



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 7 1980

MEMORANDUM FOR: Steve Scott, Chief
Documents Management Branch
Division of Technical Information and Document Control

FROM: J. M. Felton, Director
Division of Rules and Records
Office of Administration

SUBJECT: TRANSMITTAL OF QUARTERLY PROPOSED RULE REPORT

Enclosed for transmittal to the Public Document Room is the Quarterly Report on Proposed Rules as of July 31, 1980. This report has been prepared in order to provide the public with information regarding NRC's rulemaking activities. A notice will be published in the Federal Register soon announcing its availability in the Public Document Room for inspection and copying.

for Frank W. Karas
for J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

cc: Linda Schneider

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NUCLEAR REGULATORY COMMISSION

STATUS OF PROPOSED RULES - JULY 31, 1980

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
<u>2 Rules of Practice for Domestic Licensing Proceedings</u>				
2		42 FR 37406 7/21/77	<u>Burden of Proof in Enforcement Proceedings.</u> To provide generally that the proponent of an order in an enforcement action has the burden of proof.	Comments by 9/6/77. 13 comments received. 10 favored rule without reservation. 3 favored rule with changes. Final rule sent to Commission 4/15/80. Commission decision to disapprove rule issued 5/80. Task Leader:G. Cunningham, ELD. (301) 492-7203
2		44 FR 12428 3/7/79	<u>Ex Parte Communications, and Separation of Adjudicatory and Non-adjudicatory Functions.</u> To amend the rules dealing with ex-parte communications and the separation of adjudicatory and non-adjudicatory functions so that those rules will be	Comments by 4/23/79. 1 comment received. OGC paper, recommending Final Rules, sent to Commission 10/15/79. Action suspended pending Commission response to NUREG-0670 (April 1980) which suggests options for broad overhaul of ex parte

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
2 cont.		44 FR 12428 3/7/79	In accord with the Govern- ment in the Sunshine Act, Pub. L. 94-409.	and separation of functions rules. Task Leader: H. Shulman, OGC, (301) 634-3288.
2, 19, 20, 21, 30, 40, 51, 60, 70		44 FR 70408 12/6/79	<u>Disposal of High-Level Radioactive Wastes in Geologic Repositories; Proposed Licensing Procedures.</u> To set forth requirements for licensing the receipt and disposal of high-level radioactive wastes (HLW) in geologic repositories.	Comment period closed 3/3/80. 33 comments received. Vast majority of comments support staff's rule with variety of modifications proposed. Comments under review. Preliminary analysis does not indicate that any substantial change in regu- lation is warranted. Target Date for Commission Action: October 1980. Commission paper with final rule will be circula- ted for office review 7/31/80. Task Leader: F. A. Costanzi, OSD, (301) 443-5981.

<u>10 CFR Parts</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	2	45 FR 3594 1/11/80	<u>Changes in Rules of Practice Governing Discipline in Ad- judicatory Proceedings.</u> To (1) Remove any implication that an attorney may be generally suspended from practice before NRC; (2) clarify and bolster the authority of the presiding officer, Appeal Board, and Commission to suspend any party from participation in a proceeding where, as a result of the party's conduct in that proceeding, this is necessary for the orderly conduct of the pro- ceeding; (3) specify special interlocutory appeal procedures governing suspensions from partici- pation; and (4) clarify who may appear before NRC in a representative capacity.	4 comments received, generally opposing the rule or certain aspects of it. Final rules drafted and in review. Task Leader: B. Berson, ELD, (301) 492-7678

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	2	45 FR 5308 1/23/80	<u>Rules of Practice.</u> To permit NRC Atomic Safety and Licensing Boards to use special assistants to be drawn from the membership of the Atomic Safety and Licensing Board Panel.	Comments by 3/24/80. 2 comments received. Final rules drafted, now in review. Target Date for Commission Action: 9/15/80. Task Leaders: M. Chopko, OGC, (301) 634-3224 B. Berson, ELD, (301) 492-7678.
	2, 30, 40, 50, 70, 110	45 FR 13739 3/3/80	<u>Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions and Related Conforming Amendments.</u> To revise Part 51 to implement Section 102 (2) of the National Environmental Policy Act of 1969, as amended (NEPA), in a manner which is consistent with the NRC's domestic Licensing and related regulatory authority and which reflect the Commission Policy to take account voluntarily, subject to certain conditions, of the regulations of the Council	Comments by May 2, 1980. 21 comments received. Majority of comments support rule with numerous minor revisions suggested. Final rule in preparation. Target Date for Commission Action (Est.): 10/15/80. Task Leader: J. Mapes, ELD, (301) 492-8695

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
2 cont.		45 FR 13739 3/3/80	on Environmental Quality implementing the procedural provisions of NEPA.	
2, 50		45 FR 20491 3/28/80	<u>No Significant Hazards Con-</u> <u>sideration.</u> To specify criteria for determining whether a proposed amend- ment to an operating license or construction permit for a commercial or large production or utilization facility involves no significant hazards consideration.*	Comments by May 27, 1980. 10 comments have been received. Majority of commenters oppose rule as currently proposed. Target Date for Commission Action: 3/81. Task Leader: W. E. Campbell, Jr., OSD, (301) 443-5913.
2, 50		45 FR 34279 5/22/80	<u>Possible Amendments to</u> <u>"Immediate Effectiveness"</u> <u>Rule.</u> To determine, through rulemaking, whether the Commission should continue to permit construction on a nuclear power plant to begin on the basis of an initial decision by an Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review within the Commission.	Comments by July 7, 1980. 15 comments received. A majority of commenters favored retention of the current rule with little or no change. Task Leader: P. Crane, OGC, (301) 634-1465.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
11	50 70	42 FR 14880 3/17/77	<u>Authority for Access to or Control of Special Nuclear Material.</u> The proposed rule specifies that the Commission will authorize access to or control over certain individuals involved in the operation of licensed nuclear power reactors and fuel reprocessing plants. The proposed rule also covers the licensed use, processing, or storage of certain quantities of special nuclear material and the transportation, by the private sector, of certain quantities of special nuclear material.	Comments by 5/16/77. 104 comments received, nearly all opposing the proposed rule. A staff paper has been prepared and issued by OGC which discussed rule implementation only for fuel cycle facilities and transportation activities. This option was approved by the Commission 6/24/80. A final rule is in preparation by OSD to implement this alternative with publication planned in 1Q80. OGC is preparing the final legal opinion and the statement of considerations. A separate rule for power reactors is being prepared in draft with a target completion date of 2/81. There is no target date for Commission action on this separate rule for power reactors since its completion is

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	11 cont.	42 FR 14880 3/17/77		dependent upon technical assistance contract results due in 9/80. Task Leader: J. Prell, OSD, (301) 443-5904.

19 Notices, Instructions, and Reports to Workers: Inspections

19, 20	40 FR 799 1/3/75	<u>Lower Radiation Exposure Levels for Fertile Women.</u> To incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements in Report No. 39 that the radiation exposure to an embryo or fetus be minimized.	29 comments received. A majority of the commenters supported the proposed rule. Secy-75-535A sent to Commission 3/25/76. This subject will be addressed further, in context of planned EPA/NRC/OSHA hearing, and by proposed Federal Radiation Policy Council (currently expected to take place in 1981). Task Leader: W. Cool, OSD, (301) 443-5970.
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<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
19, 20		44 FR 10288 2/20/79.	<u>Changes in Radiation Dose-Limiting Standards.</u> To eliminate the accumulated dose averaging formula, 5(N-18), and the associated FORM NRC-4 Exposure History, and impose annual dose-limiting standards while retaining quarterly standards.	<p>Comments by 4/23/79. 83 comments received. A majority of the commenters opposed the rule on the grounds that NRC should allow doses greater than 5 rem/yr. under unusual circumstances.</p> <p>An effective rule could not be approved until after joint EPA/OSHA/NRC hearing on Federal guidance for occupational radiation protection, to be held no earlier than 1/81. Target Date for Commission Action: Not set.</p> <p>Task Leader: W.S. Cool, OSD. (301) 443-5970.</p>

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	19, 30, 40, 50, 70, 71, 150	45 FR 15184 3/10/80	<u>Protection of Employees who Provide Information.</u> To amend NRC regulations in regard to protection for employees of licensees, contractors, etc., who provide information to the Commission.	Comments by May 9, 1980. As of 7/31/80, 29 comments had been received. None of the comments fully supports the rule. Target Date for Commission Action is 5/81. Task Leader: W.E. Campbell, Jr., OSD, (301) 443-5913.
	19	45 FR 19564 3/26/80	<u>Informal Conference During Inspection.</u> To facilitate the exchange of information during and after inspection of licensed facilities and to expedite the resolution of inspection findings.	Comments by May 12, 1980. 56 comment letters have been received. 48 commenters generally support the proposed rule (w/modifications) while 8 are opposed. Target Date for transmittal of final rule to Commission is 12/80. Task Leader: A.K. Rocklein, OSD, (301) 443-5970.

Also see Part 2 above.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 20	<u>Standards for Protection Against Radiation</u>			
20		39 FR 32921 9/12/74	<u>Transuranic Waste Disposal.</u> To prohibit the disposal of transuranium elements by burial in soil.	To be resolved as part of development of 10 CFR Part 61. Target Date for Commission Action: Part 61 will be submitted to the Commission 3/81. Task Leader: P. Lohaus, NMSS, (301) 427-4433.
20		43 FR 56677 12/4/78	<u>Burial of Small Quantities of Radionuclides.</u> To require NRC licensees to obtain Commission approval prior to burial of small quantities of radionuclides.	Comments by 2/2/79. 39 comments received, evenly divided for and against. Final rule in preparation. Target Date for Commission paper on Final Rule:10/1/80 Task Leader: J. W. Hickey, OSD, (301) 443-5966.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
20		45 FR 26072 4/17/80	<u>Environmental Radiation Protection Standards for Nuclear Power Operation.</u> To incorporate the existing requirement for certain uranium fuel cycle licensees to comply with the Environmental Protection Agency's "Environmental Radiation Protection Standards for Nuclear Power Operators."	Comments by June 16, 1980. 5 comments received. All generally support the rule. Final rule scheduled to circulate for office concurrence 9/1/80. Task Leader: J. W. Hickey, OSD, (301) 443-5966.
20		45 FR 45302 7/3/80.	<u>Miscellaneous Clarifying Amendments.</u> To amend 5520.101, 20.103, 20.104, and 20.105 in order to make clear that the purpose of these sections is to hold licensees responsible for overexposures occurring in connection with licensed activities if (1) the licensed activity "caused" an individual to be overexposed, or (2) an inadequacy or deficiency in the licensed activity "permitted" an individual to be overexposed. Included in these	Comments by September 2, 1980. No comments received as of 7/31/80. Task Leader: A. K. Rocklein, OSD, (301) 443-5970.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	20	45 FR 45302 7/3/80	prohibitions would be over-exposures resulting from the acts of employees acting with or without management direction in using licensed material. Also to amend §20.201(b) in order to make clear that the survey requirement of that section is intended to assure that licensees make appropriate surveys and that the requirement may be violated even if noncompliance with some other requirement of Part 20 does not result from the failure to survey or from the performance of an inadequate survey.	

Also see Parts 2 and 19 above

10 CFR Part	Affected Parts	Federal Register Citation	Subject	Action
Part 21	<u>Reporting of Defects and Noncompliance</u>			
	<u>See Part 2 above</u>			
Part 30	<u>Rules of General Applicability to Domestic Licensing of Byproduct Material</u>			
30, 31, 32	36 FR 6015 4/1/71	<u>Exemption of Static Elimina-</u> tars. To exempt from licensing requirements tritium, krypton-85, or polonium-210 in static elimination devices and ion generating tubes manufactured, imported, or transferred in accordance with a specific license issued by the Commission which authorizes transfer of such devices or tubes to persons exempted under the proposed new exemption or equivalent regulations of an Agreement State.	Eleven letters of comment were received, four of which raised significant questions concerning license fees, reporting requirements, and specific licenses for incorporation of devices into products for commercial distribution. Task placed in hold in 1975 pending review to determine whether cost of completing rule change is warranted. Target Date for Commission Action: 10/80.	
				Task Leader: J. Henry, OSD, (301) 443-5946.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
30, 70		43 FR 44547 9/28/78	<u>Irretrievable Well-Logging Sources.</u> To establish requirements to be accomplished in the event of an irretrievable well-logging source (any sealed source containing licensed material which is pulled off or not connected to the wireline downwell, and for which all reasonable effort at recovery, as determined by the Commission, has been expended).	Comments by 11/27/78. 10 comments received. Commenters are generally in agreement with the proposed regulation. Additional study required to complete impact analysis. Target Date for Commission Action: 12/80. Task Leader: M. Wangler, SD (301) 443-5946.
30, 35		44 FR 32394 6/6/79	<u>Testing of Radioisotope Generators.</u> To require licensees to test radio-pharmaceuticals for a contaminant called molybdenum-99. Action complete.	Comments by 8/7/79. 3 comments received favoring the rule. There were no comments opposing the rule. EDO approval of final rule dated 4/8/80. Sent to Federal Register for publication 6/10/80. Final Rule published 6/19/80 at (45 FR 41393). Task Leader: E. Podolak, OSD (301) 443-5860

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	30, 40, 70, 150, 170	44 FR 59015 8/24/79	<u>Criteria Relating to Uranium Mill Tailings and Construction of Major Plants.</u> To amend NRC regulations to conform to the requirements of the Uranium Mill Tailings Radiation Control Act of 1978 and to the conclusions set forth in the final GEIS on uranium milling.	Comments by 10/24/79. About 100 comment letters were received, with about 1,000 comments, most of which were critical. Target Date for Commission Action: 10/80.

Task Leader: D. Harmon,
OSD, (301) 443-5910.

Also see Parts 2 and 19 above

Part 31 General Domestic Licenses for Byproduct Material

see Part 30 above

Part 32 Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material

32	44 FR 68853 11/30/79	<u>Specific Domestic Licenses To Manufacture or Transfer Certain Items Containing Byproduct Material.</u> To adopt new requirements for labeling the external surfaces of gas and aerosol detectors including the	Comments by 1/14/80. 28 comments received. Final rule, to be effective 1/1/81, signed by EDO on 5/27/80, and sent to Federal Register. Final rule published 6/9/80 at 45 FR 38340.
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<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	32 cont.	44 FR 68853 11/30/79	point-of-sale packaging for these detectors (proposal covers smoke detectors).	Task Leader: D. Smith, OSD, (301) 443-5946.
			Action complete.	

Also see Part 30 above

Part 34 Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations

34	45 FR 39856 6/12/80	<u>Licenses for Radiography and Radiation Safety Requirements For Radiographic Operations-Disposal of Records of Pocket Dosimeters.</u> To provide that pocket dosimeter records need be retained for only two years.	Comments by July 28, 1980. As of 7/24/80, 3 comments had been received, all supporting the rule as proposed. Task Leader: S. A. McGuire, OSD, (301) 443-5970.
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<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 35	<u>Human Uses of Byproduct Material</u>		<p>35 44 FR 21203 4/9/79</p> <p><u>Coordination of Human Uses of Byproduct Material.</u> To make it a requirement to appoint a radiation safety committee that will focus on radiation safety.</p>	<p>Comments by 6/8/79. 63 comments received. Approximately one-third favored the rule, one-third opposed it, and one-third commented without indicating preference. Final rule in preparation. Target Date for Commission Action: 9/30/80. Work on this task was delayed because staff was working on Misadministration Report Requirement rule, which is now complete.</p> <p>Task Leader: E. Podolak, OSD, (301) 443-5860.</p>

Also see Part 30 above.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 40			<u>Domestic Licensing of Source Material</u>	
40		45 FR 14589 3/6/80	<u>Licensing of Source Material; Deletion of Source Material Medicinal from the General License for Small Quantities of Source Materials.</u> To delete the provision which authorizes the use of source material in the form of medicinals or drugs.	Comments by May 6, 1980. 3 comments received. All comments supported the rule as proposed. Final rule approved by EDO 8/7/80. Task Leader: D. A. Bozik, OSD, (301) 443-5860.

Also see Parts 2, 19, and 30 above.

40, 50 70, 75, 150, 170		44 FR 41468 7/17/79	<u>Safeguards; Implementation of US/IAEA Agreement.</u> To enable the United States to implement the US/IAEA Safeguards Agreement, with respect to licensed activities, as soon as the Agreement enters into force.	Comments by 8/31/79. 9 comments received. This task involves coordination with other government agencies (DOS, DOE, ACDA) and various NRC offices. EDO action 6/2/80 sent final rule to SECY for Commission action. Final Rule published in Federal Register 7/31/80. Task Leader: L.C. Solem, OSD, (301) 443-5904
			Action Complete.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 50	<u>Domestic Licensing of Production and Utilization Facilities</u>			
50	36 FR 22851 12/1/71	<u>Accident Assumptions in Environmental Reports.</u> To add an annex to Part 50, Appendix D, specifying certain standardized accident assumptions to be used in Environmental Reports and Detailed Statements required in connection with power reactor licenses. (Note: Appendix D was revoked in 1974 when Part 51 was issued.)	<u>Accident Assumptions in Environmental Reports.</u> To add an annex to Part 50, Appendix D, specifying certain standardized accident assumptions to be used in Environmental Reports and Detailed Statements required in connection with power reactor licenses. (Note: Appendix D was revoked in 1974 when Part 51 was issued.)	16 comments received. Recommended Statement of Interim Policy on "Accident Considerations under NEPA" transmitted to Commission in SECY-80-131, dated March 11, 1980. Commission, on May 15, 1980, approved a revised Statement for publication in the Federal Register. This action withdraws the proposed Annex to Appendix D of Part 50 and suspends the rule-making. Proposed rule withdrawn 6/13/80. (45 FR 40101). Task Leader: W. Kreger, NRR, (301) 492-8026.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
50		39 FR 26293 7/18/74	<u>General Design Criteria for Fuel Reprocessing Plants.</u> To add an Appendix "P" to establish minimum requirements for the principal safety-related design criteria for fuel reprocessing plants.	11 comments received. Reprocessing indefinitely deferred. Task Leader: C. W. Nilsen, OSD, (301) 443-5910.
50, 70		44 FR 54308 9/19/79	<u>Production and Utilization Facility Licenses; Emergency Planning.</u> To require that all production and utilization facility licensees, as a condition of their license, submit emergency plans for NRC review and approval and maintain the emergency plans up to date. Action complete.	Comments by 11/19/79. 3 comments received. Proposed final rule on emergency planning sent to Commission 6/3/80. Final rule approved by Commission 8/23/80. Task Leader: M.T. Jamgochian, OSD, (301) 445-1966.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
50		44 FR 75167 12/19/	<u>Emergency Planning</u> . To provide an interim upgrade of NRC emergency planning regulations. Action Complete.	Comments by 2/19/80. 203 comments received. Comments evenly divided for and against. Proposed final rule sent to Commission 6/3/80. Final rule approved by Commission 8/23/80. Task Leader: M. Jamgochian, OSD, (301) 443-5966.
50		45 FR 2330 1/11/80	<u>Domestic Licensing of Production and Utilization Facilities; Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors</u> . To relax requirements for leak testing of containment building air locks that are in frequent use.	Comments by 2/25/80. 3 comment letters received. One commenter requested clarification; one requested greater flexibility; and one requested less flexibility. Final rule planned for EDO issue in December 1980. Task Leader: G. Arndt, OSD, (301) 443-5997.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
50		45 FR 36082 5/29/80	<u>Fire Protection Program for Nuclear Power Plants Operating Prior to January 1, 1979. To require certain minimum provisions for fire protection in operating nuclear power plants.</u>	Comments by June 30, 1980. 3 comments received as of 7/24/80. All favor the rule as proposed. Final rule in preparation. Target Date for Commission Action: 10/1/80.

Also see Parts 2, 11, 19 and 40 above.

Part 51 Licensing and Regulatory Policy and Procedures for Environmental Protection

51		45 FR 24168 4/9/80	<u>Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews. To provide procedures and performance criteria for the review of alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA).</u>	Comments by June 9, 1980. 27 comments received. All but one commenter were generally supportive of the staff proposal. The final rule will be developed in conjunction with the proposed revision to Part 51 (45 FR 13739). Task Leader: W. Ott, OSD, (301) 443-5966.
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Also see Part 2 above.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 60			<u>Disposal of High-Level Radioactive Wastes in Geologic Repositories; Proposed Licensing Procedures</u>	
			<u>See Part 2 above.</u>	
Part 70			<u>Domestic Licensing of Special Nuclear Material</u>	
70		42 FR 13834 3/14/77	<u>Plutonium-238 Powered Cardiac Pacemakers.</u> To establish (1) general licenses for the implantation, routine use, and recovery of plutonium-238 powered cardiac pacemakers that have been proved reliable and safe under investigational programs of actual use, and (2) the requirements for issuance of specific licenses authorizing distribution of pacemakers for routine use under the general license.	Comments by 10/10/79. 19 comment letters were received. The medical community generally supports NRC's allowing the use of Pu-238 pacemakers even though technological advances in nonnuclear pacemakers have greatly reduced the demand for Pu-238 pacemakers. Action postponed, at Commission direction, to receive comments of NRC Medical Advisory Committee and the public on FES supplement. In view of the relatively low demand for Pu-238 pacemakers, staff sent paper to EDO 7/28/80 recommending withdrawal of the proposed amendments and continuing use under existing regulations. Target Date for Commission Action: 9/80.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	70 cont.	42 FR 13834 3/14/77		Task Leader: D. Smith, OSD (301) 443-5946.
	70, 73	45 FR 1625 1/8/80	<u>Transient Shipments of Strategic Special Nuclear Material.</u> To withdraw the existing exemption from licensing requirements for carriers who possess formula quantities of strategic special nuclear material in the course of a transient shipment, and require them to be responsible for assuring that the strategic special nuclear material is protected against theft and radiological sabotage.	Comments by 3/10/80. 5 comments received. None of the commenters opposed the rule. Target Date for Commission Action: Sept. 1980. Final rule scheduled to circulate for office concurrence in August 1980. Task Leader: C. K. Nulsen, NMSS, (301) 427-4181.
	70	45 FR 15936 3/12/80	<u>Domestic Licensing of Special Nuclear Material; General License Requirements for Any Person Who Possesses Irradiated Special Nuclear Material (SNM) In-Transit.</u> To issue a general license to any person who possesses irradiated reactor fuel in-transit.	Comments by June 16, 1980. 5 comments received. A majority of the commenters favor adoption of the proposed amendments. Final rule circulating for office concurrences. Target Date for Commission Action: 12/1/80 Task Leader: J. A. Prell, OSD, (301) 443-5904

Also see Parts 2, 11, 19, 30, 40, and 50 above.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 71			<u>Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions</u>	
71, 73	40 FR 23768 6/2/75		<u>Packaging and Transportation of Special Nuclear Material by Air.</u> Concerning the air transportation of radioactive materials, including packaging.	88 comments received on the transport rulemaking proceeding. 31 comments supported the air transport of SNM or radioactive material in general or the conclusion that current transport regulations are adequate. 35 comments were opposed to some aspect of radioactive material transport. 22 comments offered items for consideration or were neutral. Final Environmental Statement issued 12/77. 35 comments received on the Environmental Statement. 4 comments agreed with the conclusions of the statement, 18 comments indicated some aspect of the statement was inadequate, 13 comments offered items for consideration or were neutral.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
71, 73 cont.		40 FR 23768 6/2/75	Task Leader: S. Bernstein, SD, (301) 443-5946	Target date for Commission action: 10/80. Staff paper recommending closing of proceedings is in preparation. There are no plans to make immediate changes to the rules as a result of this proceeding.
71		44 FR 48234 8/17/79	<u>Transportation of Radioactive Material - Compatibility with IAEA Regulations.</u> To revise the regulations for the transportation of radioactive material to make them compatible with those of the IAEA and thus with those of most major nuclear nations of the world.	Comments by 10/16/79; extended to 12/17/79. 28 comments received. 15 were supportive of the proposal, 17 made suggestions regarding the technical content of the requirements, and 5 were specifically concerned about consistency of terminology and requirements among NRC, DOT, and the IAEA. Target Date for Commission Action: 12/81. Completion date for DOT action extended due to controversy over low specific activity materials. NRC parallel rule will also be delayed.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	71 cont.	44 FR 48234 8/17/79		Task Leader: D. Hopkins, OSD, (301) 443-5946.

Also see Part 19 above.

Part 72 Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation

72	43 FR 46309 10/6/78	<u>Storage of Spent Fuel.</u> To add a new part which specifies procedures and requirements for issuance of licenses to store spent fuel in an independent spent fuel storage installation.	Comments by 1/4/79. 73 comment letters received, the majority supporting the proposed rule. Target Date for Commission Action: 9/31/80. Rule has been revised to incorporate new emergency planning approach. Draft final rule sent to Commission for revision and approval on May 8, 1980. Staff's response to Commission comments being forwarded to Commission. Task Leader: Dennis Reisenweaver, OSD. (301) 443-5910.
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10 CFR Part	Affected Parts	Federal Register Citation	Subject	Action
<u>Part 73 Physical Protection of Plants and Materials</u>				
73	44 FR 60743 10/22/79	<u>Reporting of Safeguards Events.</u> To require that Licensees report events which significantly threaten or lessen the effectiveness of their safeguards system.	Comments by 12/21/79. 25 comments received. A majority of the commenters were in agreement with the intent of the rule but requested that more definitive criteria be developed for reporting in addition to a reporting schedule which depends on the severity of the event and compensating measures taken. Target date for final agency action: 10/80. Task Leader: T. S. Michaels, OSD, (301) 443-5903.	
73	45 FR 2657 1/14/80 45 FR 11503 2/21/80	<u>Physical Protection of Intransit Special Nuclear Material of Moderate Strategic Significance.</u> To allow the NRC to delay the shipments of certain quantities of Special Nuclear Material (SNM) of moderate	Comments by 2/13/80, extended to 3/24/80. 2 comments received. Amendments republished 2/21/80 to explain how NRC would implement scheduling control. Additional amendments drafted to require early theft-	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
73 cont.		45 FR 3657 1/14/80	strategic significance in order to prevent concurrent shipment of two or more quantities of SNM that, in total, would exceed a formula amount.	detection capabilities of licensees who transport Category II SNM. Final rule amendments being prepared. Target Date for Commission Action: Oct. 1980.
		45 FR 11503 2/21/80		Task Leader: C. K. Nulsen, NMSS, (301) 427-4181.
73		45 FR 15937 3/12/80	<u>Physical Protection of Plants and Materials; Access Controls to Nuclear Powerplant Vital Area.</u> To define more clearly the criteria for personnel access controls for nuclear power plant vital areas.	Comments by May 12, 1980. 12 comments received. Commenters were in agreement with the intent of the rule but requested clarification of the phrasing in addition to two changes.

Also see Parts 70 and 71 above.

Task Leader: T. S. Michaels, (301) 445-5904.

Part 75 Safeguards of Nuclear Material - Implementation of US/IAEA Agreement

See Part 40 above.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 110	<u>Export and Import of Nuclear Facilities and Materials</u>			
	<u>See Part 2 above.</u>			
Part 140	<u>Financial Protection Requirements and Indemnity Agreements</u>			
140	44 FR 1751 1/8/79	<u>Indemnification of Spent Reactor Fuel.</u> To extend Government indemnity to spent reactor fuel stored at a reactor site different than the one where it was generated, in a specific situation, and consider such indemnity in a more generic sense.	Comments by 2/7/79. 16 comments received. 12 commenters support staff proposal while 4 commenters generally oppose it. Final rule in preparation. ELD concurrence now being obtained. Target Date for Commission Action: October 1980. Task Leader: I. Dinitz, NRR, (301) 492-8562.	
140	44 FR 20709 4/6/79	<u>Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments.</u> To amend regulations relating to the financial protection and indemnity required of licensees; and to implement legislation that modified and	Comments by 6/5/79. 2 comments received. Target Date for Commission Action: October 1980. ELD has indicated no legal objection. NRR and ELD evaluating comments from insurance pools received in July concerning impact	

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	140	44 FR 20709 4/6/79	extended for ten years (to August 1, 1987) the present Price-Anderson legislation.	of TMI on proposed insurance policies. Task Leader: I. Dinitz, NRR, (301) 492-8336.
Part 150	<u>Exemptions and Continued Regulatory Authority In Agreement States Under Section 274</u>			
	150	39 FR 32922 9/12/74	<u>Transuranic Waste Disposal.</u> To reassert the Commission's authority in Agreement States over the disposal of transuranium elements by burial in soil.	15 comments received. A majority of the commenters were supportive of the staff proposal. To be resolved as part of development of 10 CFR Part 61. Target Date for Commission Action: Part 61 will be submitted to the Commission 3/81. Task Leader: P. Lohaus, NMSS, (301) 427-4433.
	150	42 FR 13837 3/14/77	<u>Plutonium-238 Powered Cardiac Pacemakers.</u> To make the Commission the sole agency regulating the routine use under general license of plutonium-238 powered cardiac	Comments by 10/10/79. 1 comment received. Target Date for Commission Action: 9/80. (See related rule, Part 70 above).

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	150 cont.	42 FR 13837 3/14/77	pacemakers and the distribution under specific license of pacemakers used under such general license.	Task Leader: D. Smith, OSD, (301) 443-5946.

Also see Parts 19, 30, and 40 above.

Part 170 Fees for Facilities and Materials Licenses And Other Regulatory Services Under the Atomic Energy Act of 1954, As Amended

170	45 FR 20899 3/31/80	<u>Licenses and Other Regulatory Services Under the Atomic Energy Act of 1954; Revision of Materials Fee Schedules.</u> To add a new fee Category 11.F to Section 170.31 on schedule of fees for materials licenses and other regulatory services.	Comments by 4/30/80. 5 comments received. All comments expressed opposition to staff proposal. Final rule to circulate for office concurrences 10/80. Task Leader: W. O. Miller, Jr., ADM, (301) 492-7225.
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Also see Parts 30, and 40 above.

ADVANCE NOTICES OF PROPOSED RULEMAKING

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 2	<u>Rules of Practice for Domestic Licensing Proceedings</u>			
2, 50		44 FR 33833 6/13/79	<u>Request for Public Comment on Licensing Procedures.</u> To request the views of the public on the Commission's immediate effectiveness rule (10 CFR 2.764) which provides that a construction permit can be issued on the basis of an initial decision of an Atomic Safety and Licensing Board even though that decision is subject to further review within the Commission.	Comments by 7/6/79. No comments received. Proposed Rule published in the Federal Register May 22, 1980. (45 FR 34279). Task Leader: P. Crane, OGC, (301) 634-1465.
		Action Complete		
2, 50		45 FR 20493 3/28/80	<u>Advance Notice of Rulemaking on Certification of Personnel Dosimetry Processors.</u> To obtain public comments on various alternatives for improving accuracy in personnel dosimetry, particularly with respect to operation of the testing and certification laboratories.	Comment period extended from May 27, 1980 to June 27, 1980. 50 comments received. More than 90% of the commenters favor a regulatory program for improving dosimeter accuracy. A majority of the commenters favor an

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	2, 50 cont.	45 FR 20493 3/28/80		NRC contractor operated testing laboratory. Oral comments were accepted during a public meeting on this topic held May 28 and 29, 1980. Target Date for Commission Action: Proposed rule scheduled for publication during the fall of 1980. Task Leader: N. S. Dennis, OSD, (301) 443-5970.

Part 9 Public Records

9	44 FR 22746 4/17/79	<u>"Plain English" Version of Freedom of Information Act Regulations.</u> A suggested revision of the Freedom of Information Act regulations was published for public comment, as an illustration of how regulations could be written in "plain English", as prescribed by Executive Order 12044.	Comments by 6/18/79. 30 comments received. Majority of comments supported the concept of writing regulations in plain English. Action suspended, pending completion of higher priority items. Task Leader: J. M. Felton, DRR, (301) 492-7211.
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<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
Part 20			<u>Standards for Protection Against Radiation</u>	
	20	45 FR 18023 3/20/80	<u>Standards for Protection Against Radiation, Advance Notice of Proposed Rulemaking.</u> To bring NRC radiation protection standards into accord with developments in radiation protection that have occurred since promulgation of Part 20 in its present form in the late 1950's.	Comments by June 18, 1980. 71 comments received. A majority of the commenters were generally in favor of the staff proposal. Industry comments generally reflect the view that current Part 20 standards are adequate. The staff intends to publish its positions (and the bases for those positions) on the various Part 20 requirements in the Federal Register for public comment in 12/80. Task Leader: M. S. Parsont, SD. (301) 443-5854.

CFR Part	Affected Parts	Federal Register Citation	Subject	Action
Part 30	<u>Rules of General Applicability to Domestic Licensing of Byproduct Material</u>			
	30, 40, 50, 70	43 FR 10370 3/12/78	<u>Decommissioning Criteria for Nuclear Facilities.</u> To provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees.	Comments on decommissioning program by 7/15/78. 69 comments received, the majority of which support the staff proposal. State Workshops held 9/78 and 9/79. Target Dates for Commission Action: Draft GEIS, 9/80; Policy Statement, 4/81; Proposed Rules, 8/81. Task Leader: G. D. Calkins, OSD, (301) 443-5910.
Part 34	<u>Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations</u>			
	34	43 FR 12718 3/27/78	<u>Design of Radiographic Exposure Devices.</u> To reduce radiation over-exposures caused by equipment failure.	Comments by 5/26/78. 33 comments received. Commenters generally favored the promulgation of some type of equipment standard. Most users favored the proposal with little reservation. However, no consensus among manufacturers was evident on how

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	34	43 FR 12718 3/27/78		extensively (f.e., number of features) the devices should be regulated. Target Date for Commission Action: 6/81. Task Leader: M. Wangler, SD, (301) 443-5946.

Part 40 Domestic Licensing of Source Material

See Part 30 above.

Part 50 Domestic Licensing of Production and Utilization Facilities

50	43 FR 22373 5/25/78	<u>Financial Qualifications.</u> Regarding the requirement for demonstrating financial qualifications to obtain Part 50 licenses for production and utilization facilities.	Comments by 7/24/78. Seven comments received. Six in favor of proposal; 1 opposed. Staff recommended that the Commission consider eliminating second request for comments and instead act on staff's recommendation in proposed rule (SECY-79-299) which would substantially reduce scope of financial qualifications review. OPE developing decisional data for Commission. Target date
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<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
50 cont.		43 FR 22373 5/25/78		for Commission Action not set. Task Leader: J. Petersen, NRR, (301) 492-8686.
50		43 FR 57157 12/6/78	<u>Acceptance Criteria for Emergency Core Cooling Systems.</u> To change certain technical and nontechnical requirements within the existing emergency core cooling system rule.	Comments by 3/5/79. 29 comment letters received. Majority of commenters were generally in favor of staff proposal. Work on rule deferred, pending assessment of TMI accident and its impact on ECCS rule. Task Leader: J. A. Norberg, OSD, (301) 443-5924.
50, 51		44 FR 51372 10/25/79	<u>Storage and Disposal of Nuclear Waste.</u> To reassess degree of confidence that radioactive wastes produced by nuclear facilities will be safely disposed of, to determine when disposal will be possible, and to determine whether wastes can be safely	First prehearing conf. order issued 2/1/80. Department of Energy's filing received 4/15/80. Filing date for other full participants extended to 7/7/80. Filing of cross statements currently scheduled for 9/5/80. The Commission has established a Working Group, chaired by the

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
50, 51 cont.		44 FR 61372 10/25/79	stored until they are safely disposed of.	Office of Policy Evaluation, to monitor development of the record. Target Date for Commission Action: Not set. Task Leaders: L. Slaggie, OGC, (301) 634-3224. S. Trubatch, OGC, (301) 634-3224.
50		45 FR 6793 1/30/80	<u>Operational Data Gathering.</u> To require that participation in the Nuclear Plant Reliability Data System (NPRDS) be made mandatory for power reactor licensees.	Comments by 3/3/80. 45 comments received. Vast majority of commenters oppose staff proposal. The staff review of comments could result in modification of the original proposal and reconsideration as to whether NPRDS should be mandatory. Target Date for Commission Action: 12/80. Task Leader: M. Medeiros, Jr. OSD, (301) 443-5913.

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>:Subject</u>	<u>Action</u>
50		45 FR 45916 7/8/80	<u>Domestic Licensing of Production and Utilization Facilities; Technical Specifications for Nuclear Power Reactors.</u> To amend current regulations pertaining to technical specifications for nuclear power reactors to (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operation, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval.	Comments by September 8, 1980. No comments received as of 7/31/80. Task Leader: J. Wetmore, NRR, (301) 492-8935.

<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	50, 51, 100	45 FR 50350 7/29/80	<u>Advance Notice of Rulemaking Revision of Reactor Siting Criteria.</u> To request public comment on the possible alternative approaches for modification of the existing criteria for the siting of nuclear power reactors.	Comments by 9/29/80. Task Leader: R. Grill, OSD, (301) 443-5966.

Also see Parts 2 and 30 above.

Part 51 Licensing and Regulatory Policy and Procedures For Environmental Protection

See Part 50 above.

Part 60 Disposal of High-Level Radioactive Wastes in Geologic Repositories; Proposed Licensing Procedures

60	45 FR 31393 5/13/80	<u>Technical Criteria for Regulating Geologic Disposal High-Level Radioactive Waste.</u> To inform the public and interested parties concerning the status of efforts related to the development	Comments by July 14, 1980. 25 comments received as of 7/21/80. Overwhelming majority of commenters generally support the regulation and suggest revisions. Target Date
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<u>CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>
	60 cont.	45 FR 31393 5/13/80	of technical criteria to become Part 60.	for Commission action: 10/1/80. Task Leader: I. Craig Roberts, (OSD) (301) 443-5985.

Part 61 Management and Disposal of Low-Level Wastes by Shallow Land Burial and Alternative Disposal Methods

61	44 FR 49811 10/25/78	<u>Management and Disposal of Low-Level Wastes.</u> To add a new Part 61 which specifies a regulatory program for management of low-level radioactive wastes.	Comments by 12/26/78. 34 comments received. Target Date for Commission Action: Early FY 1981. A draft of the regulation has been written and was sent to a wide spectrum of individuals for comment in November 1979. A notice of availability was issued 2/28/80 in order to make the draft available to wider cross-section of individuals for comment. A contractor has been engaged to write the EIS. Public workshops were held in May and July 1980 to discuss the November draft. An additional workshop is
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CFR

Affected Federal
Parts Register
Citation

Subject

Action

61 cont. 44 FR 49311
10/25/78

planned for August.

Task Leader: R. D. Smith,
NMSS, (301) 427-4433.

Part 70 Domestic Licensing of Special Nuclear Material

See Part 30 above.

Part 100 Reactor Site Criteria

100 43 FR 2729
1/19/78

Seismic and Geologic Siting
Criteria. Regarding the
planned reassessment of
current seismic criteria.

Comments by 3/1/78. 34
comments received. Nearly
all of the commenters
supported the proposed
revision of the rule.
Further consideration
postponed pending
revision of several areas
of Part 100. Action
on this task will be
delayed for at least
three years.

Task Leader: L. Beratan,
OSD, (301) 443-5988.