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NRC Regulatory Agenda

Quarterly Report
July-September 1989

U.S. Nuclear Regulatory Commission

Office of Administration



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NRC Regulatory Agenda

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July-September 1989

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Preface

The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action and of all petitions for rulemaking that the NRC has received that are pending disposition.

Organization of the Agenda

The agenda consists of two sections that have been updated through September 29, 1989. Section I, "Rules," includes (A) rules on which final action has been taken since June 30, 1989, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since June 30, 1989; (B) petitions for which a notice of denial has been prepared and is scheduled to be published in the Federal Register next quarter; (C) petitions incorporated into proposed rules; (D) petitions pending staff review, and (E) petitions with deferred action.

In Section I of the agenda, the rules are ordered from the lowest to the highest part within Title 10, Chapter I, of the Code of Federal Regulations (Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest affected part. In Section II of the agenda, the petitions are ordered from the lowest to the highest part of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

A Regulation Identifier Number (RIN) has been added to each rulemaking agenda entry. This identification number will make it easier for the public and agency officials to track the publication history of regulatory actions.

The dates listed under the heading "Timetable" for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+). As additional rules receive EDO approval, they will be identified in subsequent editions of this agenda. Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal. Rules and Petitions for Rulemaking that appear on the agenda for the first time are identified by an asterisk (*).

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC, between 7:45 a.m. and 4:15 p.m.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Betty Golden, Regulations Specialist, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-4268 (persons outside the Washington, DC metropolitan area may call toll-free: 800-368-5642). For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

I-RULES

(A) Rules on Which Final Action Has Been Taken
Since June 30, 1989

A

TITLE: Rules of Practice for Domestic Licensing Proceedings--Procedural Changes in Hearing Process

RIN: 3150-AC22

CFR CITATION:
10 CFR 2

ABSTRACT:
The final rule amends the Commission's regulations to improve the hearing process with due regard for the rights of the parties. The final rule addresses the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law, or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding.

TIMETABLE:
Final Action Published 08/11/89 54 FR 33168
Final Action Effective 09/11/89

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Stuart Treby
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1636

TITLE:
NEPA Review Procedures for Geologic Repositories for High-Level
Waste

RIN:
3150-AC04

CFR CITATION:
10 CFR 2; 10 CFR 51; 10 CFR 60

ABSTRACT:
The final rule amends the Commission's regulations to provide procedures for performing an environmental review of High Level Waste geologic repositories. The final rule sets out the standards and procedures that would be used to determine whether adoption of the final environmental statement developed by the Department of Energy is practicable.

TIMETABLE:
Final Action Published 07/03/89 54 FR 27864
Final Action Effective 08/02/89

LEGAL AUTHORITY:
42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James R. Wolf
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1641

TITLE:

*Duplication Fees

RIN:

3150-AD29

CFR CITATION:

10 CFR 9

ABSTRACT:

The final rule amends the Commission's regulations to revise the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. The amendment reflects the change in copying charges resulting from the Commission's award of a new contract for the copying of records.

TIMETABLE:

Final Action Published 09/05/89 54 FR 36757
Final Action Effective 09/05/89

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Kathleen E. Ruhlman
Nuclear Regulatory Commission
Office of the Secretary
Washington, DC 20555
202 634-3273

TITLE:
Education and Experience Requirements for Senior Reactor Operators
and Supervisors at Nuclear Power Plants

RIN:
3150-AC26

CFR CITATION:
10 CFR 50; 10 CFR 55

ABSTRACT:
The Nuclear Regulatory Commission is withdrawing a notice of proposed rulemaking published in the Federal Register on December 29, 1989 (54 FR 52716), in which comments were solicited on two proposed alternative amendments to its regulations. The proposed alternatives would have imposed additional education and experience requirements for either senior operators or control room supervisors. In consideration of the comments received on the proposed rule and the status of industry initiatives to enhance the educational level of its operating personnel, the Commission concludes that it should withdraw the proposed rule.

TIMETABLE:
Terminated per Commission Decision; Withdrawal of Proposed
Action Published 08/15/89 54 FR 33568

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS: No

AGENCY CONTACT:
Morton Fleishman
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3794

(B) Proposed Rules

B

TITLE:

Procedures Involving the Equal Access to Justice Act:
Implementation

RIN:

3150-AA01

CFR CITATION:

10 CFR 1; 10 CFR 2

ABSTRACT:

The proposed rule would implement the Equal Access to Justice Act (EAJA) by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been substantially justified. This proposed regulation is modeled after rules issued by the Administrative Conference of the United States (ACUS) and has been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent to develop government-wide, "uniform" agency regulations and would describe NRC procedures and requirements for the filing and disposition of EAJA applications. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. This issue was also the subject of litigation in Business and Professional People for the Public Interest v. NRC, 793 F.2d 1366 (D.C. Cir. 1986). This litigation is being evaluated to determine what if any changes may be necessary in the proposed rule.

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80, revises the EAJA, and these revisions are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

TIMETABLE:

Proposed Action Published 10/28/81 46 FR 53189
Proposed Action Comment Period Ends 11/28/81 46 FR 53189
Next Action Undetermined

LEGAL AUTHORITY:

5 USC 504

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John Cho
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1600

TITLE: Informal Hearing Procedures for Nuclear Reactor Operator
Licensing Adjudications

RIN: 3150-AD17

CFR CITATION:
10 CFR 2

ABSTRACT:
The proposed rule would amend NRC regulations to provide rules of procedure for informal adjudicatory hearings in nuclear power reactor operator licensing proceedings. The Atomic Energy Act of 1954 requires that the NRC, in any proceeding for the granting, suspending, revoking, or amending of an NRC license, including licensing as an operator or senior operator at a nuclear power plant, afford an interested person, upon request, a "hearing." This proposed rule would amend an existing rule which provides for informal hearing procedures for materials licensing proceedings to include reactor operator licensing proceedings as well.

TIMETABLE:
Proposed Action Published 04/26/89 54 FR 17961
Proposed Action Comment Period Ends 06/26/89
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECT ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Karla Smith
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1606

TITLE:

*Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository

RIN:

3150-AD27

CFR CITATION:

10 CFR 2

ABSTRACT:

The proposed rule would amend the Commission's regulations governing the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW proceeding). The proposed revisions are intended to facilitate the Commission's ability to comply with the schedule for the Commission's decision on the construction authorization for the repository while providing for a thorough technical review of the license application and the equitable treatment of the parties to the hearing. The proposed rule would establish a new standard for the admission of initial contentions, would define "late contentions" as any contention proposed after the initial contentions were submitted, would require parties to present direct testimony on contentions, would establish a compulsory hearing schedule, and would eliminate sua sponte review by the Commission's adjudicatory boards.

TIMETABLE:

Proposed Action Published 09/26/89 54 FR 39387
Proposed Action Comment Period Ends 11/27/89
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Bradley W. Jones
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1637

TITLE:
Enforcement of Nondiscrimination on the Basis of Handicap in
Federally Assisted Programs

RIN:
3150-AC64

CFR CITATION:
10 CFR 4

ABSTRACT:
The proposed rule would amend the Commission's 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 (UFAS). Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, government wide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

TIMETABLE:
Proposed Action Published 03/08/89 54 FR 9966
Proposed Action Comment Period Ends 05/08/89
Final Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Edward E. Tucker
Nuclear Regulatory Commission
Office of Small and Disadvantaged
Business Utilization/Civil Rights
Washington, DC 20555
301 492-7106

TITLE:

+Credit Checks - Expanded Personnel Security Investigative Coverage

RIN:

3150-AD28

CFR CITATION:

10 CFR 11; 10 CFR 25; 10 CFR 95

ABSTRACT:

The proposed rule would amend the Commission's regulations to require the expansion of the present investigative scope for licensee "R" Special Nuclear Material Access Authorization and "L" security clearance applicants by adding a credit check and would revise the corresponding fee schedule to recover the additional cost of each credit check.

These amendments are necessary for the following reasons: (1) to obtain 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 pressures, blackmail, or coercion to act contrary to the national interest; (2) to achieve greater comparability with the investigation scope for DOE's "L" and Secret clearances; (3) to be consistent with the investigative coverage proposed in the NUMARC guidelines for licensee personnel with unescorted access to protected and vital areas of nuclear power plants; and (4) to recover the additional cost of each credit check. This proposed rule would have a negligible effect on the general public. NRC resources required for processing this rule through final publication are estimated to be 240 staff hours.

TIMETABLE:

Proposed Action Published 09/21/89 54 FR 38863
Proposed Action Comment Period Ends 11/21/89
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2165; 42 USC 2201; 42 USC 5841; 42 USC 2273; E.O. 10865,
E.O. 12356

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Beth Bradshaw
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-4120

TITLE:
Debt Collection Procedures

RIN:
3150-AC87

CFR CITATION:
10 CFR 15

ABSTRACT:
The proposed rule would amend the Commission's regulations concerning the procedures that the NRC uses to collect the debts which are owed to it. The proposed amendments are necessary to conform NRC regulations to the amended procedures contained in the Federal Claims Collection Standards issued by the General Accounting Office and the U.S. Department of Justice. The proposed action is intended to allow the NRC to improve its collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. No comments were received on the proposed rule.

TIMETABLE:
Proposed Action Published 10/07/88 53 FR 39480
Proposed Action Comment Period End 11/21/88
Final Action Published Undetermined

LEGAL AUTHORITY:
31 USC 3711; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Graham D. Johnson
Nuclear Regulatory Commission
Office of the Controller
Washington, DC 20555
301 492-7535

TITLE:
Sequestration of Witnesses Interviewed Under Subpoena/
Disqualification of Attorneys

RIN:
3150-AD06

CFR CITATION:
10 CFR 19

ABSTRACT:
The proposed rule would provide for the sequestration of all persons compelled to appear before NRC representatives under subpoena during the conduct of investigative interviews. The proposed rule would also give the agency official conducting the inquiry (after consultation with the Office of the General Counsel) the authority to exclude an attorney who represents multiple interests from the investigatory interviews of other witness clients or from the investigatory proceedings entirely whenever the agency official has a reasonable basis to believe that such representation might prejudice, impair or impede the integrity of the investigation. The proposed rule would require the official to document the basis for counsel's exclusion and to provide excluded counsel a written statement of the reasons for the exclusion. The proposed rule would also provide disqualified counsel a right to Commission review of the disqualification decision. The proposed rule is intended to clarify and delineate the rights and responsibilities of the agency, interviewees, licensees, and attorneys during the conduct of agency investigations. The proposed rule is also intended to promote candor in the investigative process and to facilitate an expeditious resolution of agency investigations.

TIMETABLE:
Proposed Action Published 11/14/88 53 FR 45768
Proposed Action Comment Period Ends 02/09/89
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Carolyn F. Evans
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1632

TITLE:
Standards for Protection Against Radiation

RIN:
3150-AA38

CFR CITATION:
10 CFR 20

ABSTRACT:

The proposed rule would revise Part 20 of the Commission's regulations in its entirety. Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly 30 years ago. Because Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC's regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (International Commission on Radiological Protection); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action, delay for further guidance, and partial revision of the standards. These were rejected as ignoring scientific advancements, being unresponsive to international and national guidance, and correcting only some of the recognized problems with the present Part 20.

Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving the highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; and providing an understandable health-risk base for protection.

The cost of implementing the revision is estimated to be \$33 million for all NRC and Agreement State licensees in the initial year and about \$8 million in each subsequent year. This cost does not include any savings which might also be realized by the revision.

TITLE:

Standards for Protection Against Radiation

TIMETABLE:

ANPRM 03/20/80 45 FR 18023
ANPRM Comment Period Ends 06/16/80 45 FR 18023
Proposed Action Published 12/20/85 50 FR 51992
Proposed Action Comment Period Ends 05/12/86 51 FR 1092
Proposed Action Comment Period Extended to 10/31/86
Final Action for Division Review 02/15/88
Final Action to Offices for Concurrence 06/30/88
Final Action Package to EDO 09/27/88
Final Action to Commission (SECY-88-315) 11/03/88
Revised Final Action to Commission (SECY-89-267) 08/29/89
Final Action Published 11/15/89

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2130;
42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5847

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Harold T. Peterson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3640

TITLE:

Disposal of Waste Oil by Incineration from Nuclear Power Plants

RIN:

3150-AC14

CFR CITATION:

10 CFR 20

ABSTRACT:

The proposed rule, which is being initiated in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM 20-15, dated July 31, 1984), would amend NRC regulations to allow onsite incineration of waste oil at nuclear power plants subject to specified conditions. Currently, the only approved disposal method for low-level, radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is a clear need to allow, for very low activity level wastes, the use of alternative disposal methods which are more cost effective from a radiological health and safety standpoint and which conserve the limited disposal capacity of low-level waste burial sites.

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. There would be an estimated industry-wide economic savings of approximately \$3 million to \$12 million per year if this rule were promulgated.

Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis. It is estimated that approximately 1-2 person years of NRC staff time will be required to process this rule.

TIMETABLE:

Proposed Action to EDO 06/21/88
Proposed Action Published 08/29/88 53 FR 32914
Proposed Action Comment Period Ends 10/28/88
Final Action to Offices for Concurrence 10/27/89
Final Action to EDO 12/01/89
Final Action to Commission 12/22/89
Final Action Published 01/26/90

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2167; 42 USC 2073

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Disposal of Waste Oil by Incineration from Nuclear Power Plants

AGENCY CONTACT:

Catherine R. Mattsen
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3638

TITLE:

Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance and Conditions of Construction Permits

RIN:

3150-AA68

CFR CITATION:

10 CFR 21; 10 CFR 50

ABSTRACT:

The proposed rule would amend Part 21 and §50.55(e), both of which require the reporting of safety defects by operating license (OL) holders and construction permit (CP) holders. In addition, Part 21 requires reporting of safety defects by non-licensee vendors. The proposed amendments were prompted by the TMI Action Plan Task 11.J.4 and NRC staff experience with Part 21 and §50.55(e) reporting. The main objectives of the rulemaking effort are: (1) elimination of duplicate evaluation and reporting of safety defects; (2) establishment of a consistent threshold for safety defect reporting in Part 21 and §50.55(e); (3) establishment of a consistent, uniform content of reports submitted under Part 21 and §50.55(e); and (4) establishment of consistent time frames for reporting of defects in Part 21 and §50.55(e).

Approximately 200 reports are submitted to the Commission annually under Part 21. Approximately 750 §50.55(e) reports are submitted annually. These reports identify both plant-specific and generic safety defects requiring further NRC evaluation and regulatory action. Under the current Part 21 and §50.55(e), these reports have formed the basis for NRC issuance of numerous NRC generic communications.

The proposed rulemaking will reduce duplicate reporting and evaluation of safety defects which now exists. The rulemaking will establish a more coherent regulatory framework that is expected to reduce the industry reporting and evaluation burden significantly without any reduction in reported safety defect information.

Alternatives to this approach that were considered ranged from establishment of a single rule for all reporting of safety defects and operating reactor events to maintaining the status quo for safety defect reporting. All alternatives were rejected because they would not substantially improve the current safety defect reporting situation.

Current annual costs of reporting under Part 21 and §50.55(e) are estimated at approximately \$6 million dollars for industry and \$680,000 for NRC evaluations. It is anticipated that the annual industry reporting burden would be reduced by approximately \$800,000 while the NRC burden will be slightly reduced. Additional industry burden, though minimal, is anticipated in the area of reissuing procedures for evaluating, reporting, and recordkeeping.

TITLE:

Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance and Conditions of Construction Permits

TIMETABLE:

Proposed Initial Action to Commission 12/16/85
Commission Rejected Proposed Action 10/20/86
Proposed Action to Commission (SECY-88-72) 03/12/88
Proposed Action to Commission (SECY-88-258) 09/12/88
Revised Proposed Action Published 11/04/88 53 FR 44594
Public Action Comment Period Ends 01/03/89
Final Draft Rule Office Concurrence Complete 06/89
Final Draft Rule CRGR Review Complete 07/12/89
Final Draft Rule to Commission (SECY-89-246) 08/14/89
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Jones
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Office of Analysis and Evaluation of
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Washington, DC 20555
301 492-4442

TITLE:
Preserving the Free Flow of Information to the Commission

RIN:
3150-AD21

CFR CITATION:
10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 70; 10 CFR 72;
and 10 CFR 150

ABSTRACT:
The proposed rule would amend the Commission's regulations requiring licensees and license applicants to ensure that neither they, nor their contractors or subcontractors, impose conditions in settlement agreements under Section 210 of the Energy Reorganization Act, or in other agreements on the terms, conditions, and privileges of employment, that would prohibit, restrict, or otherwise discourage an employee from providing the Commission with information on potential safety violations. The proposed rule would require licensees and license applicants to establish procedures to ensure that their contractors and subcontractors have been informed of the prohibition, that licensees and license applicants are notified of any complaints filed with the Department of Labor pursuant to Section 210 of the Energy Reorganization Act by an employee of a contractor or subcontractor, and to require review by the licensee of any settlement agreements related to employee complaints of such determination by a contractor or subcontractor.

TIMETABLE:
Proposed Action Published 07/18/89 54 FR 30049
Proposed Action Comment Period Ends 09/18/89
Final Action Published 02/00/90

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Bradley Jones
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1637

TITLE:
Safety Requirements for Industrial Radiographic Equipment

RIN:
3150-AC12

CFR CITATION:
10 CFR 34

ABSTRACT:

The proposed rule would amend the Commission's present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 40 percent of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981 (American National Standard N432), it is not clear that all manufacturers are adopting the standard.

The alternatives considered were to take no action at this time; amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory guide endorsing the consensus standard, supplemented by such other performance standards deemed necessary; and incorporate the consensus standard by reference in the regulations supplemented by such other performance standards as deemed necessary, plus a requirement for radiographers to wear alarm dosimeters.

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed changes are estimated to be a one-time cost of \$1,625 per licensee to purchase alarm dosimeters and \$850 annually for replacement of devices and alarm dosimeters, annual calibration of dosimeters and annual maintenance costs. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

TITLE:

Safety Requirements for Industrial Radiographic Equipment

TIMETABLE:

Proposed Action Published 03/15/88 53 FR 8460
Proposed Action Comment Period Ends 05/16/88
Proposed Action Public Comment Extended to 08/16/88 53 FR 18096
Final Action to EDO 06/12/89
Final Action to Commission (SECY-89-194) 06/28/89
Final Action Published 11/00/89

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Donald O. Nellis
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3628

TITLE: Safety Requirements for Industrial Radiographic Equipment

RIN: 3150-AC12

CFR CITATION:
10 CFR 34

ABSTRACT.

The proposed rule would amend the Commission's present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 40 percent of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981 (American National Standard N432), it is not clear that all manufacturers are adopting the standard.

The alternatives considered were to take no action at this time; amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory guide endorsing the consensus standard, supplemented by such other performance standards deemed necessary; and incorporate the consensus standard by reference in the regulations supplemented by such other performance standards as deemed necessary, plus a requirement for radiographers to wear alarm dosimeters.

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed changes are estimated to be a one-time cost of \$1,625 per licensee to purchase alarm dosimeters and \$850 annually for replacement of devices and alarm dosimeters, annual calibration of dosimeters and annual maintenance costs. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

TITLE:

Safety Requirements for Industrial Radiographic Equipment

TIMETABLE:

Proposed Action Published 03/15/88 53 FR 6460
Proposed Action Comment Period Ends 05/16/88
Proposed Action Public Comment Extended to 08/16/88 53 FR 18096
Final Action to EDO 06/12/89
Final Action to Commission (SECY-89-194) 06/28/89
Final Action Published 11/00/89

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Donald O. Nellis
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3628

TITLE:
Palladium-103 for Interstitial Treatment of Cancer

RIN:
3150-AD11

CFR CITATION:
10 CFR 35

ABSTRACT:
The proposed rule would amend the Commission's regulations governing the medical uses of byproduct material. The proposed regulation would add Palladium-103 sealed source as seeds to the list of sources permitted in 10 CFR Part 35 for use in cancer treatment. Under current NRC regulations, users must have their licenses amended before they may use Palladium seeds in brachytherapy. The proposed rule, developed in response to a petition for rulemaking (PRM-35-7), would allow the use of Palladium-103 seeds by each potential user (about 700 licensees) with either a simplified amendment or no amendment, depending upon the individual license. An evaluation of potential radiation hazards to hospital personnel and the public showed a minimal risk if the seeds are used in accordance with the manufacturer's radiation safety and handling instructions.

TIMETABLE:
Proposed Action to Offices for Concurrence 02/14/89
Proposed Action to EDO 03/23/89
Proposed Action Published 04/06/89 54 FR 13892
Proposed Action Comment Period Ends 05/08/89
Final Action to Offices for Concurrence 08/29/89
Final Action Published 10/00/89

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Dr. Anthony N. Tse
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3797

TITLE:

Basic Quality Assurance Program for Medical Use of Byproduct Material

RIN:

3150-AC65

CFR CITATION:

10 CFR 35

ABSTRACT:

The proposed rule would amend the Commission's regulations concerning the medical use of byproduct material. The proposed amendments would require medical use licensees to establish and implement a written basic quality assurance program to prevent, detect, and correct the cause of errors in the administration of byproduct material. The proposed action is necessary to provide for improved patient safety. The proposed amendment, which is intended to prevent errors in medical use, would primarily affect hospitals, clinics, and individual physicians. Modification of reporting and recordkeeping requirements for diagnostic and therapy events or misadministration are also proposed in this rulemaking.

TIMETABLE:

Proposed Action Published 10/02/87 52 FR 36942
Proposed Action Comment Period Ends 12/01/87
Options Paper to Office for Concurrence 05/13/88
Options Paper on QA Rulemaking to EDO 05/26/88
Revised Options Paper on QA Rulemaking to EDO 05/31/88
Option Paper to Commission (SECY-88-156) 06/03/88
SRM Issued Directing Re-Proposal of Basic QA Rule 07/12/88
Proposed Action for Division Review 12/05/88
Workshop on Basic QA Rule and Draft Regulatory Guide 01/30-31/89
Proposed Action to Offices for Concurrence 03/29/89
Proposed Action to EDO 06/01/89
Proposed Action to Commission (SECY-89-171) 06/07/89
Revised Proposed Action to EDO 08/11/89
Revised Proposed Action to Commission (SECY-89-269) 08/30/89
Proposed Action Published 11/00/89

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Anthony Tse
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3797

TITLE:
Ensuring the Effectiveness of Maintenance Programs for Nuclear Power Plants

RIN:
3150-AD00

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would provide functional requirements for the maintenance of nuclear power plants and allow industry initiatives to develop the details of maintenance programs to meet these requirements. The proposed rule would apply to all components, systems and structures of nuclear power plants and would be applicable to existing and future plants. The proposed rule would also require each licensee to develop, implement and maintain a maintenance program, and to formally commit to follow the program.

The scope of maintenance activities addressed in the rule will be within the framework of the Commission's Policy Statement on Maintenance of Nuclear Power Plants which was issued on March 23, 1988 (53 FR 9430).

It is estimated that about 3 staff-years of effort and \$600,000 for contract services will be required to process the final rule.

TIMETABLE:
Proposed Action to Offices for Concurrence 09/06/88
Proposed Action to EDO 09/26/88
Proposed Action to Commission (SECY-88-277) 09/30/88
Proposed Action Published 11/28/88 53 FR 47822
Proposed Action Comment Period Ends 01/27/89
Proposed Action Public Comment Period Extended to 02/27/89
53 FR 52716
Final Action to Offices for Concurrence 04/10/89
Final Action to EDO 04/21/89
Final Action to Commission (SECY-89-143) 04/28/89
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Moris Dey
Nuclear Regulatory Commission
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Washington, DC 20555
301 492-3730

TITLE:

Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites

RIN:

3150-AC76

CFR CITATION:

10 CFR 50; 10 CFR 72; 10 CFR 170

ABSTRACT:

The proposed rule is in response to the Nuclear Waste Policy Act (NWPA) section 218 (a) which states, in part, that the Secretary of DOE shall establish a demonstration program, in cooperation with the private sector, for dry storage of spent nuclear fuel at civilian nuclear power reactor sites. The objective of this program is establishing one or more technologies that the Commission may, by rule, approve for use at sites of civilian nuclear power reactors. The NWPA also requires that the NRC establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor.

The staff anticipates a significant increase in the demand for use of dry spent fuel storage casks starting in the early 1990s, thus processing of this rulemaking is timely. NRC resource requirements are anticipated to be about 2 staff-years.

TIMETABLE:

Proposed Action for Division Review 03/02/88
Proposed Action to Offices for Concurrence 07/26/88
Proposed Action to EDO 02/14/89
Proposed Action to Commission (SECY-89-084) 03/08/89
Proposed Action Published 05/05/89 54 FR 19379
Proposed Public Action Comment Period Ends 06/19/89
Final Action to EDO 05/18/90
Final Action to Commission 06/15/90
Final Action Published 07/27/90

LEGAL AUTHORITY:

42 USC 10153; 42 USC 10198

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Pearson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3764

TITLE:
Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

RIN:
3150-AA86

CFR CITATION:
10 CFR 50; Appendix J

ABSTRACT:
The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. The proposed revisions would make the rule current and improve its usefulness.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice which is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended.

A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of \$14 million to \$300 million and an increase in occupational exposure of less than 1 percent per year per plant due to increased testing.

TIMETABLE:
Proposed Action Published 10/29/86 51 FR 39538
Proposed Action Comment Period Extended 04/24/87 52 FR 2416
Final Action Undetermined

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

AGENCY CONTACT:

Gunter Arndt
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3814

TITLE:

Amendment to 10 CFR 51.51 and 51.52, Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"

RIN:

3150-AA31

CFR CITATION:

10 CFR 51

ABSTRACT:

The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The proposed rule would amend 10 CFR 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed revision of 10 CFR 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v. NRC, No. 74-1486) in the U.S. Circuit Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision of April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983.

The proposed rule to provide an explanatory analysis for Table S-3 has been revised to reflect new developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

A Commission paper presenting the final rulemaking plan and schedule was submitted on August 18, 1986 (SECY 86-242). On September 8, 1986, SECY 86-242 was approved by the Commission.

TITLE:

Amendment to 10 CFR 51.51 and 51.52, Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"

ABSTRACT: (CONT)

The staff's estimate is that the completion of a final rule covering the new values for radon-222 and technetium-99, and the revised explanatory analysis will be completed in 1991.

TIMETABLE:

Proposed Action Published 03/04/81 46 FR 15154
Proposed Action Comment Period Ends 05/04/81
Proposed Action for Division Review 05/27/88
Proposed Action to Offices for Concurrence 10/16/89
Proposed Action to EDO 11/30/89
Proposed Action to Commission 12/29/89
Proposed Action Published 01/31/90
Final Action to Commission 12/31/90
Final Action Published 01/31/91

LEGAL AUTHORITY:

42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stanley Turel
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3739

TITLE:

*Consideration of Environmental Impacts of Temporary Storage
of Spent Fuel After Cessation of Reactor Operation

RIN:

3150-AD26

CFR CITATION:

10 CFR 51

ABSTRACT:

The proposed rule would amend the Commission's regulations by revising the generic determination concerning 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. The proposed amendments reflect proposed findings of the Commission reached in a five-year update and supplement to its 1984 "Waste Confidence" rulemaking proceeding which was published in the Federal Register on September 28, 1989 (54 FR 39768).

TIMETABLE:

Proposed Action Published 09/28/89 54 FR 39765
Proposed Action Comment Period Ends 12/27/89
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Robert MacDougal
Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 492-3401

TITLE:

Elimination of Inconsistencies Between NRC Regulations and EPA Standards

RIN:

3150-AC03

CFR CITATION:

10 CFR 60

ABSTRACT:

The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121 (c) of this act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the NWPA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff-years but will not include contract resources.

Because the Federal Court invalidated the EPA standards, action on this rule, which is in response to the EPA standards, is undetermined.

TIMETABLE:

Proposed Action Published 06/19/86 51 FR 22288
Proposed Action Comment Period Ends 08/18/86
Final Action to Offices for Concurrence 07/15/87
Final Action to EDO 07/20/87
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Melvin Silberberg/Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3810/3884

TITLE:

Minor Amendments to Physical Protection Requirements

RIN:

3150-AD03

CFR CITATION:

10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75

ABSTRACT:

The proposed rule amends the Commission's regulations dealing with physical protection requirements that are out of date, susceptible to differing interpretations, or in need of clarification. These problems were identified by a systematic review of the agency's safeguards regulations and guidance documents conducted by the Safeguards Interoffice Review Group (SIRG). In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would: (1) add definitions for common terms not currently defined, (2) delete action dates that no longer apply, (3) correct outdated terms and cross references, (4) clarify wording that is susceptible to differing interpretations, (5) correct typographical errors, and (6) make other minor changes.

The alternative to rulemaking would be to allow the status quo to continue. These minor amendments affect the public, industry and the NRC only in so far as they make the regulations easier to understand, implement, and enforce. It is estimated that 0.4 staff-years of NRC effort over 2 years will be required for the rulemaking. This is a low priority rulemaking.

TIMETABLE:

Proposed Action to EDO 06/27/89
Proposed Action Published 08/15/89 54 FR 33570
Proposed Action Comment Period Ends 09/29/89
Final Action to EDO 02/28/90
Final Action Published 04/04/90

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stan Dolins
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3745

TITLE:

Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)

RIN:

3150-AC41

CFR CITATION:

10 CFR 71

ABSTRACT:

The proposed rule would, in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 6, "Regulations for the Safe Transport of Radioactive Material," 1985 Edition. Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. In addition, the accident experience of every country that bases its domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as a routine updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, have been issued for public comment. The task will consume 2-3 staff-years of effort depending on the number and difficulty of conflicts to be resolved.

TIMETABLE:

Proposed Action Published 06/08/88 53 FR 21550
Proposed Action Comment Period Extended to 03/06/89 53 FR 51281
Proposed Action Comment Period Extended to 60 days after
publication of DOT proposed rule 04/04/89 54 FR 13528
Final Action to EDO Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233;
42 USC 2273; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)

AGENCY CONTACT:

Donald R. Hopkins
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3784

TITLE:
Criteria for an Extraordinary Nuclear Occurrence

RIN:
3150-AB01

CFR CITATION:
10 CFR 140

ABSTRACT:

The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems that were encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do, is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule will also be responsive to PRM-140-1.

It is estimated that approximately 1.0 staff year of NRC time will be required to process the final rule.

TIMETABLE:

Proposed Action Published 04/09/85 50 FR 13978
Proposed Action Comment Period Ends 09/06/85
Final Action For Division Review 02/17/87
Office Concurrence on Final Action Completed 11/25/87
Final Action to EDO Undetermined
Final Action to Commission Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Harold Peterson
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301 492-3640

TITLE:
Reasserting NRC's Sole Authority for Approving Onsite Low-Level
Waste Disposal in Agreement States

RIN:
3150-AC57

CFR CITATION:
10 CFR 150

ABSTRACT:
The proposed rule would establish NRC as the sole authority for approving onsite disposal of very low-level waste at all NRC-licensed reactors and at Part 70 facilities. There is a need to amend 10 CFR 150.15 to authorize one agency (the NRC) to regulate all such onsite disposal of very low-level waste in order to provide a comprehensive regulatory review, to ensure that sufficient records of disposals are retained, to avoid unnecessary duplication of effort, and to provide greater assurance that the site can be released for unrestricted use upon decommissioning.

TIMETABLE:
Proposed Action to EDO 06/10/88
Proposed Action Published 08/22/88 53 FR 31880
Proposed Action Comment Period End 10/21/88
Final Action to Offices for Concurrence 02/15/89
Final Action to EDO Undetermined
Final Action to Commission Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2021; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
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Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3764

(C) Advance Notices of Proposed Rulemaking

c

TITLE:
Radioactive Waste Below Regulatory Concern; Generic Rulemaking

RIN:
3150-AC35

CFR CITATION:
10 CFR 2; 10 CFR 20

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) sought comments on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive. The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient and effective means of dealing with disposal of wastes below regulatory concern. Generic rulemaking would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240). The public was asked to comment on 14 questions. The ANPRM requested public comment on several alternative approaches the NRC could take. The evaluation of public comment together with the results from a proposed research contract will help to determine whether and how NRC should proceed on the matter. The action on this rule is dependent on the issuance of a broad Commission policy statement on exemptions from regulatory control.

TIMETABLE:

ANPRM 12/02/86 51 FR 43367
ANPRM Comment Period Ends 03/02/87 51 FR 43367
Proposed Action Undetermined
Final Action Undetermined

LEGAL AUTHORITY:
Pub. L. 99-240

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

William Lahs
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3774

TITLE:

Comprehensive Quality Assurance in Medical Use and a Standard of Care

RIN:

3150-AC42

CFR CITATION:

10 CFR 35

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations to require a comprehensive quality assurance program for medical licensees using byproduct materials. The purpose of this rulemaking action is to address each source of error that can lead to a misadministration. An ANPRM was published to request public comment on the extent to which, in addition to the basic quality assurance procedures (being addressed by another rulemaking action, entitled "Basic Quality Assurance Program for Medical Use of Byproduct Material"), a more comprehensive quality assurance requirement is needed and invites advice and recommendations on about 20 questions that will have to be addressed in the rulemaking process.

TIMETABLE:

ANPRM Action Published 10/02/87 52 FR 36949
ANPRM Comment Period Ends 12/31/87 52 FR 36949
Options Paper to Offices for Concurrence 05/13/88
Options Paper on QA Rulemaking to EDO 05/26/88
Revised Options Paper on Rulemaking to EDO 05/31/88
Option Paper Completed 06/03/88 SECY-88-156
Staff Requirements Memorandum Issued 07/12/88
Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Anthony Tse
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301 492-3797

TITLE:

Medical Use of Byproduct Material: Training and Experience Criteria

RIN:

3150-AC99

CFR CITATION:

10 CFR 35

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations concerning training and experience criteria for individuals involved in medical use of byproduct material. Rulemaking may be needed to reduce the chance of misadministrations. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its regulations or recognize medical specialty certificates. The NRC is not able to project costs or benefits at this time, and has requested cost/benefit comments in an ANPRM published May 25, 1988. The NRC has hired a contractor to study training, accreditation and certification programs that are now in place. The NRC staff will analyze the study results, due in January 1990, and the comments received to determine whether regulatory action is necessary.

TIMETABLE:

ANPRM Published 05/25/88 53 FR 18845
ANPRM Comment Period Ends 08/24/88
Proposed Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Norman L. McElroy
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Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 492-3417

TITLE:

Criteria for Licensing the Custody and Long-Term Care of Uranium Mill Tailings Sites

RIN:

3150-AC56

CFR CITATION:

10 CFR 40

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) would amend 10 CFR Part 40 (Domestic Licensing of Source Material), to include a procedure for licensing a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). This amendment would establish a general license for custody and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable. The general license would be formulated so that it would become effective for a particular site when (1) NRC concurs in the determination that the site has been properly reclaimed or closed and (2) a Surveillance and Maintenance Plan that meets the requirements of the general license has been received by NRC. No significant impact to the public or industry is expected as a result of this proposed action.

TIMETABLE:

Proposed Action for Division and Office Review 11/09/87
Office Concurrence on Proposed Action Completed 02/10/88
Proposed Action to EDO 02/10/88
Proposed Action to Commission (SECY-88-83) 03/17/88
ANPRM to SECY 08/12/88
ANPRM Published 08/25/88 53 FR 32396
ANPRM Comment Period Ends 10/24/88
Proposed Action for Division and Office Review 03/06/89
Proposed Action to EDO 07/26/89
Proposed Action to Commission (SECY-89-233) 08/03/89
Proposed Action Published 11/00/89
Final Action Published 10/00/90

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Mark Haisfield
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3877

TITLE:

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

RIN:

3150-AD10

CFR CITATION:

10 CFR 50

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) would develop regulations requiring enhanced receipt inspection and testing of products purchased for use in nuclear power plant structures, systems, and components. These regulations are believed to be necessary to provide an acceptable level of assurance that products purchased for use in nuclear power plants will perform as expected to protect the public health and safety. This ANPRM is published to solicit public comments on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements.

TIMETABLE:

ANPRM Published 03/06/89 54 FR 9229
ANPRM Comment Period Ends 07/05/89
Analysis of Comments 11/30/89
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Max J. Clausen
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-0969

TITLE:
Nuclear Plant License Renewal

RIN:
3150-AD04

CFR CITATION:
10 CFR 50

ABSTRACT:

This rulemaking is scheduled for completion prior to the anticipated submittal of license renewal applications for Yankee Rowe and Monticello. The rule will provide the basis for development and review of these two "lead plant" applicants and the concurrent development of implementing regulatory guidance. Timely completion of the rule is critical for establishing standards for continued safe operation of power reactors during the license renewal term and providing the regulatory stability desired by utilities in determining whether to prepare for license renewal or pursue alternative sources of generating capacity.

License renewal rulemaking to provide regulatory requirements for extending nuclear power plant licenses beyond 40 years was initiated in response to the Commission's 1986 and 1987 policy and planning guidance. Current regulatory provisions permit license renewal but do not provide requirements for the form and content of a license renewal application nor the standards of acceptability against which the application will be reviewed.

TIMETABLE:

ANPRM Published 08/29/88 53 FR 32919
ANPRM Comment Period Ends 10/28/88
Proposed Action to CRGR/ACRS 03/05/90
Proposed Action to EDO 04/13/90
Proposed Action to Commission 04/30/90
Proposed Action Published 05/30/90
Final Action Published 04/04/92

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Donald Cleary
Nuclear Regulatory Commission
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Washington, DC 20555
301 492-3936

(D) Unpublished Rules

D

TITLE:
Conduct of Employees; Miscellaneous Amendments

RIN:
3150-AD15

CFR CITATION:
10 CFR 0

ABSTRACT:
The rule would clarify and correct typographical errors in 10 CFR Part 0 concerning acts affecting a personal financial interest; confidential statement of employment and financial interests; and restriction against ownership of certain security interests by Commissioners, certain staff members, and other related personnel.

TIMETABLE:
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECT ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Karla Smith
Nuclear Regulatory Commission
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Washington, DC 20555
301 492-1606

TITLE:
Revised Rules of Practice for Domestic Licensing Proceedings

RIN:
3150-AB66

CFR CITATION:
10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

ABSTRACT:
The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating, revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings. In 1987, the Commission deferred consideration of this proposal which would have revised the Commission's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings under 10 CFR part 110. In 1989, former Chairman Zech requested re-submission of this proposed rule for re-consideration by the Commission.

TIMETABLE:
Proposed Action Published 12/18/89
Final Action Published 03/30/89

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N:

AGENCY CONTACT:
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Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, DC 20555
301 492-7787

TITLE:
Availability of Official Records

RIN:
3150-AC07

CFR CITATION:
10 CFR 2

ABSTRACT:

The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790(c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the the right to withdraw pursuant to 10 CFR 2.790(c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Additionally, the proposed amendment would add a notice statement to 10 CFR Part 2 that submitters of documents and information to the NRC should be careful in submitting copyrighted works. The agency in receiving submittals and making its normal distributions routinely photocopies submittals, makes microfiche of such submittals and ensures that these fiche are distributed to the PDR, LPDRs, all appropriate internal offices, and to the National Technical Information Service Center. This broad distribution and reproduction is made to satisfy the congressional mandate of Section 142(b) of the Atomic Energy Act by increased public understanding of the peaceful uses of atomic energy. Accordingly, copyright owners are on notice that their act of submitting such works to the agency will be considered as the granting to the NRC an implied license to reproduce and distribute according to normal agency practice. Naturally, this notice does not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some information in those categories may be copyrighted. The key factor is that it is their proprietary information status that exempts them from public disclosure and not their copyright designation. Lastly, this implied license is not applicable to fair use of copyrighted works or the incorporation by reference of copyrighted works in agency submittals, e.g., the referencing of a copyrighted code or standard in a submittal does not affect the copyright of that standard.

TIMETABLE:
Next Action Undetermined

TITLE:
Availability of Official Records

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Catherine Holzle
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1560

TITLE:
Revision of Definition of Meeting

RIN:
3150-AC78

CFR CITATION:
10 CFR 9

ABSTRACT:
The proposed rule would return the definition of "meeting" to its pre-1985 wording. The proposal is based on a study of comments submitted on an interim final rule published on May 21, 1985 (50 FR 20889) and the 1987 recommendations and report of the American Bar Association (ABA). Since the pre-1985 wording of the definition of meeting is fully adequate to permit the types of non-Sunshine Act discussions that the NRC believes would be useful, the proposal calls for the NRC to reinstitute its pre-1985 definition of meeting, with the intention of conducting its non-Sunshine Act discussions in accordance with the guidelines recommended by the ABA.

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Peter G. Crane
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:
Access Authorization Fee Schedule for Licensee Personnel And
Implementation of SF 312

RIN:
3150-AD24

CFR CITATION:
10 CFR 11; 10 CFR 25; 10 CFR 95

ABSTRACT:
The final rule would amend the Commission's regulations to revise the rate charged to licensees by the NRC for conducting access authorization background investigations. The final rule implements the use of the Standard Form 312, "Classified Information Nondisclosure Agreement," in lieu of the SF 189-A (of the same title) to fulfill the National Security Decision Directive 84 requirement that all persons authorized access to classified information sign a nondisclosure agreement as a condition of access.

TIMETABLE:
Final Action for Division Review 09/01/89
Office Concurrence on Final Action Completed 09/28/89
Final Action to EDO 09/30/89
Final Action Published 10/30/89

LEGAL AUTHORITY:
42 U.S.C. 2165; 42 U.S.C. 2201; 42 U.S.C. 2273; 42 U.S.C. 5841;
E.O. 10865; E.O. 12356

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Patricia A. Smith
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-4118

TITLE:
Notifications of Incidents

RIN:
3150-AC91

CFR CITATION:
10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 70

ABSTRACT:

This rulemaking would amend 10 CFR 20.403(a) and (b) to revise the licensees' reporting requirements for material licensees only. In addition, new sections will be developed and added to Parts 30, 40, and 70. While 10 CFR 20.403(a) and (b) are reasonably clear in terms of licensee reporting requirements for events involving "exposures" and "releases" of radioactive materials, these sections are not clear concerning events involving "loss of operation" and "damage to property." The staff believes these criteria are not necessarily indicative of events that pose a hazard to public health and safety or the environment. The periodic loss of operation of a facility due to age or normal wear is expected and usually poses no additional hazard to the public or environment. The same is true for the cost of repairing damage which may be high because of extenuating circumstances and not due to the extent of the damage or its effect on any licensed material. The deleted sections will be replaced with new criteria which will be added to Parts 30, 40, and 70. The staff believes the new requirements to these parts are more indicative of potentially significant events affecting the health and safety of the public and the environment. In addition, the rulemaking also defines "immediate" in actual time, e.g., within 4 hours, for reporting requirements.

This rulemaking action will revise a current Commission regulation; there is no other appropriate procedure to accommodate the clarification. This rulemaking activity is considered to be a high priority item by NMSS.

The health and safety of the public will be better protected because improved reporting requirements will reduce the potential risk of exposure to radiation. Revising the reporting requirements will also simplify regulatory functions and free the staff from unnecessary additional investigation and, at the same time, protect the industry from unnecessary and unexpected fines.

TIMETABLE:

Proposed Action to Offices for Concurrence 09/13/89
Proposed Action to EDO 10/23/89
Proposed Action Published 11/15/89
Final Action to Offices for Concurrence 05/15/90
Final Action to EDO 06/15/90
Final Action Published 07/16/90

TITLE:
Notifications of Incidents

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Joseph J. Mate
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3795

TITLE:

Low-Level Waste Manifest Information and Reporting

RIN:

3150-AD33

CFR CITATION:

10 CFR 20; 10 CFR 61

ABSTRACT:

The proposed rule would amend the Commission's regulations to: (1) augment and improve information contained in manifests accompanying shipments of waste to low-level waste (LLW) disposal facilities licensed under Part 61; (2) require that operators of these disposal facilities store portions of this manifest information in onsite computer recordkeeping systems; and (3) require that operators periodically submit, in an electronic format, reports of shipment manifest information.

To ensure safe disposal of LLW, the NRC must understand the mechanisms and rates by which radioactivity can be released from LLW and into the environment. To do this, the NRC must understand the chemical, physical, and radiological characteristics of LLW. This task is greatly complicated by the heterogeneous nature of LLW; it exists in a variety of chemical and physical forms and contains roughly 200 different radionuclides in concentrations that can range from a few microcuries to several hundred curies per cubic foot. Each year there are thousands of shipments to LLW disposal sites.

Pursuant to § 20.311, a manifest must accompany each shipment of LLW to a disposal facility. Unfortunately, existing manifests do not describe the waste in detail sufficient to ensure compliance with Part 61 performance objectives. In addition, NRC's regulations do not require that disposal site operators develop and operate computer systems for storage and manipulation of shipment manifest information. The NRC believes that such onsite computer systems are necessary for safe disposal facility operation. The NRC also believes that a national data base is needed which contains information on LLW disposed at all sites.

A rulemaking to upgrade shipment manifests and require disposal site computer recordkeeping systems will assure that technical information on LLW is available and in a form which can be used for performance assessments, technical analyses, and other activities. A requirement to report electronic manifest information will ensure that the regulatory staff, as well as the site operators, have the ability to perform safety and environmental assessments, and to monitor compliance with regulations and license conditions. DOE has agreed to establish and operate a national LLW data system based

TITLE:

Low-Level Waste Manifest Information and Reporting

ABSTRACT: (CONT)

on their mandate under the Low-Level Radioactive Waste Policy Amendments Act of 1985. This rulemaking will provide necessary data. The DOE data system will provide NRC staff with the ability to manipulate the electronic manifest information. A rulemaking is needed, in contrast to an alternative such as a regulatory guide, because it can most effectively ensure data that is technically complete and standardized at a national level. The rulemaking will help ensure the availability of all complete, detailed national LLW computer data base, operated by DOE, and containing information about waste disposed in all LLW sites, those regulated by NRC as well as by Agreement States.

We expect that the rulemaking will slightly increase disposal costs. The rulemaking is a budgeted activity cited in the NRC 5-year plan.

TIMETABLE:

Proposed Action to EDO 04/16/90
Proposed Action to Commission 04/30/90
Proposed Action Published 06/29/90
Final Action Published 05/31/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Mark Haisfield/G. W. Roles
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 492-3877/0595

TITLE:
*Holding Unlicensed Persons Accountable for Willful Misconduct

RIN:
5150-AD38

CFR CITATION:
10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 70; 10 CFR 72;
10 CFR 150

ABSTRACT:
The proposed rule would amend the regulations to put licensed persons on notice that they may be held accountable for willfully causing violations of the Commission's requirements or for otherwise willfully causing conditions that are related to licensed activities and are adverse to the public health and safety. The proposed rule would subject a person who violates the substantive prohibition to enforcement action under existing regulations. The proposed rule will enable the Commission to better address willful misconduct that undermines, or calls into question, adequate protection of the public health and safety.

TIMETABLE:
Proposed Action to Commission 10/15/89
Proposed Action Published 11/00/89
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
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U.S. Nuclear Regulatory Commission
Office of Enforcement
Washington, DC 20555
301 492-3283

TITLE:
Requirements for Possession of Industrial Devices

RIN:
3150-AD34

CFR CITATION:
10 CFR 31

ABSTRACT:
The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC on a periodic basis. The proposed report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded. The proposed rule is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing. The proposed rule would also avoid the unnecessary expense involved in retrieving the manufactured items fabricated from contaminated metal. The proposed rule would impose a small burden on device users and the NRC.

TIMETABLE:
Proposed Action to EDO 03/30/90
Proposed Action to Commission Undetermined
Proposed Action Published 04/30/90
Final Action to EDO 04/30/91
Final Action Published 05/31/91

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2114; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:
Joseph J. Mate
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3795

TITLE:

*ASNT Certification of Industrial Radiographers

RIN:

3150-AD35

CFR CITATION:

10 CFR 34

ABSTRACT:

The proposed rule would amend the Commission's regulations on licenses for radiography and radiation safety requirements for Radiographic Operations to permit applicants for a license to indicate that all of their active radiographers are certified in radiation safety by the American Society for Nondestructive Testing (ASNT).

Current NRC sealed source radiography licensing requirements specify that an applicant will have an adequate program for training radiographers and will submit a schedule or description of the program including initial training, periodic retraining, on-the-job training, and the means to be used by the licensee to determine the radiographer's knowledge and understanding of, and ability to comply with, Commission regulations and licensing requirements, and the operating and emergency procedures of the applicant. The NRC is proposing to permit applicants to affirm, in lieu of submitting descriptions of their initial radiation safety training and radiographer qualification program, that all individuals acting as radiographers are or will be certified in radiation safety through the Industrial Radiography Radiation Safety Personnel Program of the ASNT. Contingent upon an analysis of costs and benefits and demonstrated success of the ASNT certification program, the NRC is planning to initiate a subsequent rulemaking which would require third-party certification of all radiographers.

The large radioactive sources used in industrial radiography pose serious hazards if radiation safety procedures are not rigorously adhered to. Investigations by the NRC and Agreement State programs have indicated that inadequate training is often a major contributing factor to radiography accidents. The staff believes that voluntary participation in the ASNT certification program has the potential to significantly improve safety awareness and performance.

The ASNT program will offer certification for both isotope and x-ray users. Certification would be valid for 5 years, with retesting required for renewal. The staff expects use of a certification program by licensees will not affect licensee training costs since the ASNT eligibility requirements include documented

TITLE:

*ASNT Certification of Industrial Radiographers

ABSTRACT: (CONT)

training. Some small reduction in cost will be associated with the application process because, if a radiography licensee applicant elects to have his or her staff certified, he or she will not have to submit a detailed description of a planned radiation safety training and testing program. It is currently estimated that as many as 10,000 radiographers could be involved in certification at an average cost of \$600 per radiographer. Thus, the total cost to the industry would be \$6 million over a 5-year certification period, or \$1.2 million per year. It is estimated that 0.3 staff-years of effort over 18 months will be required for this rulemaking.

TIME TABLE:

Proposed Action to EDO 09/15/89
Proposed Action Published 11/30/89
Final Action Published 12/31/90

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Alan K. Roecklein
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3740

TITLE:
Licensing and Radiation Safety Requirements for Large Irradiators

RIN:
3150-AC98

CFR CITATION:
10 CFR 36

ABSTRACT:

The proposed rule would develop regulations to specify radiation safety requirements and license requirements for the use of licensed radioactive materials in large irradiators. Irradiators use gamma radiation to irradiate products to change their characteristics in some way. The requirements would apply to large panoramic irradiators (those in which the radioactive sources and the material being irradiated are in a room that is accessible to personnel while the source is shielded) and certain large self-contained irradiators in which the source always remains under water. The rule would not cover small self-contained irradiators, instrument calibrators, medical uses of sealed sources (such as teletherapy), or non-destructive testing (such as industrial radiography).

The alternative to a regulation is continuing to license irradiators on a case-by-case basis using license conditions. The formalization would make the NRC's requirements better understood and possibly speed the licensing of irradiators. Development of the rule will require 2 staff-years.

TIMETABLE:

Proposed Action to ACRS 01/18/89
Office Concurrence on Proposed Action Completed 03/06/89
Proposed Action to EDO 07/19/89
Proposed Action to Commission (SECY-89-249) 08/15/89
Proposed Action Published 11/00/89
Final Action Published 05/05/90

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233;
42 USC 2273; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Stephen A. McGuire
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3757

TITLE:
Emergency Response Data System

RIN:
3150-AD32

CFR CITATION:
10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations by requiring the implementation of the NRC-approved Emergency Response Data System (ERDS) at all licensed nuclear power plants. The primary role of the NRC during an emergency at a licensed nuclear power facility is one of monitoring the licensee to assure that appropriate recommendations are made with respect to necessary offsite actions to protect public health and safety. In order to adequately perform its role during an emergency, the NRC requires accurate and timely data on four types of parameters: (1) the reactor core and coolant system conditions to assess the extent or likelihood of core damage; (2) the conditions inside the containment building to assess the likelihood of its failure; (3) the radioactivity release rates to assess the immediacy and degree of public danger; and (4) the data from the plant's meteorological tower to assess the distribution of potential or actual impact on the public.

The Emergency Response Data System is a licensee-activated computer data link between the electronic data systems at licensed nuclear power facilities and a central computer in the NRC Operations Center. Current experience with a voice-only emergency communication link, utilized for data transmission, has demonstrated it to be slow and inaccurate. Simulated site tests of the ERDS concept in emergency planning exercises have demonstrated that ERDS is effective between the NRC Operations Center and affected licensees.

The rule would require that the licensees provide the required hardware and software to transmit the data in a format specified by the NRC. The NRC would require that the licensee activate the ERDS as soon as possible following the declaration of an alert condition. Based on a site survey of 80 percent of licensed facilities, the current estimates of licensee costs are \$20K-50K for software and \$0-100K for hardware. The current estimated cost to NRC is \$2.6 million. The proposed changes to 10 CFR Part 50 will be issued for public comment. The rulemaking task will be scheduled over a 2-year period ending March 1991 and will consume 2-3 staff-years of effort depending on the number and difficulty of conflicts to be resolved.

TITLE:

Emergency Response Data System

TIMETABLE:

Proposed Action to EDO 03/30/90
Proposed Action to Commission 04/30/90
Proposed Action Published 05/31/90
Final Action Published 03/29/91

LEGAL AUTHORITY:

42 USC 2131; 42 USC 2133; 42 USC 2134; 42 USC 2135; 42 USC 2201;
42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282;
42 USC 5841; 42 USC 5843; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Markley L. Au
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3749

TITLE:

Safety Related and Important to Safety in 10 CFR Part 50

RIN:

3150-AB88

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would clarify in the Commission's regulations the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues.

Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission issuing a policy statement concerning the definitions and their usage.

Since the proposed rule is only clarifying existing requirements, there is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff-years in developing the final rule over a two-year period. The manpower and time frame will depend on Commission guidance received on the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR Chapter I.

The timetable is on hold based on a decision by the Commission.

TIMETABLE:

Proposed Action to Commission 05/29/86
Commission Decision on SECY 86-164 Undetermined

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

TITLE:

Safety Related and Important to Safety in 10 CFR Part 50

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Jerry N. Wilson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3729

TITLE:

Amendment of the Pressurized Thermal Shock Rule

RIN:

3150-AD01

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule revises the Pressurized Thermal Shock (PTS) rule, published on July 23, 1985, which established a screening criterion, a limit on the degree of radiation embrittlement of PWR reactor vessel beltline materials beyond which operation cannot continue without additional plant-specific analysis. The rule prescribes how to calculate the degree of embrittlement as a function of the copper and nickel contents of the controlling material and the neutron fluence. The proposed amendment revises the calculative procedures to be consistent with that given in Revision 2 of Regulatory Guide 1.99. This guide, which was published in final form in May 1988, provides an updated correlation of embrittlement data.

The need to amend the PTS rule to be consistent with the guide became apparent when it was found that some medium-copper, high-nickel materials embrittlement is worse now than predicted using the PTS rule. A number of PWRs will reach the screening criterion sooner than previously thought, and three plants will need to make plant-specific analyses in the next 10 years. Therefore, a high priority is being given to this effort.

An unacceptable alternative to this amendment from the safety standpoint is to leave the present PTS rule in place. A plant-by-plant analyses by the NRC staff found four plants whose reference temperatures are 52 to 68°F higher than previously thought, based on the present rule. This is beyond the uncertainties that were felt to exist when the present rule was published. Another unacceptable alternative that has been evaluated is to change the calculative procedure for the reference temperature and also change the screening criterion. Failure probabilities for the most critical accident scenarios in three plants, when recalculated using the new embrittlement estimates, were somewhat lower, but were quite dependent on the plant configuration and the scenario chosen. Furthermore, the screening criterion was based on a variety of considerations besides the probabilistic analysis. Reopening the question of where to set the screening criterion was not considered productive because of plant-to-plant differences. It is better to have a conservative "trip wire" that triggers plant-specific analyses.

TITLE:

Amendment of the Pressurized Thermal Shock Rule

ABSTRACT: (CONT)

Immediate costs to industry will be those required for each utility to update the January 23, 1986, submittal required by the PTS rule, using fluence estimates that take account of flux reduction efforts in the interim and using the new procedure for calculating RT/PTS. In addition, three to five plants will need to make the expenditure of an estimated 2.5 million dollars for the plant-specific analysis in the 1990s instead of 10 to 15 years later.

TIMETABLE:

Proposed Action to EDO 10/22/89
Proposed Action Published 12/22/89
Final Action to EDO 08/15/90
Final Action Published 10/00/90

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS OF SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Pryor N. Randall
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3842

TITLE:

*Stabilization and Decontamination Priority, Trusteeship Provisions, and Amount of Property Insurance Requirements

RIN:

3150-AD19

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations on property insurance as they apply to commercial power reactor licensees. This proposed rule, which is in response to three petitions for rulemaking (PRM-50-51, PRM-50-51A, PRM-50-51B), would (1) clarify the scope and timing of the stabilization and decontamination processes after an accident at a covered reactor; (2) specify that the insurance is required to ensure that commercial power reactor licensees will have sufficient funds to carry out their obligations to clean up and decontaminate after an accident; (3) eliminate the requirement that insurance proceeds after an accident are paid to an independent trustee; and (4) solicit comments on appropriate level of required insurance in view of inflation of decontamination and clean up costs.

TIMETABLE:

Proposed Action Submitted to the Commission
(SECY-89-258) 08/23/89
Proposed Action Published 11/00/89
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Robert Woods
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-1960

TITLE:

Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE)

RIN:

3150-AC93

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light-Water Cooled Power Plants," of Section XI (Division 1) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Subsection IWE provides the rules and requirements for inservice inspection, repair, and replacement of Class MC pressure retaining components and their integral attachments, and of metallic shell and penetration liners of Class CC pressure retaining components and their integral attachments in light-water cooled power plants.

Incorporation by reference of Subsection IWE will provide systematic examination rules for containment structure for meeting Criterion 53 of the General Design Criteria (Appendix A of 10 CFR Part 50) and Appendix J of 10 CFR Part 50. Age-related degradation of containments has occurred, and additional and potentially more serious degradation mechanisms can be anticipated as nuclear power plants age.

If the NRC did not take action to endorse the Subsection IWE rules, the NRC position on examination practices for containment structure would have to be established on a case-by-case basis and improved examination practices for steel containment structures might not be implemented. The other alternatives of incorporating these detailed examination requirements into the American National Standard ANSI/ANS 56.8-1981 or into Appendix J are not feasible.

Incorporating by reference the latest edition and addenda of Subsection IWE will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Adoption of the proposed amendment would permit the use of improved methods for containment inservice inspection.

TIMETABLE:

Rulemaking Initiation Date (EDO Approval) 06/09/88
Proposed Action for Division Review 07/01/88
Proposed Action to Offices for Concurrence 11/14/88
Proposed Action to CRGR 06/13/89
Proposed Action to EDO Undetermined
Proposed Action Published Undetermined
Final Action Published Undetermined

TITLE:

Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE)

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Wallace E. Norris
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3805

TITLE:

Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987/
1988 Addenda)

RIN:

3150-AD05

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would incorporate by reference the 1985 Addenda, the 1987 Addenda, the 1988 Addenda, and the 1989 Edition of Section III, Division 1, and Section XI, Division 1, with a specified modification, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Also, the proposed amendment would impose augmented examination of reactor vessel shell welds and would separate the requirements for inservice testing from those for inservice inspection by placing the requirements for inservice testing in a separate paragraph. The ASME Code provides rules for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division 1.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission. In addition, the proposed rule would require licensees to augment their reactor vessel examination by implementing the expanded reactor vessel shell weld examinations specified in the 1989 Edition of Section XI and would clarify the existing requirements in the regulation for inservice inspection and inservice testing.

This action will be handled as a routine updating of 10 CFR 50.55a of the NRC regulations. There is no reasonable alternative to rulemaking action. The proposed amendment will be issued for public comment. The task to develop and publish the proposed amendment is scheduled for a period of 7.5 months with an estimated staff effort of 400 p-hrs. This is a priority A rulemaking.

TIMETABLE:

Proposed Action Submitted for Division Review 09/27/88
Office Concurrence on Proposed Action Completed 10/27/89
Proposed Action to EDO 01/15/90
Proposed Action Published 02/15/90
Final Action Published 11/20/90

TITLE:
Codes and Standards for Nuclear Power Plants (ASME Codn, 1986/1987/
1988 Addenda)

LEGAL AUTHORITY:
42 USC 2201, 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Gilbert C. Millman
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3848

TITLE:
*Emergency Telecommunications System Upgrade

RIN:
3150-AD39

CFR CITATION:
10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations to require the implementation of the NRC's Emergency Telecommunications System (ETS) upgrade at all licensed nuclear power plants and selected fuel cycle facilities. The NRC's primary role in an emergency at a licensed nuclear facility is one of monitoring the licensee to ensure that appropriate recommendations are made with respect to offsite protective actions. In order to adequately perform this function, the NRC requires reliable communications with the licensee and the regional offices. Experience with the currently installed ETS has indicated that a sufficient number of problems exist to warrant a system upgrade.

The ETS upgrade will be comprised of a satellite network to transmit between the NRC Operations Center, the Regions, the Technical Training Center (TTC), and the licensee sites with a land-based telephone exchange backup system. This design is expected to provide the necessary emergency telecommunications functions with sufficient redundancy to ensure availability even under the challenging communication conditions that were existing during a nuclear emergency. The licensees will be required to provide the hardware, logistics, operational and maintenance support to implement the ETS upgrade at their sites.

It is estimated that about 2-3 staff-years of effort will be required for this rulemaking action.

TIMETABLE:

Proposed Action to EDO 06/29/89
Proposed Action to Commission 07/31/90
Proposed Action Published 09/28/90
Final Action Published 08/00/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Markley L. Au
U S. Nuclear Regulatory Commission
Office of Governmental and Public Affairs
Washington, DC 20555
301 492-3749

TITLE:

*Clarification of Emergency Preparedness Regulations

RIN:

3150-AD40

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule will amend the Commission's regulations by clarifying the linkage between the need for "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" indicated in § 50.47(a) and 16 planning standards outlined in § 50.47(b). The regulations will also be amended to provide that only matters material to licensing, i.e., "fundamental flaws," in emergency plans can be litigated in the hearing process. In addition, the rulemaking will clarify the term "range of protective" actions. Other issues to be simplified or clarified include monitoring of evacuees, actions for recovery and reentry, notification of the public, evacuation time estimates, and exercise frequency.

In a December 23, 1988 memorandum to the EDO from SECY, the staff was directed to review the "...NRC's emergency planning regulations and propose revisions designed to eliminate ambiguity and clarify the regulations to include what constitutes the exercise scope prior to the full power licensing...." The emergency preparedness regulations were scrutinized by the staff, intervenors, Boards and the Commission in the licensing process. Although several emergency preparedness issues were addressed by the parties and resolved, other issues could benefit from rulemaking clarification. The staff outlined the proposed rulemaking in a memorandum from the EDO to the Commission dated June 29, 1989.

It is estimated that 2 staff-years of effort over 2 years will be required for this rulemaking.

TIMETABLE:

Proposed Action to EDO 8/20/90
Proposed Action to Commission 9/20/90
Proposed Action Published 12/01/90
Final Action Published 12/01/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: NO

TITLE:

*Clarification of Emergency Preparedness Regulations

AGENCY CONTACT:

Michael T. Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3918

TITLE:
Amendments to Part 60 to Delineate Anticipated Processes and
Events and Unanticipated Processes and Events

RIN:
3150-AD31

CFR CITATION:
10 CFR 60

ABSTRACT:
In 10 CFR Part 60, licensing requirements for disposal of radioactive wastes in geologic repositories, certain performance requirements for the repository are based on an assumption of the occurrence of anticipated processes and events. The specific meaning and use of this term, and unanticipated processes and events, needs further clarification. This rulemaking would modify the definition of these terms in § 60.2, modify § 60.113, which describes the use of these terms, modify the definition of "geologic setting" in § 60.2, and modify the use of that term in § 60.102.

The objective of the rulemaking is to improve the licensing process for the geologic repository program. It would have no adverse effects on the licensee or the public. It is expected that the resources expended by NRC on the rulemaking would be more than offset by resources saved during the licensing process.

TIME TABLE:
Proposed Action to EDO 10/31/89
Proposed Action to Commission 11/15/89
Proposed Action Published 12/00/89
Final Action Published 06/28/91

LEGAL AUTHORITY:
42 USC 10101; Public Law 97-425

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Melvin Silberberg/Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3810/3884

TITLE:
Personnel Access Authorization Program

RIN:
3150-AA90

CFR CITATION:
10 CFR 73

ABSTRACT:

The Commission has concluded that it is appropriate for each licensee that operates a nuclear power plant to establish an access authorization program to ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and do not pose a threat to commit radiological sabotage. Accordingly, the NRC published a proposed rule on August 1, 1984, that would require an access authorization program at nuclear power plants (49 FR 30726).

An alternative proposal by the Nuclear Utility Management and Resource Committee (NUMARC) was submitted as a public comment on this proposed rule. The alternative proposed a voluntary industry commitment to implement an access authorization program at nuclear power plants based upon industry guidelines. Major provisions of this program include background investigation, psychological evaluation, and behavioral observation.

On June 18, 1986, the Commission approved developing a policy statement endorsing industry guidelines as an alternative to the proposed rulemaking. Commitments to adhere to these guidelines would be formalized through amendments to the physical security plans and be subject to inspection and enforcement by NRC.

On March 9, 1988, the NRC published a proposed policy statement endorsing the NUMARC guidelines. In the Federal Register notice, the Commission specifically requested public comments as to whether the access authorization program should be a rule or a policy statement.

On April 19, 1989, the Commission decided to go forward with a final rule which would require all licensees to have an access authorization program and would specify the major attributes of the program. The NRC would also issue a regulatory guide which would endorse, with appropriate exceptions, the applicable industry guidelines, as an acceptable way of complying with the rule.

TIMETABLE:

Office Concurrence on Proposed Policy Statement Completed 10/30/87
Proposed Policy Statement/Guidelines to EDO 12/07/87
Proposed Policy Statement/Guidelines to Commission 12/15/87
Proposed Policy Statement Published 03/09/88 53 FR 7534
Proposed Policy Statement Comment Period End 05/09/88

TITLE:

Personnel Access Authorization Program

TIMETABLE: (CONT)

Options Paper to EDO (SECY-89-98) 03/22/89

Final Action to EDO 11/22/89

Final Action to Commission 11/30/89

Final Action Published 12/00/89

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Sandra Frattali

Nuclear Regulatory Commission

Office of Nuclear Regulatory Research

Washington, DC 20555

301 492-3773

TITLE:

Night Firing Qualifications for Security Guards at Nuclear Power Plants

RIN:

3150-AC88

CFR CITATION:

10 CFR 73

ABSTRACT:

The proposed rule would ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. Security guards currently are required to perform night firing for familiarization only. There is no requirement for standards to measure their effectiveness. The proposed rule would change that by requiring that security guards at nuclear power plants qualify for night firing. The only alternative to rulemaking is to retain the current status.

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The proposed amendment will standardize training and qualification in night firing and prepare power reactor guard forces to respond more effectively in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs. The costs to NRC will also be minimal because it will only require minor licensing, inspection and other regulatory actions. There is no occupational exposure.

It is estimated that 0.4 staff-years of effort over 2 years by the NRC will be required for the rulemaking.

TIMETABLE:

Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Dr. Sandra D. Frattali
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3773

TITLE:

Day Firing Qualifications and Physical Fitness Programs for Security Personnel at Category I Fuel Cycle Facilities

RIN:

3150-AD30

CFR CITATION:

10 CFR 73, Appendix H

ABSTRACT:

The proposed rule would amend the Commission's regulations to require that security personnel qualify and requalify annually on specific standardized day firing courses using all assigned weapons. Current regulations require day firing qualification using a national police course or equivalent for handguns and an NRA or nationally recognized course for semiautomatic weapons. A firing course specified for shotguns is in need of revision. Recent amendments to Part 73 added a requirement for night firing qualification using specific, designated firing courses. To ensure uniformity, the current day firing requirements should be compatible.

Additionally, current regulations specify that security personnel have no physical weaknesses that would adversely affect their performance of assigned job duties. However, no regulatory standards exist for assuring that security personnel are physically fit to perform their duties. Requirements for a physical fitness program and fitness standards at Category I fuel cycle facilities for security personnel need to be added to the regulations in order to provide a uniform, enforceable program. Guidance will be developed to ensure that such a program will not, at the same time, endanger the health of those participating in it.

The proposed rule would amend 10 CFR Part 73, Appendix H, to include day firing qualification courses in each type of required weapon as well as a standardized physical fitness training course and fitness standards for security personnel. Alternatives to the rulemaking would be to allow the status quo to continue. Standardization of day firing courses to be consistent with those established for night firing would be of negligible cost to the 3-4 affected licensees and to the NRC because day firing qualification using a variety of firing courses is already being done. Physical fitness training programs would incur moderate costs to the licensees in the area of personnel time and limited physical fitness equipment. The cost to the NRC would be in the area of licensing and inspection activities. Neither area of rulemaking affects occupational exposure. It is estimated that 0.5 staff-years of effort over 2 years will be required for this rulemaking of high priority.

TITLE:

Day Firing Qualifications and Physical Fitness Programs for
Security Personnel at Category I Fuel Cycle Facilities

TIMETABLE:

Proposed Action to EDO 03/30/90
Proposed Action to Commission 04/30/90
Proposed Action Published 05/31/90
Final Action to EDO 02/28/91
Final Action to Commission 03/29/91
Final Action Published 04/30/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stanley L. Dolins
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3745

TITLE:

*Import and Export of Radioactive Wastes

RIN:

3150-AD36

CFR CITATION:

10 CFR 110

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations by reexamining the existing NRC regulations for the import and export of radioactive wastes. This action is necessary to respond to concerns that international transfers of radioactive wastes, in particular low-level radioactive wastes, may not be properly controlled. Various options for establishing a Commission policy on the import and export of radioactive wastes are being considered. The Commission is publishing this ANPRM to seek comments from the public, industry, and other government agencies on various regulatory options and issues developed thus far.

TIMETABLE:

ANPRM Action Published 10/00/89

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Marvin Peterson
U.S. Nuclear Regulatory Commission
Office of Governmental and Public Affairs
Washington, DC 20555
301 492-0344

TITLE:
Export of Heavy Water to Canada

RIN:
3150-AD20

CFR CITATION:
10 CFR 110

ABSTRACT:

The final rule would amend the Commission's regulations concerning the import and export of nuclear equipment and material in 10 CFR Part 110. Current regulations require that license applications for the export of 1000 kilograms or more of heavy water to any country require review by the Commission. The Commission has reviewed its processing of nuclear export license applications and has determined that license applications for the export of any quantity of heavy water to Canada do not raise issues that require Commission review. Therefore, the Commission has delegated additional authority to the NRC staff to act upon such export license applications without prior consultation with the Commission. There is no acceptable alternative to rulemaking because an amendment to the regulations is necessary to identify the classes of export license application which require Commission review. The rule should benefit the NRC, the industry, and the public by expediting the review process for these kinds of applications.

TIMETABLE:
Final Action Published 07/00/90

LEGAL AUTHORITY:
44 USC 3201; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Elaine O. Hemby
Nuclear Regulatory Commission
Office of Governmental and Public Affairs
Washington, DC 20555
301 492-0341

TITLE:

Revision of Fee Schedules: Radioisotope Licenses

RIN:

3150-AD23

CFR CITATION:

10 CFR 170

ABSTRACT:

The proposed rule would amend the Commission's regulations governing licensing and inspection fees for radioisotope licenses (small programs licensed under the provisions of 10 CFR Parts 30, 40, and 70). The revised schedule of fees would more completely recover the costs incurred by the Commission in providing services to identifiable recipients. The proposed rule would update the schedule of fees for small byproduct material applications for decommissioning, change the cost per professional staff hour for NRC services based on the FY 1990 budget, delete certain exemption provisions and clarify others for ease of administration, add a new exemption to provide that Indian tribes and Indian organizations will be exempt from the payment of fees, and request that bills in excess of \$5,000 be paid by electronic fund transfer in accordance with U.S. Department of the Treasury cash management initiatives.

TIMETABLE:

Proposed Action Published 10/00/89

LEGAL AUTHORITY:

31 USC 9701; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Lee Hiller
Nuclear Regulatory Commission
Office of the Controller
Washington, DC 20555
301 492-7351

TITLE:
NRC Acquisition Regulation (NRCAR)

RIN:
3150-AC01

CFR CITATION:
48 CFR Chapter 20, Parts 1-52

ABSTRACT:
The proposed rule would amend the Commission's regulations to establish provisions unique to the NRC concerning the acquisition of goods and services. The NRC Acquisition Regulation is necessary to implement and supplement the government-wide Federal Acquisition Regulation. This action is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRC Acquisition Regulation implements the Federal Acquisition Regulation within the agency and includes additional policies, procedures, solicitation provisions, or contract clauses needed to meet specific NRC needs.

TIMETABLE:
Proposed Action Published 10/00/89
Final Action Published Undetermined

LEGAL AUTHORITY:
41 USC 401 et seq.; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Ronald D. Thompson
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-8770

II
PETITIONS.

(A) Petitions incorporated into final rules or
petitions denied since June 30, 1989

NONE

A

(B) Petitions for which a notice of denial has been prepared and is scheduled to be published in the Federal Register next quarter

B

PETITION DOCKET NUMBER: PRM-50-20

PETITIONER: Free Environment, Inc., et al.

PART: 50

OTHER AFFECTED PARTS: 100

FEDERAL REGISTER CITATION: May 19, 1977 (42 FR 25785)

SUBJECT: Reactor Safety Measures

SUMMARY: The petitioner requests that the Commission amend Part 50 before proceeding with the processing of license applications for the Central Iowa Nuclear Project to require that (1) all nuclear reactors be located below ground level; (2) all nuclear reactors be housed in sealed buildings within which permanent heavy vacuums are maintained; (3) a full-time Federal employee, with full authority to order the plant to be shut down in case of any operational abnormality, always be present in all nuclear generating stations; and (4) the Central Iowa Nuclear Project and all other reactors be sited at least 40 miles from major population centers.

The objective of the petition is to ensure that additional safety measures are employed in the construction and siting of nuclear power plants. The petitioner seeks to have recommendations and procedures practiced or encouraged by various organizations and some current NRC guidelines adopted as mandatory requirements in the Commission's regulations.

The comment period closed July 18, 1977. Three comments were received. The first three parts of the petition (see Description section above) were incorporated with PRM-50-19 for staff action purposes. A notice of denial for the third part of the petition was published in the Federal Register on February 2, 1978 (43 FR 4466). A notice of denial for the first two parts of the petition was published April 19, 1978 (43 FR 16556).

TIMETABLE: The staff is preparing a Federal Register package which will contain a denial for the remaining issue in this petition. The notice is expected to be published by December 1989.

CONTACT: John Telford
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3796

(C) Petitions incorporated into proposed rules

NONE

C

(D) Petitions pending staff review

D

PETITION DOCKET NUMBER: PRM-20-17

PETITIONER: The Rockefeller University

PART: 20

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: October 21, 1988 (53 FR 41342)
Correction published November 1, 1988
(53 FR 44014)

SUBJECT: Disposal of Animal Tissue Containing Small Amounts of
Radioactivity

SUMMARY: The petitioner requests that the NRC amend its regulations under which a licensee may dispose of animal tissue containing small amounts of radioactivity without regard to its radioactivity by expanding the list of radioactive isotopes for which unregulated disposal is permitted. Specifically, the petitioner requests that the NRC add Sulfur-35, Calcium-45, Chromium-51, Iodine-125, and Iodine-131 in concentrations not exceeding 0.01 microcurie/g to the list of radioactive isotopes set out in 10 CFR 20.306(b). The petitioner also requests that the NRC make the unregulated disposal of these wastes a matter with which all jurisdictions must comply.

TIMETABLE: Resolution of the petition is scheduled for May 1990.

CONTACT: Catherine Mattsen
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Office of Nuclear Regulatory Research
301 492-3638

PETITION DOCKET NUMBER: PRM-20-18

PETITIONER: The Rockefeller University

PART: 20

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: October 31, 1988 (53 FR 43896)

SUBJECT: Disposal of Solid Biomedical Waste Containing Small Amounts of Radioactivity

SUMMARY: The petitioner requests that the NRC amend its regulations to permit a licensee to dispose of solid biomedical waste containing small amounts of radioactivity without regard to its radioactivity. The petitioner requests that the NRC expand the provisions of 10 CFR 20.306 to classify the disposal of wastes such as paper, glass, and plastic trash containing small amounts of Hydrogen-3 and Carbon-14 as below regulatory concern. The petitioner would then be able to dispose of this material on-site in a currently operating, controlled-air incinerator. The petitioner believes this to be a reasonable, cost-effective alternative to burial of these wastes at a commercial low-level radioactive waste site.

TIMETABLE: Resolution of the petition is scheduled for May 1990.

CONTACT: Catherine Mattsen
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Office of Nuclear Regulatory Research
301 492-3638

PETITION DOCKET NUMBER: PRM-20-19

PETITIONER: GE Stockholders' Alliance

PART: 20

OTHER AFFECTED PARTS: 50

FEDERAL REGISTER CITATION: February 1, 1989 (54 FR 5089)

SUBJECT: Injection of Detectable Odor in Nuclear Power Plant
Effluents

SUMMARY: The petitioner requests that the Commission amend Part 20 to require that a detectable odor be injected into the emission of nuclear power plants and other nuclear processes over which the NRC has jurisdiction. The petitioner believes that this action would improve the health and safety of the public by providing for early detection of radiation leaks. A detectable odor would give the public notice of the need to take health protective measures.

The public comment period closed April 3, 1989. The NRC will review public comments, prior staff work on this issue, and develop recommendations regarding resolution of the petition.

TIMETABLE: Resolution of the petition is scheduled for December 1989.

CONTACT: Robert A. Meck
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Office of Nuclear Regulatory Research
301 492-3737

PETITION DOCKET NO: PRM-35-8

PETITIONER: Amersham Corporation

PART: 35

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: May 5, 1989 (54 FR 19378)

SUBJECT: Iridium-192 Wire for the Interstitial Treatment of Cancer

SUMMARY: The petitioner requests that the Nuclear Regulatory Commission amend its regulations concerning the medical use of byproduct material to include Iridium-192 wire for interstitial treatment of cancer in the provisions of 10 CFR 35.400 which governs the use of sources for brachytherapy. Under current NRC regulations, a potential user would be required to request and obtain a license amendment before using Iridium wire in brachytherapy treatments. The petitioner requests this amendment so that each medical use licensee that intends to use Iridium-192 wire for the interstitial treatment of cancer may do so without having to request and obtain a specific amendment to its license.

TIMETABLE: Resolution of the petition is scheduled for February 1990.

CONTACT: Anthony Tse
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
(301) 492-3797

PETITION DOCKET NUMBER: PRM-35-9*

PETITIONER: American College of Nuclear Physicians and the Society of Nuclear Medicine

PART: 35

OTHER AFFECTED PARTS: 30, 33

FEDERAL REGISTER CITATION: September 15, 1989 (54 FR 38239)

SUBJECT: Use of Radiopharmaceuticals

SUMMARY: The petitioners request that the Commission revise its regulations to give cognizance to the appropriate scope of the practice of medicine and pharmacy. The petitioners believe that 10 CFR Part 35 should be revised to recognize all the mechanisms that the Food and Drug Administration (FDA) uses to authorize the use of radiopharmaceuticals. According to the petitioners, granting of this petition would allow nuclear physicians and nuclear pharmacists to reconstitute non-radioactive kits differently from the method recommended by the manufacturer; allow nuclear physicians and nuclear pharmacists to prepare radiopharmaceuticals whose manufacture and distribution are purposefully not regulated by FDA; and permit nuclear physicians to determine appropriate diagnostic and therapeutic applications of radiopharmaceuticals, as is their professional obligation. The petitioners are interested in the requested action because, under current NRC regulations, members of the petitioning organizations believe they cannot appropriately practice their professions. The petitioners state that authorized user physicians cannot prescribe certain radiopharmaceuticals or routes of administration for optimal patient care, even though they are permitted to do so by FDA and by their state medical licenses. According to the petitioners, nuclear pharmacists have been disenfranchised as a professional entity because activities that are permitted by the FDA and the states are not allowed under NRC regulations. The petitioners believe that their professional activities are curtailed by the limitations imposed on nuclear physicians and pharmacists.

TIMETABLE: Resolution of this petition is scheduled for August 1991.

CONTACT: Anthony Tse
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3797

PETITION DOCKET NUMBER: PRM-50-31

PETITIONER: Citizens' Task Force

PART: 50

OTHER AFFECTED PARTS: 70

FEDERAL REGISTER CITATION: March 24, 1982 (47 FR 12639)

SUBJECT: Emergency Preparedness

SUMMARY: The petitioner requests that the Commission amend its regulations to require that (1) the present ten-mile emergency planning zone radius be extended to twenty miles and include any towns bordering on or partially within this zone; (2) all communities with a population in excess of 5,000 persons be provided by the respective utility with the funding to purchase, install, and operate radiological monitoring equipment to reach and maintain the level of preparedness deemed necessary by the affected municipalities; and (3) utilities be required to finance the emergency planning efforts of municipalities located near nuclear reactors.

The objective of the petition is to establish an effective notification and evacuation system in communities located near nuclear reactors. The comment period closed May 24, 1982.

TIMETABLE: Staff resolution of the petition was sent to the Commission on June 7, 1989 (SECY-89-172) and resubmitted September 1, 1989 (SECY-89-277)

CONTACT: Michael T. Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3918

PETITION DOCKET NUMBER: PRM-50-45

PETITIONER: Kenneth G. Sexton

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: October 6, 1986 (51 FR 35518)

SUBJECT: Extending the Emergency Planning Zone

SUMMARY: The petitioner requests that the Commission amend its regulations to require that current methodologies and analytical techniques be used to reevaluate the established Emergency Planning Zone (EPZ) for nuclear power plants. The petitioner is concerned that emergency planning for areas within and beyond the 10-mile distance provided in the Commission's regulations is inadequate because the current 10-mile EPZ was determined with what the petitioner considers outdated methodologies and data. The petitioner points out that advanced techniques and new information obtained through research in the last 10 years have produced improved calculations for determining the size of an EPZ.

The petitioner believes that there is overwhelming justification to request that the size of the EPZ be reevaluated on a site-specific basis, after allowing for review of the determination report by any interested parties.

The comment period for this petition, originally to expire on December 5, 1986 was extended to April 15, 1987.

TIMETABLE: Staff resolution of the petition was sent to the Commission on June 7, 1989 (SECY-89-172) and resubmitted September 1, 1989 (SECY-89-277)

CONTACT: Michael T. Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3918

PETITION DOCKET NUMBER: PRM-50-46

PETITIONER: State of Maine

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: December 30, 1986 (51 FR 47025)

SUBJECT: Emergency Planning

SUMMARY: The petitioner requests that the Commission amend its emergency planning regulations to (1) expand the emergency planning zone for the plume exposure pathway and for the ingestion pathway; (2) require that emergency planning be done before any construction of a nuclear facility is permitted and that the Governor of each affected State approve the emergency plans as a precondition to construction; and (3) require that offsite emergency preparedness findings be made before any fuel loading and/or low power operations are permitted.

The objective of the petition is to expand the emergency planning zone around nuclear power plants to ensure the protection of the public. The comment period expired March 2, 1987.

TIMETABLE: Staff resolution of the petition was sent to the Commission on June 7, 1989 (SECY-89-172) and resubmitted September 1, 1989 (SECY-89-277)

CONTACT: Michael T. Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3918

PETITION DOCKET NUMBER: PRM-50-50

PETITIONER: Charles Young

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: August 26, 1988 (53 FR 32624)

SUBJECT: Technical Specifications

SUMMARY: The petitioner requests the Commission to amend its regulations to rescind the provision that authorizes nuclear power plant operators to deviate from technical specifications during an emergency. The petitioner believes that nuclear power plants should be operated in accordance with the operating license and appropriate technical specifications and that requiring a senior operator to follow the technical specifications during an emergency enhances plant safety.

TIMETABLE: Resolution of the petition is scheduled for February 1990.

CONTACT: Morton R. Fleishman
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3794

PETITION DOCKET NUMBER: PRM-50-51, PRM-50-51A, PRM-50-51B

PETITIONER: American Nuclear Insurers and MAERP Reinsurance Association, Edison Electric Institute, Nuclear Utility Management and Resource Council, and Nuclear Mutual Limited and Nuclear Electric Insurance Limited

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: September 19, 1988 (53 FR 36335)

SUBJECT: Changes in Property Insurance Requirements

SUMMARY: The petitioners request that the Commission amend, after notice and opportunity for comment, certain insurance provisions which require that: (1) any insurance claims be paid first for the stabilization of the reactor facility and secondly, for decontamination of the facility, and (2) any insurance proceeds be paid to a trustee who would disburse the proceeds according to the priorities. Four comments were received on this petition and are under office review.

TIMETABLE: A proposed rule entitled "Stabilization and Decontamination Priority, Trusteeship Provisions, and Amount of Property Insurance Requirements," which addresses petition concerns, has been submitted to the Commission in SECY-89-258, August 23, 1989. Resolution of this petition is scheduled for November 1989.

CONTACT: Robert Wood
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
301 492-1280

PETITION DOCKET NUMBER: PRM-50-52

PETITIONER: Marvin Lewis

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: August 29, 1988 (53 FR 32913)

SUBJECT: Financial Qualifications

SUMMARY: The petitioner requests that the Commission reinstate financial qualifications as a consideration in the operating license hearings for electric utilities. The petitioner believes that the financial condition of a utility should be investigated during the licensing hearings. The petitioner also believes that the current rule requires the assumption of financial adequacy and that this assumption has resulted in several problems that could pose a danger to the public health and safety.

TIMETABLE: Resolution of this petition is scheduled for March 1990.

CONTACT: James Petersen
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
301 492-1265

PETITION DOCKET NUMBER: PRM-50-53*

PETITIONER: The Ohio Citizens for Responsible Energy

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: July 25, 1989 (54 FR 30905);

SUBJECT: Request for Reopening of ATWS Rulemaking Proceeding

SUMMARY: The petitioner requests that the NRC reopen the Anticipated Transients Without Scram (ATWS) rulemaking proceeding. This request was one portion of a request by the Ohio Citizens for Responsible Energy (OCRE) that NRC take a number of actions to relieve alleged undue risks posed by the thermal-hydraulic instability of boiling water reactors. On April 27, 1989, the Director, NRR, responded to the OCRE request for action in a Director's Decision under 10 C.R. 2.206. In the Director's Decision (DD-89-03), the NRC denied all of the petitioner's requests, except for the request to reopen the ATWS rulemaking proceeding, which would be more properly treated as a petition for rulemaking under 10 CFR 2.802. The petitioner suggested that resolution of the ATWS problem depends on measures other than tripping the recirculation pumps to rapidly reduce reactivity. In this regard, the petitioner specifically suggests the use of an automatic, high-capacity standby liquid control system.

TIMETABLE: Resolution of the petition is scheduled for July 1990.

CONTACT:

Robert R. Riggs
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3732

(E) Petitions with deferred action

PETITION DOCKET NUMBER: PRM-40-23

PETITIONER: Sierra Club

PART: 40

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: February 25, 1981 (46 FR 14021);
May 2, 1983 (48 FR 19722)

SUBJECT: Licensing the Possession of Uranium Mill Tailings at
Inactive Storage Sites.

SUMMARY: The petitioner requests that the Commission amend its regulations to license the possession of uranium mill tailings of inactive storage sites. The petitioner proposes the following regulatory action to ensure that the public health and safety is adequately protected: (1) repeal the licensing exemption for inactive uranium mill tailings sites subject to the Department of Energy's remedial programs; (2) require a license for the possession of byproduct material on any other property in the vicinity of an inactive mill tailings site if the byproduct materials are derived from the sites; or, in the alternative, (3) conduct a rulemaking to determine whether a licensing exemption of these sites or byproduct materials constitutes an unreasonable risk to public health and safety. On March 23, 1983, the petitioner filed an amendment to the original petition. In the amendment, the petitioner requests that, in the event that NRC denies the earlier requests, NRC take further action to ensure that the management of byproduct material located on or derived from inactive uranium processing sites is conducted in a manner that protects the public health and safety and the environment. The petitioner also requests that the NRC take action to govern the management of byproduct material not subject to licensing under section 81 of the Atomic Energy Act.

The objective of the petition is to license the protection of uranium mill tailings at inactive storage sites or take other regulatory action to protect the public health and safety and the environment from the radiological and nonradiological hazards associated with the tailings. The petitioner believes that this action is necessary if NRC is to adequately fulfill its statutory responsibilities under the Uranium Mill Tailings Radiation Control Act. The comment period closed April 27, 1981. Three comments were received, all stating the petition should be denied. The comment period on the amendment to the petition closed June 30, 1983. Uranium mill tailings are regulated under the Uranium Mill

Tailings Radiation Control Act of 1978 (Pub. L. 95-604, 42 U.S.C. 7901, et seq.). Title I of the Act directs that the Department of Energy, in consultation with NRC, conduct a remedial action program at inactive uranium mill tailings sites. Title II of the Act authorizes NRC to regulate disposal of the tailings at active sites.

TIMETABLE: Resolution of this petition is on hold pending amendments to Part 40 dealing with the custody and long-term care of reclaimed mill tailings sites. Completion of this rulemaking is scheduled for 1990. Resolution of the petition will be completed following this action.

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301 492-3877

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The NRC Regulatory Agenda is a compilation of all rules on which the NRC has proposed or is considering action and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued each quarter.

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