



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

March 13, 1981

PDR

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 January 31, 1981. 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.

*John Phelps for*  
J. M. Felton, Director  
Division of Rules and Records  
Office of Administration

Enclosure: As stated

cc: Linda Schneider

810.4200 626

NUCLEAR REGULATORY COMMISSION

STATUS OF PROPOSED RULES - JANUARY 31, 1981

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
2			<u>Rules of Practice for Domestic Licensing Proceedings</u>		
	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 nonadjudicatory functions so that those rules will be in accord with the Government in Sunshine Act, Pub. L. 94-409.	Comments by 4/23/79. 1 comment received. OGC paper, recommending Final Rules, sent to Commission 10/15/79. Action suspended while Commission reviewed NUREG-0670 (April 1980) which suggested options for broad overhaul of <u>ex-parte</u> and separation of functions rules. In response to Commission request, OGC sent to Commission analysis of two major comments on NUREG-0670 and interviewed Commissioners to determine whether, and to what extent, they desired to amend rules. In SECY-80-130B, OGC analysis and summary of interviews were sent to Commission on August 19, 1980 with request for guidance on how OGC should draft amendments to	

NOTE: Vertical line indicates substantive changes which have occurred since the last report was issued.

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2 cont.		44 FR 12428		present rules that go far beyond changes proposed in 44 FR 12428. OGC is awaiting response from Commissioners. Final rule, based on notice (44 FR 12428), now deemed unlikely. New rule-making to follow, with specific provisions dependent upon Commission response to SECY-80-130B.	
	2, 19, 20, 21, 30, 40, 51, 50, 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.	Task Leader: H. Shulman, OGC, (301) 634-3288.	Comment period closed 3/3/80. 34 comments received. Commission briefed four times starting 12/26/80. Proposed changes submitted to Commission in response to comments received at those meetings, internal memos, and a letter from DOE. Target Date for Commission action: 3/81.
				Task Leader: F.A. Costanzi, OSD, (301) 443-5981.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	2, 30, 40, 50, 51, 70, 72, 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 on Environmental Quality implementing the procedural provisions of NEPA.	Comments by May 2, 1980. 21 comments received. Majority of comments support rule with numerous minor revisions suggested. Paper with final rule sent to EDO for action 12/5/80.  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>	<u>Commission Information</u>
	2, 50	45 FR 20491 3/28/80	<u>No Significant Hazards Consideration.</u> To specify criteria for determining whether a proposed amendment 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: Task moved to unscheduled status. Schedule change form has been submitted to delay task until completion of higher priority work.  Task Leader: W. E. Campbell, Jr., OSD, (301) 443-5913.	
	2, 50	45 FR 34279 5/22/80	<u>Possible Amendments to "Immediate Effectiveness" Rule.</u> To determine, through rulemaking, if NRC 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. The Milhollin Report (NUREG-0646) had recommended a range of modifications. Rule is presently suspended by order of the Commission (Nov. 9, 1979; 44 FR 65049). Target Date for Commission action: 3/81.  Task Leader: R. Parrish, OGC, (301) 634-3224.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
2	50, 70, 73	45 FR 85459 12/29/80	<u>Protection of Unclassified Safeguards Information.</u> To prohibit the unauthorized disclosure of safeguards information by NRC licensees and other persons.	Comments by 3/9/81. Task Leader: D. J. Kasun, NMSS	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</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 was 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 was approved by the Commission during the week of 11/17/80. A separate proposed rule for commercial nuclear power reactors is being prepared in draft with a targeted completion date of 4/81. The date has slipped two months (from 2/81) because of delays in contractor studies, upon which the rule will be heavily dependent. The two contractors provided the NRC staff a briefing on 11/13/80 on the final results of their studies.	

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11 cont.		42 FR 14880		<p>The proposed rule has been divided into two separate rulemaking actions. One action addresses control of access authorization by individuals to strategic special nuclear materials. This includes use, processing, storage, or transportation by the private sector where the major emphasis is prevention of diversion. The second rulemaking action addresses the authorization of access by individuals to nuclear power plant vital areas where the prevention of sabotage is of major concern.</p> <p>Task Leader: J. Prell, OSD, (301) 443-5904.</p>	



<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
19	<u>Notices, Instructions, and Reports to Workers: Inspections</u>				
	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. 20 of the commenters supported the proposed rule. SECY-75-535A sent to Commission 3/25/76. This subject will be addressed further, in the context of the planned EPA/NRC/OSHA hearing, and of the comprehensive revision of 10 CFR Part 20. Target Date: Not available.  Task Leader: W. Cool, OSD, (301) 443-5970.	
	19, 20	44 FR 10388 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.	Comments by 4/23/79. 83 comments received. 47 of the commenters opposed the rule on the grounds that NRC should allow doses greater than 5 rem/yr. under unusual circumstances.  A final rule will be developed after joint EPA/OSHA/NRC hearing on Federal guidance for occupational radiation protection, and	

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	19, 20 cont.	44 FR 10388 2/20/79		as part of a comprehensive revision of 10 CFR Part 20. Target Date for Commission Action: Not available.  Task Leader: W. S. Cool, OSD, (301) 443-5970.	
	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. Twenty-nine comments have been received. None of the comments fully support the rule. Target Date for Commission Action: Task placed in unscheduled status. Schedule change form has been submitted to delay task due to higher priority work.  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 4/81.	

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Also see Part 2 above.

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>	<u>Commission Information</u>
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.	Fifteen comments received. A majority of the commenters favored 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.	
	20	45 FR 26072 4/17/80	<u>Environmental Radiation Protection Standards for Nuclear Power Operation.</u> To incorporate, into NRC regulations, a requirement that certain uranium fuel cycle licensees must comply with EPA's "Environmental Radiation Protection Standards for Nuclear Power Operators."	Comments by June 16, 1980. 4 comments received. No significantly adverse comments received. Commission paper on final rule sent to Commission on 12/19/80.  Task Leader: E. Conti, OSD, (301) 443-5966	

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20		45 FR 45302 7/3/80	<u>Miscellaneous Clarifying Amendments.</u> To amend §§20.101, 20.103, 20.104, and 20.105. in order to make clear that the purpose of these sections is to hold licensees responsible for over-exposures 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 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	Comments by September 2, 1980. 5 comments were received. All opposed rule change and objected to classification of proposed rule as a "clarifying" amendment. Staff is considering recommending withdrawal of proposed rule. The issues would then be addressed in connection with the planned major revision of 10 CFR Part 20.  Task Leader: A. K. Rocklein OSD, (301) 443-5970.	

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			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.		
20		45 FR 67018 10/8/80	<u>Standards for Protection Against Radiation. To permit licensees greater leeway in disposing of liquid scintillation media and animal carcasses containing tracer levels of hydrogen-3 (tritium) or carbon-14.</u>	<u>Action</u>  <u>Complete</u>	Comments by 11/24/80. 325 comments were received. Vast majority of commenters support the proposed rule. The opposing comments did not contain any information which would alter the value/impact conclusion that doses and health effects resulting from the rule would be negligible. Final rule approved by Commission 2/27/81. Notice to be published in FEDERAL REGISTER.

Also see Parts 2 and 19 above

Task Leader: J. R. Cook, NMSS,  
(301) 427-4240.

Federal  
Register  
Citation

Affected  
Parts

10 CFR  
Part

Subject

Action

Commission Information

21 Reporting of Defects and Noncompliance

See Part 2 above

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
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 Eliminators.</u> 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. Proposed Rule withdrawn on 1/16/81 (46 FR 3908).  Task Leader: J. Henry, OSD, (301) 443-5946.	
				<u>Action Complete</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	Comments by 11/27/78. 10 comments received. Commenters are generally in agreement with the proposed regulation. Additional study required to complete impact analysis. Completion of action delayed by Task Leader's temporary	



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			the wireline downwell, and for which all reasonable effort at recovery, as determined by the Commission, has been expended).	detail to FCMS. Target Date for Commission Action: 7/81.  Task Leader: M. Wangler, OSD (301) 443-5946.	
30, 32 70, 150		45 FR 70874 10/27/80	<u>Exemption of Technetium-99 and Low-Enriched Uranium as Residual Contamination in Smelted Alloys.</u> To exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy.	Comments by 12/11/80. Over 3,000 comments received, almost all opposing the proposal. Considerable effort will be needed to process comments prior to initiating final rulemaking proceeding. Target Date: 12/81.  Task Leader: J. J. Henry, OSD, (301) 443-5946.	

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31	<u>General Domestic Licenses for Byproduct Material</u>				
	31, 150	45 FR 71807 10/30/80	<u>NRC's Jurisdiction Over Persons Using Byproduct, Source and Special Nuclear Material in Offshore Waters Beyond Agreement States' Territorial Waters. (1) To clarify that NRC has jurisdiction vis-a-vis Agreement States over persons using byproduct, source, and special nuclear materials in offshore waters beyond Agreement States' territorial waters and within the area of the Outer Continental shelf and (2) to recognize Agreement States' specific licenses covering activities in these waters.</u>	Comments by 12/29/80. One comment has been received from the Justice Dept. supporting the clarification and suggesting minor modifications. Target Date: Staff expects to send rule to EDO 3/81.  Task Leader: T. F. Dorian, ELD, (301) 492-8690.	

Also see Part 30 above

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

See Part 30 above

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
34			<u>Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations</u>		
	34	45 FR 39856 6/12/80	<u>Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations--</u> <u>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; 61 comments were received, all supporting the rule as proposed. Final rule approved by EDO 1/ 9/81. Published in the Federal Register 2/11/81.  Task Leader: S. A. McGuire, OSD, (301) 443-5970.
				<u>Action Complete</u>	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
35	<u>Human Uses of Byproduct Material</u>				
35		44 FR 21203 4/9/79	<u>Coordination of Human Uses of Byproduct Material.</u> To replace the existing requirement for medical institution licensees to appoint a medical Isotopes Committee with a requirement to appoint a radiation safety committee that will focus on radiation safety.	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: 5/81. This represents a 3 month change in schedule because of priority work on rules concerning medical mis-administration and disposal of medical waste.	
				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>	<u>Commission Information</u>
50			<u>Domestic Licensing of Production and Utilization Facilities</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	Deferred as a result of the GESMO decision. Task placed on hold, per L. V. Gossick informal note of 8/27/75.
	50	45 FR 65247 10/20/80	<u>Proposed Licensing Requirements for Pending Construction Permit and Manufacturing License Applications.</u> To consider requirements to take into account in the design of nuclear power plants which are the subject of pending construction permit (CP) and manufacturing license (ML) applications.	Comments by November 17, 1980. 12 comments were received. Majority of commenters objected to special measures in the areas of siting, reliability, engineering, and degraded core rulemaking areas. Commission met on 1/12/81 and approved finalization of a rule, with one technical area to be resolved following the February 1981 ACRS meeting. Target Date for Commission Action: 3/81.  Task Leader: Robert A. Purple, NRR, (301) 492-7672.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	50	45 FR 65466 10/2/80	<u>Domestic Licensing of Production and Utilization Facilities; Interim Requirements Related to Hydrogen Control and Certain Degraded Core Considerations.</u> To improve hydrogen management in light-water reactor facilities and to provide specific design and other requirements to mitigate the consequences of accidents resulting in a degraded reactor core.	Comments by November 3, 1980. 23 comment letters received, approximately 50% in favor of proposal and 50% opposed. Staff analyzing comments. Target Date for Commission action: 3/81.  Task Leader: M. R. Fleishman, OSD, (301) 443-5921.	
	50	45 FR 67099 10/9/80	<u>Plan to Require Licensees and Applicants to Document Deviations from the Standard Review Plan.</u> To require all nuclear power plant licensees and all applicants for construction permits and manufacturing licenses to identify and justify deviations from the acceptance criteria of the applicable revision of the Standard Review Plan, NUREG-75-087.	Comments by November 24, 1980. Comments were submitted by 31 industry organizations and 8 other organizations, including legal firms. Industry commenters were uniformly opposed to the rule. A final rule was sent to the Commission on Jan. 8, 1981 (SECY-81-13). Target Date for Commission Action: 3/81.  Task Leader: M. L. Ernst, NRR, (301) 492-8016.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
50		45 FR 75536 11/14/80	<u>Domestic Licensing of Production and Utilization Facilities, Fracture Toughness Requirements for Nuclear Power Reactors.</u> To clarify the applicability of the fracture toughness requirements to old and new plants, modify certain requirements and shorten and simplify these regulations by more extensively incorporating by reference appropriate National Standards.	Comments by 1/13/81. Several significant comments have been received. Staff preparing paper for initial division review. Target Date for Commission action: 12/81.  Task Leader: P. N. Randall, OSD, (301) 443-5997.	
50		45 FR 86500 12/31/80	<u>Codes and Standards for Nuclear Power Plants.</u> To incorporate by reference new addenda of the ASME Boiler and Pressure Vessel Code.	Comments by 2/17/81.  Task Leader: E. Baker, OSD.	

Also see Parts 2, 11, and 19

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51			<u>Licensing and Regulatory Policy and Procedures for Environmental Protection</u>		
	51	45 FR 24168 4/9/80	<u>Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews.</u> 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).	Comments by June 9, 1980. 27 comments received. All but one commenter were generally supportive of the staff proposal. Comment analysis and final rule in preparation. Some issues will have to be addressed in the siting rulemaking. Target Date for Commission Action: 6/81.	
			<u>Also see Part 2 above.</u>	Task Leader: W. Ott, OSD, (301) 443-5966.	

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

See Part 2 above



<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
70	<u>Domestic Licensing of Special Nuclear Material</u>				
	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. Commission approved final rule 1/7/81. Notice published in the Federal Register 2/13/81 (46 FR 12193). Task Leader: C. K. Nulsen, NMSS, (301) 427-4181.	
		<u>Action Complete</u>			
	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	Comments by June 16, 1980. 5 comments received. A majority of the comments favor adoption of the proposed amendments. Commission approved final rule 1/7/81. Notice published in Federal Register 2/13/81 (46 FR 12695).	
		<u>Action Complete</u>			

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	70 cont.		possesses irradiated reactor fuel in-transit.	Task Leader: J. A. Prell, OSD, (301) 443-5904.	
		Also see Parts 2, 11, 19, <u>30, and 50 above.</u>			

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
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.	

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	71, 73 cont.	40 FR 23768 6/2/75		Target date for Commission action: 3/81. Delay in Commission Action Date due to additional time required for resolution of staff comments. 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.	
				Task Leader: S. Bernstein, OSD, (301) 443-5946.	
71		44 FR 48234 8/17/79	Transportation of <u>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: 3/81. Completion date for DOT action extended due to controversy over low specific	

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	71 cont.			activity materials. NRC parallel rule will also be delayed. NMSS has raised broad new issues which may further delay the rule.	
				Task Leader: D. Hopkins, OSD, (301) 443-5946.	
71		45 FR 81058 12/9/80	<u>Advance Notification to States of Transportation of Certain Types of Nuclear Wastes.</u> To implement a federal statute which requires the NRC to provide for timely notification to the governor of any state prior to transport of nuclear waste to, through, or across the boundary of a state when the Commission determines the shipment is potentially hazardous to health and safety.	Comments by 3/9/81. Task Leader: J. P. Roberts, NMSS.	

Also see Part 19 above.

72 Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation See Part 2 above

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
73			<u>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.		
		<u>Action Complete</u>			
				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. Commission approved rule on 11/21/80. Rule published in the Federal Register 1/19/81 (46 FR 4858).	
				Task Leader: J. A. Prell, OSD, (301) 443-5903.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	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 strategic significance in order to prevent concurrent shipment of two or more quantities of SNM that, in total, would exceed a formula amount.	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-detection capabilities of licensees who transport Category II SNM. Task delayed due to higher priority work on safeguards requirements for spent fuel transport routing. In January 1981 the EDO approved amendments for publication in Federal Register. Notice published 2/18/81 (46 FR 12655).	
		<u>Action Complete</u>		Task Leader: C. K. Nulsen, NMSS, (301) 427-4181.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	73	45 FR 15937 3/12/80	<u>Physical Protection of Plants and Materials; Access Controls to Nuclear Power Plant 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. Significant changes resulting from development of effective rule require republication as a proposed rule. Republication for public comment scheduled for 4/81. This represents a four-month delay. Delays have been experienced in receiving office concurrences. Target Date for final Commission action: 9/81.	
				Task Leader: J. A. Prell, OSD, (301) 443-5904.	



<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	73	45 FR 79492 12/1/80	<u>Searches of Individuals at Power Reactor Facilities.</u> To clarify requirements for searches of individuals at power reactor facilities protected area entry portals.	Comments by 1/15/81. 16 comments received. Comments divide evenly for and against rule. Staff reviewing comments. Target Date for Commission action: 5/81.  Task Leader: T. Allen, NMSS, (301) 427-4181.	
	73	45 FR 81060 12/9/80	<u>Advance Notification to Governors Concerning Shipments of Irradiated Reactor Fuel.</u> To issue regulations which provide for the timely advance notification to the governors of any state prior to the transport of nuclear waste including irradiated reactor fuel within or through the state.	Comments by 3/9/81.  Task Leader: C. Sawyer, NMSS, (301) 427-4181.	

Also see Parts 2, 70, and 71 above

110 Export and Import of Nuclear Facilities and Materials

See Part 2 above

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
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 from 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 (SECY-80-468) sent to Commission for action 10/10/80. Status 2/81: Rule before Commission for final action.  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 financial protection and indemnity required of licensees; and to implement legislation that modified and extended for ten years (to August 1,	Comments by 6/5/79. 2 comments received. Target Date for Commission Action: Not available. Commission action delayed, pending responses to Commission request for public comments on changing its customary approach of publishing policies such as these in their entirety (see Chilk	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
			1987) the present Price-Anderson legislation.	memo to Dircks re SECY-80-503 dated 1/18/81).  Task Leader: I. Dinitz, NRR, (301) 492-8562.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
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 10 CFR Part 61. Target Date for issuance of proposed Part 61 is April 1981.	
				Task Leader: R. D. Smith, NMSS, (301) 427-4433.	

Also see Parts 19, 30, and 31 above

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
170			<u>Fees for Facilities and Materials Licenses and Other Regulatory Services Under the Atomic Energy Act of 1954, As Amended</u>		
	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. Amendment to be addressed as part of Part 170 revision. Target Date for completion: 6/81.  Task Leader: W. O. Miller, Jr., ADM, (301) 492-7225.	
	170	45 FR 74493 11/10/80	<u>Fees for Review of Applications.</u> To clarify that fees for review will be charged, as appropriate, when review of an application is completed, whether by issuance of a permit, license, or other approval, or by denial or withdrawal of an application, or by any other event that brings active Commission review of the application to an end.	Comments by 12/8/80. 4 comments received, all in opposition to proposed rule. Staff paper in preparation. Target Date for Commission Action: 4/1/81.  Task Leader: W. O. Miller, ADM, (301) 492-7225.	

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>	<u>Commission Information</u>
2	<u>Rules of Practice for Domestic Licensing Proceedings</u>				
2, 50		45 FR 20493 3/28/80	<u>Advance Notice of Rule-making 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 NRC contractor operated testing laboratory. Oral comments were obtained during a public meeting on this topic held May 28 and 29, 1980. Target Date for Commission Action: Proposed rule scheduled for publication during May 1981.  Task Leader: N. A. Dennis, OSD, (301) 443-5970.	Discussions were held with the National Voluntary Laboratory Accreditation Program of D.C. establishing feasibility of NVLAP accrediting personnel dosimetry processors. A formal NRC request to NVLAP has been made, and a Federal Register notice asking for public comment is being prepared.

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
9	<u>Public Records</u>				
	9	44 FR 22746 4/17/79	"Plain English" Version of Freedom of Information Act Regulations. 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.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
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 6/18/80. 71 comments received. About 90% of the commenters were in favor of the staff proposal. Industry comments generally reflect the view that current Part 20 standards are adequate and do not need revising. Staff is in the process of developing a proposed rule change reflecting a comprehensive and systematic review of 10 CFR Part 20. The tentative date for Commission action on the proposed rule change is 12/81.	
				Task Leader: M. A. Parsont, OSD, (301) 443-5854.	



<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
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 decommis- sioning criteria for production and utiliza- tion 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, 1/81; Policy State- ment, 5/81; Proposed Rules, 9/81.	
				Task Leader: G. D. Calkins, OSD, (301) 443-5910.	

10 CFR Part	Affected Parts	Federal Register Citation	Subject	Action	Commission Information
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34 Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations

34	43 FR 12718 3/27/78	Design of Radiographic Exposure Devices. To reduce radiation overexposures caused by equipment failure.
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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 extensively (i.e., number of features) the devices should be regulated. Target Date for Commission Action: 6/81.

Task Leader: D. Smith, OSD, (301) 443-5946.

Proposed rule will be based on Advance Notice of Proposed Rulemaking. Guidance for meeting the Standard may be based on industry standard developed under the sponsorship of National Bureau of Standards and published Jan. 1981. This action is consistent with inter-office agreements (NMSS, IE, SP, SD) outlining a comprehensive program to solve the radiography exposure program and 10/9/80 meeting with Agreement State representatives. First draft proposed rule circulated for Division review 12/24/80.

40 Domestic Licensing of Source Material

See Part 30 above

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
50			<u>Domestic Licensing of Production and Utilization Facilities</u>		
	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. 7 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 recommendations in proposed rule (SECY-79-299) which would substantially reduce scope of financial qualifications review. Commission has deferred action on proposed rule change until further notice.  Task Leader: J. Petersen, NRR, (301) 492-8686.	Memo SECY to EDO (5/30/80) advised staff that Commission decided against issuing FR notice requesting second round of comments.
	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. Target Date for Commission Action: Not established.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	50 cont.	43 FR 57157 12/6/78		Task Leader: M.R. Fleishman, OSD, (301) 443-5921.	
	50, 51	44 FR 61372 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 or not wastes can be safely stored until they are safely disposed of.	First prehearing conf. order issued 2/1/80. On April 15, 1980 DOE filed its statement of position. Approximately 50 other participants filed statements of position in early July. Cross-statements were filed by several participants in early September; and suggestions for additional procedures were filed in early October. In an Order approved January 15, 1981, the Commission instructed the working group to provide a summary of the record, identify issues and controversies, and indicate, where possible, how their resolution could affect the Commission's decision. Participants may comment on the accuracy of the summary and the completeness of the identification of the issues.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	50, 51 cont.	44 FR 61372 10/25/79		Task Leaders: L. Slaggie, OGC, (301)634-3224; S. Trubatch, OGC, (301) 634-3224.	
	50	45 FR 6793 1/30/80  46 FR 3541 1/15/81	<u>Operational Data Gathering.</u> To decide whether 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 opposed staff proposal. Commission paper (SECY-80-507) proposed that the existing NPRDS not be made mandatory but that an Integrated Operational Experience Reporting system be developed by combining and restructuring the LER and NPRD Systems into a single mandatory system. SECY 80-507 was approved by the Commission on 12/22/80. Accordingly, another Advance Notice of Proposed Rule-making was issued on 1/15/81 (46 FR 3541) and a subsequent Proposed Rule will be prepared for Commission consideration by 7/1/81.  Task Leader: E. Weiss, OSD, (301) 443-5913.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</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 9/8/80. 33 comments received. One commenter opposed a rule change while all others supported the concepts set forth in the notice. The staff is evaluating the comments and will draft a proposed rule. Target Date for Commission action: 8/81.  Task Leader: J. Wetmore, NRR, (301) 492-8935.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	50, 51, 100	45 FR 50350 7/29/80	<u>Advance Notice of Rule-making 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. 68 comments received. A large majority of the commenters were critical of criteria which would separate siting from engineered features and they also questioned the need for more remote siting of plants. Majority of comments came from the nuclear industry. Target Date for Commission action on proposed rule: 4/81.  Task Leader: R. Grill, OSD, (301) 443-5966.	
	50	45 FR 65474 10/2/80	<u>Domestic Licensing of Production and Utilization Facilities; Consideration of Degraded or Melted Cores in Safety Regulations.</u> To determine to what extent commercial nuclear power plants should be designed to cope with reactor accidents beyond those considered in the current "design basis accident" approach.	Comments by 12/31/80. 46 comments have been received, most of which expressed opposition to the Staff's proposal. Staff reviewing comments in preparation for start of preliminary rule drafting effort. Target Date: Staff expects to submit plan for future action to Commission 4/81.  Task Leader: M.S. Medeiros, Jr. OSD, (301) 443-5913.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
	50	45 FR 81602 12/11/80	Domestic Licensing of Production and Utilization Facilities; Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit. An advance notice to define more clearly the limitations on a construction permit holder to make changes in a facility during construction.	Comments by 2/9/81. Task Leader: W. Minners, NRR. (301) 492-7581.	

Also see Parts 2 and 30 above

51 Licensing and Regulatory Policy and Procedures for Environmental Protection

See Part 50 above



<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
60			<u>Disposal of High-Level Radioactive Wastes in Geologic Repositories; Proposed Licensing Procedures.</u>		
	60	45 FR 31393 5/13/80	<u>Technical Criteria for Regulating Geologic Disposal of High-Level Radioactive Waste.</u> To inform the public and interested parties concerning the status of efforts related to the development of technical criteria to become Part 60.	Comments by 7/14/80. 25 comments received as of 7/21/80. Overwhelming majority of commenters generally support the regulation and suggest revisions. This is a very complex regulation in a totally new area with which the NRC has no previous experience. Staff reviewing comments and seeking additional data to maintain progress on this rulemaking. Target Date for Commission action: 3/81.	
				Task Leader: P. Comella, OSD, (301) 443-5987.	

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
61			<u>Management and Disposal of Low-Level Wastes by Shallow Land Burial and Alternative Disposal Methods</u>		
	61	44 FR 49811 10/25/78	Management and Disposal of Low-Level Wastes. 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: April 1981. A draft of the regulation has been written and was sent to a wide spectrum of individuals for comment in 11/79. A notice of availability was issued 2/28/80 in order to make the draft available to a wider cross-section of individuals for comment. A contractor has been engaged to write the EIS. Public workshops were held in May, July, and November 1980 to discuss the November 1979 draft.  Task Leader: R. D. Smith, NMSS, (301) 427-4433.	The staff will make a recommendation to the Commission to publish the regulation as a Notice of Proposed Rulemaking with attendant EIS. Target date for issuance of proposed rule and draft EIS is April 1981.

70 Domestic Licensing of Special Nuclear Material

See Part 30 above

<u>10 CFR Part</u>	<u>Affected Parts</u>	<u>Federal Register Citation</u>	<u>Subject</u>	<u>Action</u>	<u>Commission Information</u>
100	<u>Reactor Site Criteria</u>				
	100	43 FR 2729 1/19/78	<u>Seismic and Geologic Siting Criteria. Appendix A.</u> 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 action postponed pending revision of several related areas of Part 100. Action on this task will be delayed for at least three years.  Task Leader: L. Beratan, OSD, (301) 443-5988.	Siting policy task force recommended revision of Part 100 in several areas, including Appendix A, "Seismic and Geologic Siting for Nuclear Power Plants." SECY-79-300 informed Commission regarding staff reassessment of Appendix A. At FY81 budget briefing, staff indicated that, due to high priorities for low-level and high-level waste programs, work on Appendix should be indefinitely postponed.
			<u>Also see Part 50 above.</u>		