.76) is effective on October 18, 2000. Section 70.76 will become effective after the issuance of staff guidance for the implementation of that provision. Once this guidance has been developed, the NRC will publish a Federal Register notice specifying the effective date of §70.76.

## **REGULATIONS AND AMENDMENTS PROPOSED**

### **Emergency Core Cooling System Evaluation Models - Part 50**

On October 1, 1999 (64 FR 53270), the NRC published an amendment to its regulations that would allow holders of operating licenses for nuclear power plants to reduce the assumed reactor power level used in evaluations of emergency core cooling system performance. This amendment would allow interested licensees to pursue small, but cost-beneficial, power uprates and would reduce unnecessary regulatory burden without compromising the margin of safety of the facility.

### **Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance - Part 5**

On October 29, 1999 (64 FR 58568), the NRC published an amendment to its regulations that would provide for the enforcement of Title IX of the Education Amendments of 1972, as amended, by certain Federal agencies. This amendment would provide guidance to recipients of Federal financial assistance who administer education programs or activities.

### **Antitrust Review Authority: Clarification - Parts 2 and 50**

On November 3, 1999 (64 FR 59671), the NRC published an amendment to its regulations that would reflect more clearly its limited antitrust review authority by explicitly limiting the types of applications that must include antitrust information.

### **Clarification and Addition of Flexibility - Part 72**

On November 3, 1999 (64 FR 59677), the NRC published an amendment to its spent fuel storage regulations that would specify those sections in 10 CFR Part 72 that apply to general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a certificate.

### **List of Approved Spent Fuel Storage Casks: NAC UMS Addition - Part 72**

On January 21, 2000 (65 FR 3397), the NRC published an amendment to its regulations that would add the NAC UMS Universal Storage System to the list of approved spent fuel storage casks.

### **Revision of Fee Schedules; 100% Fee Recovery, FY 2000 - Parts 170 and 171**

On March 27, 2000 (65 FR 16250), the NRC published an amendment to its regulations that would amend the licensing, inspection, and annual fees charged to its applicants and licensees. This amendment is necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended, which mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year 2000, less amounts appropriated from the Nuclear Waste Fund and the General Fund.

### **Interim Storage for Greater Than Class C Waste - Parts 72 and 150**

On June 16, 2000 (65 FR 37712), the NRC published an amendment to its regulations that would grant, in part, and deny, in part, a petition for rulemaking submitted by Portland General Electric Company (PRM-72-2) by amending its regulations dealing with greater than class C (GTCC) waste. This amendment would apply only to the interim storage of GTCC waste generated or used by commercial nuclear power plants. The amendment would allow licensing for interim storage of GTCC waste in a manner that is consistent with licensing the interim storage of spent fuel and would maintain Federal jurisdiction for storage of reactor-related GTCC waste.

### **List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P and NUHOMS-52B Revision - Part 72**

On June 22, 2000 (65 FR 38794), the NRC published an amendment to its regulations that would revise the Transnuclear West, Inc., Standardized NUHOMS-24P and NUHOMS-52B cask system listing within the list of approved spent fuel storage casks to include Amendment No. 2 to Certificate of Compliance No. 1004. The companion final rule was published in the Federal Register on June 22, 2000 (65 FR 38715).

### **List of Approved Spent Fuel Storage Casks: VSC-24 Revision - Part 72**

On June 22, 2000 (65 FR 38795), the NRC published an amendment to its regulations that would revise the Pacific Sierra Nuclear Associates VSC-24 cask system listing within the list of approved spent fuel storage casks to include Amendment No. 2 to Certificate of

Compliance No. 1007. The companion final rule was published in the Federal Register on June 22, 2000 (65 FR 38718).

### **Operator License Eligibility and Use of Simulation Facilities in Operator Licensing - Part 55**

On July 3, 2000 (65 FR 41021), the NRC published an amendment to its regulations that would allow applicants for operator and senior operator licenses to fulfill a portion of the experience prerequisites for license eligibility by manipulating a plant-reference simulator as an alternative to use of the actual plant. The amendment would also remove current requirements for certification of simulation facilities and routine submittal of simulator performance test reports to the NRC for review.

### **List of Approved Spent Fuel Storage Casks: FuelSolutions™ Addition - Part 72**

On July 11, 2000 (65 FR 42647), the NRC published an amendment to its regulations to add the FuelSolutions™ cask system to the list of approved spent fuel storage casks. This amendment would allow the holders of power reactor operating licenses to store spent fuel in the FuelSolutions™ cask system under a general license.

### **Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Design Standards for Participating Websites - Part 2**

On August 22, 2000 (65 FR 50937), the NRC published an amendment to its regulations that would establish the basic data structure and transfer standards (design standards) that Licensing Support Network (LSN) participant websites must use to make documentary material available. The amendment would clarify the authority of the LSN Administrator to establish guidance for LSN participants on how best to meet the design standards and to review participant designs for compliance with the standards. Also, the amendment would clarify the timing of participant compliance certifications.

## **ADVANCE NOTICES OF PROPOSED RULEMAKING**

### **Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste - Parts 71 and 73**

On December 21, 1999 (64 FR 71331), the NRC published an ANPRM that requested comments on issuance of new regulations that would require NRC licensees to notify Native American Tribes of shipments of certain types of high-level radioactive waste, including spent nuclear fuel, before transport to or across the boundary of Tribal lands.

### **Risk-Informing Special Treatment Requirements - Parts 21, 50, 52, 54, and 100**

On March 3, 2000 (65 FR 11488), the NRC published an ANPRM that requested comments on issuance of new regulations that would provide an alternative risk-informed approach for special treatment requirements in the current regulations.