



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

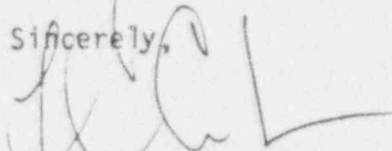
April 27, 1990

AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

U.S. NUCLEAR REGULATORY COMMISSION SEMI-ANNUAL REGULATORY AGENDA
(SP-90-84)

Enclosed for your information is a copy of NRC's semi-annual publication of its regulatory agenda. The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on NRC rules since publication of the last semi-annual agenda on October 30, 1989 (54 FR 45620).

Sincerely,


Frederick Combs, Assistant Director
State, Local and Indian Relations
State Programs
Office of Governmental and
Public Affairs

Enclosure:
As stated

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PDR COMMS NRCC
CORRESPONDENCE PDR

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY
COMMISSION

0 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354 "The Regulatory Flexibility Act" and Executive Order 12291 "Federal Regulation." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on October 30, 1989 (54 FR 45620).

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

The agenda and any comments received on any rule listed in the agenda

are available for public inspection and copying at a cost of ten cents per page at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW, (Lower Level), Washington, DC 20555. Single copies of the NRC quarterly agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 492-7758. Persons outside the Washington, DC, metropolitan area may call, toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on October 30, 1989 (54 FR 45620).

Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through February 23, 1990. The date under the heading "Timetable," for the next scheduled action, is the date the rule is scheduled to be published in the Federal Register. The date is considered tentative and is not binding on the Commission or its staff. The regulatory agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the regulatory agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

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

The NRC agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Seven rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland, this 13th day of February 1990.

David L. Meyer,

Chief, Regulatory Publications Branch,
Division of Freedom of Information and
Publications Services, Office of
Administration.

Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
4178	Night Firing Qualifications for Security Guards at Nuclear Power Plants.....	3150-AC88
4179	Conduct of Employees; Miscellaneous Amendments.....	3150-AD15
4180	Amendments to Part 60 to Delineate Anticipated Processes and Events and Unanticipated Processes and Events.....	3150-AD31
4181	Import and Export of Radioactive Wastes.....	3150-AD36
4182	Clarifying Amendment Relating to Enforcement Activities.....	3150-AD41

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4183	Amendment to 10 CFR 51.51 and 51.52, Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"	3150-AA31
4184	Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance and Conditions of Construction Permits	3150-AA68
4185	Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
4186	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
4187	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
4188	NRC Acquisition Regulation (NRCAR)	3150-AC01
4189	Availability of Official Records	3150-AC07
4190	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35
4191	Comprehensive Quality Assurance in Medical Use and a Standard of Care	3150-AC42
4192	Criteria for Licensing the Custody and Long-Term Care of Uranium Mill Tailings Sites	3150-AC56
4193	Basic Quality Assurance Program for Medical Use of Byproduct Material	3150-AC65
4194	Revision of Definition of Meeting	3150-AC78
4195	Notifications of Incidents	3150-AC91
4196	Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE)	3150-AC93
4197	Licensing and Radiation Safety Requirements for Large Irradiators	3150-AC98
4198	Medical Use of Byproduct Material: Training and Experience Criteria	3150-AC99
4199	Nuclear Plant License Renewal	3150-AD04
4200	Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987/1988 Addenda)	3150-AD05
4201	Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems, and Components	3150-AD10
4202	Clarification of General Physical Protection Requirements	3150-AD16
4203	Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation	3150-AD26
4204	Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository	3150-AD27
4205	Day Firing Qualifications and Physical Fitness Programs for Security Personnel at Category I Fuel Cycle Facilities	3150-AD30
4206	Emergency Response Data System	3150-AD32
4207	Low-Level Waste Manifest Information and Reporting	3150-AD33
4208	Requirements for Possession of Industrial Devices	3150-AD34
4209	Holding Unlicensed Persons Accountable for Willful Misconduct	3150-AD38
4210	Emergency Telecommunications System Upgrade	3150-AD39
4211	Clarification of Emergency Preparedness Regulations	3150-AD40
4212	Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government	3150-AD44
4213	Indium-192 Wire for Interstitial Treatment of Cancer	3150-AD46
4214	Emergency Preparedness Regulations	3150-AD48
4215	Reinvestigation of Individuals Granted Unescorted Access to Nuclear Power Plants	3150-AD49
4216	Radiation Dose Criteria for Accidents at High-Level Waste Geologic Repositories	3150-AD51

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4217	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
4218	Standards for Protection Against Radiation	3150-AA38
4219	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
4220	Personnel Access Authorization Program	3150-AA90
4221	Elimination of Inconsistencies between NRC Regulations and EPA HLW Standards	3150-AC03
4222	Disposal of Waste Oil by Incineration from Nuclear Power Plants	3150-AC14
4223	Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)	3150-AC41
4224	Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal in Agreement States	3150-AC57
4225	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	3150-AC64
4226	Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites	3150-AC76
4227	Debt Collection Procedures	3150-AC87
4228	Ensuring the Effectiveness of Maintenance Programs for Nuclear Power Plants	3150-AD00
4229	Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events	3150-AD01
4230	Minor Amendments to Physical Protection Requirements	3150-AD03
4231	Informal Hearing Procedures for Nuclear Reactor Operator Licensing Adjudications	3150-AD17
4232	Export of Heavy Water to Canada	3150-AD20
4233	Revision of Fee Schedules: Radioisotope Licenses	3150-AD23
4234	ASNT Certification of Industrial Radiographers	3150-AD35

NRC

Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
4235	Suspension of Access Authorization and/or Employment Clearance; Delegation of Authority to Deputy Executive Directors	3150-AD42
4236	Freedom of Information Act, Privacy Act, Production or Disclosure in Response to Subpoena or Demands of Court or Other Authorities; Office of the Inspector General	3150-AD45
4237	Discrimination on the Basis of Sex	3150-AD50

Completed Actions

Se- quence Number	Title	Regulation Identifier Number
4238	Safety Requirements for Industrial Radiographic Equipment	3150-AC12
4239	Sequestration of Witnesses Interviewed Under Subpoena/Disqualification of Attorneys	3150-AD06
4240	Palladium-103 for the Interstitial Treatment of Cancer	3150-AD11
4241	Statement of Organization and General Information; Minor Amendments	3150-AD18
4242	Stabilization and Decontamination Priority, Trusteeship Provisions, and Amount of Property Insurance Requirements	3150-AD19
4243	Preserving the Free Flow of Information to the Commission	3150-AD21
4244	Credit Checks—Expanded Personnel Security Investigative Coverage	3150-AD28
4245	Change in Commercial Telephone Number for Region III Office	3150-AD37
4246	Centralization of Material Control and Accounting Responsibilities for Nonreactor Facilities	3150-AD47
4247	Fingerprint Cards; Increase in Fee	3150-AD52

NUCLEAR REGULATORY COMMISSION (NRC)

Prerule Stage

4178. NIGHT FIRING QUALIFICATIONS FOR SECURITY GUARDS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

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

Part 73, Appendix E, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The amendment will standardize training and qualification in night firing and prepare power reactor

guard forces to more effectively respond in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs. The costs to NRC will also be minimal because it will only require minor licensing, inspection and other regulatory actions. (cont)

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

It is estimated that 0.4 staff-years of effort over 2 years by the NRC will be required for the rulemaking. There is no occupational exposure.

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

RIN: 3150-AC88

4179. CONDUCT OF EMPLOYEES; MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

NRC

Prerule Stage

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Susan Fonner,
Nuclear Regulatory Commission, Office
of the General Counsel, Washington,
DC 20555, 301 492-1632

RIN: 3150-AD15

4180. AMENDMENTS TO PART 60 TO DELINEATE ANTICIPATED PROCESSES AND EVENTS AND UNANTICIPATED PROCESSES AND EVENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60.6

Legal Deadline: None

Abstract: In 10 CFR Part 60, licensing requirements for disposal of radioactive wastes in geologic repositories, certain performance requirements for the repository are based on an assumption of the occurrence of anticipated processes and events. The specific meaning and use of this term, and unanticipated processes and events, needs further clarification. This rulemaking would modify the definition of this term in Section 60.2, modify Section 60.112, which describes the use of this term and modify the definition of "geologic setting" in Section 60.2, and modify the use of that term in Section 60.102.

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

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Melvin Silberberg,
Nuclear Regulatory Commission, Office
of Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3810

RIN: 3150-AD31

4181. IMPORT AND EXPORT OF RADIOACTIVE WASTES

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 110

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	02/07/90	55 FR 4181
ANPRM	04/24/90	55 FR 10786
Comment Period End		

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Marvin Peterson,
Nuclear Regulatory Commission, Office
of Governmental and Public Affairs,
Washington, DC 20555, 301 492-6344

RIN: 3150-AD36

4182. CLARIFYING AMENDMENT RELATING TO ENFORCEMENT ACTIVITIES

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations concerning compliance with the procedural requirements of the National Environmental Policy Act of 1969, as amended (NEPA). This rule makes it clear that the provision excluding NRC enforcement activities from NEPA requirements not only encompasses formal enforcement actions but also encompasses informal administrative mechanisms relating to enforcement such as bulletins, information notices, generic letters, notices of deviation, notices of nonconformance, and confirmatory action letters.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Stuart A. Treby,
Nuclear Regulatory Commission, Office
of the General Counsel, Washington,
DC 20555, 301 492-1636

RIN: 3150-AD41

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

4183. AMENDMENT TO 10 CFR 51.51 AND 51.52, TABLES S-3 AND S-4, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES, AND ADDITION OF APPENDIX B, "TABLE S-3 EXPLANATORY ANALYSIS"

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule amends the Table of Uranium Fuel Cycle Environmental Data (Table S-3) by adding new estimates for releases of technetium-99 and radon-222, and by updating other estimates. The proposed rule's Appendix B to Subpart A (narrative explanation), also describes the basis for the values contained in Table S-3, explains the environmental effects of these potential releases from the LWR Fuel Cycle, and postulates the potential radiation doses, health effects, and environmental impacts of these releases. The proposed rule also amends 10 CFR 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation (burnup in megawatt-days of thermal power per metric ton of uranium). The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment	05/04/81	46 FR 15154
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The proposed revisions of 10 CFR 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v. NRC, No. 74-1486) in the U.S. Circuit Court of

Appeals. The U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 8, 1983.

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

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

RIN: 3150-AA31

4184. PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE AND CONDITIONS OF CONSTRUCTION PERMITS

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Legal Deadline: None

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

Approximately 200 reports are submitted to the Commission annually under Part 21. Approximately 750 sec. 50.55(e) reports are submitted annually. These reports identify both plant-specific and generic safety defects requiring further NRC evaluation and regulatory action. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44594
NPRM Comment	01/03/89	
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Under the current Part 21 and sec. 50.55(e), these reports have formed the basis for NRC issuance of numerous NRC generic communications.

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

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

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Analysis and Evaluation of Operational Data, Washington, DC 20555, 301 492-4442

RIN: 3150-AA68

4185. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

NRC

Proposed Rule Stage

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

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3640

RIN: 3150-AB01

4186. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 05 USC 552

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

Legal Deadline: None

Abstract: The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating, revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to

render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings. In 1987, the Commission deferred consideration of this proposal which would have revised the Commission's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings under 10 CFR Part 110. In 1989, former Chairman Zech requested resubmission of this proposed rule for reconsideration by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Sebastian Aloit, Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, 301 492-7787

RIN: 3150-AB66

4187. SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

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

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

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking the position paper discusses the alternative of the Commission (cont)

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: issuing a policy statement concerning the definitions and their usage.

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

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

RIN: 3150-AB88

4188. NRC ACQUISITION REGULATION (NRCAR)

Legal Authority: 42 USC 2201; 42 USC 5841; 41 USC 401

CFR Citation: 48 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish provisions unique to the NRC concerning the acquisition of goods and services. The NRC Acquisition Regulation is necessary to implement and supplement the governmentwide Federal Acquisition Regulation. This action is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRC Acquisition Regulation implements the Federal Acquisition Regulation within the agency and includes additional policies, procedures,

NRC

Proposed Rule Stage

solicitation provisions, or contract clauses needed to meet specific NRC needs.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 40420
NPRM Comment	12/01/89	
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Mary Lynn Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-8788

RIN: 3150-AC01

4189. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

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

Additionally, the proposed amendment would add a notice statement to 10 CFR Part 2 that submitters of documents and information to the NRC should be careful in submitting copyrighted works. The agency in receiving submittals and making its normal distributions routinely photocopies submittals, makes

microfiche of such submittals and insures that these (cont)

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

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Agency Contact: Catherine Holzie, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1580

RIN: 3150-AC07

4190. RADIOACTIVE WASTE BELOW REGULATORY CONCERN: GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) sought comments on a proposal to amend NRC regulations to address disposal of

radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive.

The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1988; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient and effective means of dealing with disposal of wastes below regulatory concern. Generic rulemaking would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240). The public was asked to comment on 14 questions. The ANPRM requested public comment on several alternative approaches that the NRC could take. The evaluation of public comment together with the results from a proposed research contract will help to determine whether and how NRC should proceed on the matter. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/02/86	51 FR 43367
ANPRM Comment	03/02/87	51 FR 43367
Period End		

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

The action on this rule is dependent on the issuance of a broad Commission policy statement on exemptions from regulatory control.

Agency Contact: Robert Meck, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3737

RIN: 3150-AC35

4191. COMPREHENSIVE QUALITY ASSURANCE IN MEDICAL USE AND A STANDARD OF CARE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations to

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

Timetable:

Action	Date	FR Cite
ANPRM	10/02/87	52 FR 36949
ANPRM	12/31/87	
Comment		
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 3150-AC42

4192. CRITERIA FOR LICENSING THE CUSTODY AND LONG-TERM CARE OF URANIUM MILL TAILINGS SITES

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 40

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to include a procedure for licensing a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1987 (UMTRCA). This amendment would establish a general license for custody and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable. The general license would be formulated so that it would become effective for a particular site when (1) NRC concurs in the determination that the site has been properly reclaimed or closed and (2) a Surveillance and Maintenance Plan that

meets the requirements of the general license has been received by NRC. No significant impact to the public or industry is expected as a result of this proposed action.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/88	53 FR 32396
ANPRM	10/24/88	
Comment		
Period End		
NPRM	02/06/90	55 FR 3970
NPRM Comment	04/23/90	
Period End		
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

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

RIN: 3150-AC56

4193. BASIC QUALITY ASSURANCE PROGRAM FOR MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1439
NPRM Comment	04/12/90	
Period End		
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

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

RIN: 3150-AC65

4194. REVISION OF DEFINITION OF MEETING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Peter Crane, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1634

RIN: 3150-AC78

4195. NOTIFICATIONS OF INCIDENTS

Legal Authority: 42 USC 2201; 42 USC 5841

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

Legal Deadline: None

Abstract: This rulemaking would amend 10 CFR 20.403(a) and (b) to revise the licensees' reporting requirements for material licensees

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: affecting the health and safety of the public and the environment. In addition, the rulemaking also defines "immediate" in actual time, e.g., within 4 hours, for reporting requirements.

This rulemaking action will revise a current Commission regulation; there is no other appropriate procedure to accommodate the clarification.

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

Agency Contact: Joseph J. Matz, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3795

RIN: 3150-AC91

4196. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, SECTION XI, DIVISION 1, SUBSECTION IWE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: If the NRC did not take action to endorse the Subsection IWE rules, the NRC position on examination practices for containment structure would have to be established on a case-by-case basis and improved examination practices for steel containment structures might not be implemented. The other alternatives of

incorporating these detailed examination requirements into the American National Standard ANSI/ANS 58.8-1981 or into Appendix J are not feasible.

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

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

RIN: 3150-AC93

4197. LICENSING AND RADIATION SAFETY REQUIREMENTS FOR LARGE IRRADIATORS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 036

Legal Deadline: None

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

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

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Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	02/00/91	

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

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

RIN: 3150-AC98

4198. MEDICAL USE OF BYPRODUCT MATERIAL: TRAINING AND EXPERIENCE CRITERIA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	05/25/88	53 FR 18845
ANPRM	06/24/88	
Comment		
Period End		

Next Action: Undetermined

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Norma L. McElroy,
Nuclear Regulatory Commission, Office
of Nuclear Material Safety and
Safeguards, Washington, DC 20555, 301
482-3417

RIN: 3150-AC99

4199. NUCLEAR PLANT LICENSE RENEWAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
ANPRM	08/29/88	53 FR 32919
ANPRM	10/28/88	
Comment		
Period End		
NPRM	05/30/90	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Donald Cleary,
Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research,
Washington, DC 20555, 301 482-3836

RIN: 3150-AD04

4200. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, 1986/1987/1988 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference the 1986 Addenda, the 1987 Addenda, the 1988 Addenda, and the 1989 Edition of Section III, Division 1, and Section XI, Division 1, with a specified modification, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Also, the proposed amendment would impose augmented examination of reactor vessel shell welds and would separate the requirements for inservice testing from those for inservice inspection by placing the requirements for inservice testing in a separate paragraph. The ASME Code provides rules for the construction of light-water reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division 1.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected:
Undetermined

Additional Information: ABSTRACT CONT: applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission. In addition, the proposed rule would require licensees to augment their reactor vessel examination by implementing the

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expanded reactor vessel shell weld examinations specified in the 1989 Edition of Section XI and would clarify the existing requirements in the regulation for inservice inspection and inservice testing.

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

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

RIN: 3150-AD05

4201. ACCEPTANCE OF PRODUCTS PURCHASED FOR USE IN NUCLEAR POWER PLANT STRUCTURES, SYSTEMS, AND COMPONENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	03/06/89	54 FR 9229
ANPRM Comment Period End	07/05/89	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

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

RIN: 3150-AD10

4202. CLARIFICATION OF GENERAL PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the regulations regarding general physical protection for fixed sites to clarify the intent that physical protection against sabotage or theft, or both, must be provided only as required by specific sections of 10 CFR Part 73 which apply to designated classes of facilities or material. This action is necessary because the Atomic Safety and Licensing Board, in a recent ruling issued an interpretation of this provision which is different from the Commission's intent and application.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Phillip Cota, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, 301 492-1225

RIN: 3150-AD16

4203. CONSIDERATION OF ENVIRONMENTAL IMPACTS OF TEMPORARY STORAGE OF SPENT FUEL AFTER CESSATION OF REACTOR OPERATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by revising the generic determination concerning the timing of availability of a geologic repository for commercial high-level radioactive waste and spent fuel and the environmental impacts of

storage of spent fuel at reactor sites after the expiration of reactor operating licenses. The proposed amendments reflect proposed findings of the Commission reached in a five-year update and supplement to its 1984 "Waste Confidence" rulemaking proceeding which was published in the Federal Register on September 28, 1989 (54 FR 39768).

Timetable:

Action	Date	FR Cite
NPRM	09/28/89	54 FR 39765
NPRM Comment Period End	12/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Julia Corrado, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 492-0434

RIN: 3150-AD26

4204. PROCEDURES APPLICABLE TO PROCEEDINGS FOR THE ISSUANCE OF LICENSES FOR THE RECEIPT OF HIGH-LEVEL RADIOACTIVE WASTE AT A GEOLOGIC REPOSITORY

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

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

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would eliminate sua sponte review by the Commission's adjudicatory boards.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39387
NPRM Comment Period End	11/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

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

RIN: 3150-AD27

4205. DAY FIRING QUALIFICATIONS AND PHYSICAL FITNESS PROGRAMS FOR SECURITY PERSONNEL AT CATEGORY I FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

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

Additionally, current regulations specify that security personnel shall have no physical weaknesses that would adversely affect their performance of assigned job duties. However, no regulatory standards exist for assuring that security personnel are physically fit to perform their duties. Requirements for a physical fitness program and fitness standards at Category I fuel cycle facilities for security personnel need to be added to the regulations in order to provide a uniform. (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: enforceable program. Guidance will be developed to ensure that such a program will not, at the same time, endanger the health of those participating in it.

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

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

RIN: 3150-AD30

4206. EMERGENCY RESPONSE DATA SYSTEM

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

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by requiring the implementation of the NRC-approved Emergency Response Data System (ERDS) at all licensed nuclear power plants. The primary role of the Nuclear Regulatory Commission

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	03/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

Agency Contact: Markley Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3749

RIN: 3150-AD32

4207. LOW-LEVEL WASTE MANIFEST INFORMATION AND REPORTING

Legal Authority: 42 USC 2201; 42 USC 5841

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CFR Citation: 10 CFR 020; 10 CFR 061

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Interim Final Rule	05/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

A rulemaking to upgrade shipment manifests and require disposal site computer recordkeeping systems will assure that technical information on LLW is available and in a form which can be used for performance assessments, technical analyses, and other activities. DOE has agreed to establish and operate a national LLW data system based on their mandate under the Low-level Radioactive Waste Policy Amendments Act of 1985.

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

RIN: 3150-AD33

4208. REQUIREMENTS FOR POSSESSION OF INDUSTRIAL DEVICES

Legal Authority: 42 USC 2111; 42 USC 2114; 42 USC 2201

CFR Citation: 10 CFR 031

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	05/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

RIN: 3150-AD34

4209. ● HOLDING UNLICENSED PERSONS ACCOUNTABLE FOR WILLFUL MISCONDUCT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 060; 10 CFR 070; 10 CFR 072; 10 CFR 150

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/03/90	55 FR 12374
NPRM Comment Period End	06/18/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Geoffrey Cant, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, 301 492-3283

RIN: 3150-AD38

4210. ● EMERGENCY TELECOMMUNICATIONS SYSTEM UPGRADE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require the implementation of the NRC's Emergency Telecommunications

NRC

Proposed Rule Stage

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

The ETS upgrade will be comprised of a satellite network to transmit between the NRC Operations Center, the Regions, the Technical Training Center (TTC), and the licensee sites with a land-based telephone exchange backup system. This design is expected to provide the necessary emergency telecommunications functions with sufficient redundancy to ensure availability even under the challenging (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: communication conditions that were existing during a nuclear emergency. The licensees will be required to provide the hardware, logistics, operational and maintenance support to implement the ETS upgrade at their sites.

Agency Contact: Markley Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3749

RIN: 3150-AD39

4211. ● CLARIFICATION OF EMERGENCY PREPAREDNESS REGULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by clarifying the linkage between the need for "reasonable assurance that

adequate protective measures can and will be taken in the event of a radiological emergency" indicated in Section 50.47(a) and 16 planning standards outlined in Section 50.47(b). In addition, the rulemaking will clarify the term "range of protective" actions. Other issues to be simplified or clarified include monitoring of evacuees, actions for recovery and reentry, notification of the public, evacuation time estimates, and exercise frequency.

In a December 23, 1988, memorandum to the EDO from SECY, the staff was directed to review the "...NRC's emergency planning regulations and propose revisions designed to eliminate ambiguity and clarify the regulations to include what constitutes the exercise scope prior to the full power licensing..." The staff outlined the proposed rulemaking in a memorandum from the EDO to the Commission dated June 29, 1989. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: It is estimated that 2 staff-years of effort over 2 years will be required for this rulemaking.

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

RIN: 3150-AD40

4212. ● SALARY OFFSET PROCEDURES FOR COLLECTING DEBTS OWNED BY FEDERAL EMPLOYEES TO THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 016

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish collection procedures enabling the NRC to recover certain debts (by deductions from pay) which are owned by Federal employees to the NRC or other Federal agencies. The proposed

rule is necessary to conform NRC regulations to the Debt Collection Act of 1982 which requires each agency to establish a salary offset program for the collection of these debts. The proposed action is intended to allow the NRC to improve its collection of debts due to the United States. In August 1989, OPM alerted NRC that its proposed salary offset regulations had not been submitted for review and approval and requested that they be submitted as soon as possible. The procedures must be submitted to OPM for review and approval prior to becoming a final rule. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. The proposed rule has no impact on the public and negligible impact on NRC resources to implement.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Diane B. Dandois, Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, 301 492-7558

RIN: 3150-AD44

4213. ● IRIIDIUM-192 WIRE FOR INTERSTITIAL TREATMENT OF CANCER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the medical uses of byproduct material. The proposed amendment would add iridium-192 wire to the list of brachytherapy sources permitted for use in interstitial treatment of cancer. Under current NRC regulations, users must have their licenses amended before they may use this brachytherapy source. The proposed rule has been developed in response to a petition for rulemaking (Docket No. PRM-35-8) submitted by Amersham Corporation.

NRC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony N. Tse,
Nuclear Regulatory Commission, Office
of Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3797

RIN: 3150-AD46

4214. • EMERGENCY PREPAREDNESS REGULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning those portions of emergency plans which cannot be exercised prior to issuance of a Part 52 combined license. This rulemaking will be accomplished on a "high priority basis" as directed in a staff requirements memorandum dated September 12, 1989.

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

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

RIN: 3150-AD48

4215. • REINVESTIGATION OF INDIVIDUALS GRANTED UNESCORTED ACCESS TO NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require periodic updates of FBI fingerprint checks for reinvestigation of individuals granted unescorted access to nuclear power plants or access to safeguards information. The current regulations require each licensee who is authorized to operate a nuclear power plant under Part 50 to submit fingerprint cards to the NRC for those individuals who are permitted unescorted access to a nuclear power facility or to safeguards information and who are used to secure a review of the individual's criminal history record by the FBI. Information received from the FBI is reviewed by the licensee in order to determine whether further unescorted access to the facility or to safeguards information should continue to be granted or denied. The current regulations do not include a reinvestigation element.

This rulemaking will have a minimal impact on the NRC because of the NRC's limited participation in processing the reinvestigations. The impact on industry will include (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the cost of fingerprinting and submitting fingerprint cards through the NRC to the FBI for criminal history checks. The current regulation requires payment of \$15 per investigation, payable by the industry. It is expected that this rate would also apply for each reinvestigation and would constitute full reimbursement to the government.

It is estimated that 0.5 staffyears of effort over 2 years will be required for the rulemaking.

Agency Contact: Sandra Frattali,
Nuclear Regulatory Commission, Office
of Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3773

RIN: 3150-AD49

4216. • RADIATION DOSE CRITERIA FOR ACCIDENTS AT HIGH-LEVEL WASTE GEOLOGIC REPOSITORIES

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 060

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning radiation dose criteria. Several issues associated with radiation dose criteria have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. The central issue is the development of radiation dose criteria for a postulated accident that DOE would use to establish a limited access area for the high-level waste (HLW) geologic repository. In order to meet the milestones mandated by the Nuclear Waste Policy Act of 1982, as amended, and milestones pertaining to DOE's production schedule in the Mission Plan amendments, guidance is needed from NRC on radiation dose criteria for postulated accidents to be used by DOE for the siting design of a geologic repository.

The proposed amendment would require the establishment of a limited access area, based on radiation dose criteria, for the siting of the geologic repository. In addition, a number of new definitions would need to be included. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: It is estimated that 3.2 staff years over a 2-year period will be required to complete the rulemaking.

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

RIN: 3150-AD51

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

4217. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION**Legal Authority:** 5 USC 504**CFR Citation:** 10 CFR 1; 10 CFR 2**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** Undetermined

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

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

RIN: 3150-AA01**4218. STANDARDS FOR PROTECTION AGAINST RADIATION**

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20**Legal Deadline:** None

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

Alternatives to the complete revision considered were no action, delay for further guidance, and partial revision (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	10/31/86	
Final Action	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: of the standards. These were rejected as ignoring scientific advancements, being unresponsive to international and national guidance, and correcting only some of the recognized problems with the present Part 20.

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

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

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3640

RIN: 3150-AA38**4219. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS**

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50**Legal Deadline:** None

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

NRC

Final Rule Stage

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

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

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	04/24/87	52 FR 2416

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

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

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

RIN: 3150-AA86

4220. PERSONNEL ACCESS AUTHORIZATION PROGRAM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 073

Legal Deadline: None

Abstract: The Commission has concluded that it is appropriate for each licensee who operates a nuclear power plant to establish an access authorization program to ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and do not

pose a threat to commit radiological sabotage. Accordingly, the NRC published a proposed rule on August 1, 1984, which would require an access authorization program at nuclear power plants (42 FR 30726).

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

Timetable:

Action	Date	FR Cite
Proposed Policy Statement Published	03/09/88	53 FR 7534
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT
CONT:

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

On March 9, 1988 (53 FR 7534), the NRC published a proposed policy statement endorsing the NUMARC guidelines. In the Federal Register notice, the Commission specifically requested public comments as to whether the access authorization program should be a rule or a policy statement.

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

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3773

RIN: 3150-AA90

4221. ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA HLW STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Legal Deadline: None

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

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22268
NPRM Comment Period End	08/18/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3810

RIN: 3150-AC03

NRC

Final Rule Stage

4222. DISPOSAL OF WASTE OIL BY INCINERATION FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2167; 42 USC 2073

CFR Citation: 10 CFR 20

Legal Deadline: None

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

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32914
NPRM Comment Period End	10/28/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

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

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3638

RIN: 3150-AC14

4223. TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule, would in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 8 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition.

Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. In addition, the accident experience of every country that bases its domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as a routine (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21550
NPRM Comment Period End	02/09/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT
CONT: updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These

changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, have been issued for public comment. The task will consume 2-3 staff-years of effort depending on the number and difficulty of conflicts to be resolved.

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

RIN: 3150-AC41

4224. REASSERTING NRC'S SOLE AUTHORITY FOR APPROVING ONSITE LOW-LEVEL WASTE DISPOSAL IN AGREEMENT STATES

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31880
NPRM Comment Period End	10/21/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Telford, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3796

RIN: 3150-AC57

NRC

Final Rule Stage

4225. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 004**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations concerning enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, in Federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). Because some facilities subject to new construction or alteration requirements under Section 504 are also subject to the Architectural Barriers Act, government wide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the Section 504 regulations or more than one Federal agency. The U.S. Department of Justice (DOJ) is the lead agency in proposing this amendment. The U.S. Nuclear Regulatory Commission is joining DOJ and other Federal agencies in the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
NPRM Comment	05/08/89	
Period End		

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** Undetermined

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

RIN: 3150-AC64**4226. STORAGE OF SPENT NUCLEAR FUEL IN NRC-APPROVED STORAGE CASKS AT NUCLEAR POWER REACTOR SITES****Legal Authority:** 42 USC 10153; 42 USC 10198**CFR Citation:** 10 CFR 50; 10 CFR 72; 10 CFR 170**Legal Deadline:** None

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

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

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19379
NPRM Comment	06/19/89	
Period End		
Final Actr	07/00/90	

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: John Telford, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3796

RIN: 3150-AC76**4227. DEBT COLLECTION PROCEDURES****Legal Authority:** 31 USC 3711; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 015**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations concerning the procedures that the NRC uses to collect its debts. The proposed amendments are necessary to conform NRC regulations to the amended procedures contained in the Federal

Claims Collection Standards issued by the General Accounting Office and the U.S. Department of Justice. The proposed action is intended to allow the NRC to improve the collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. No comments were received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39480
NPRM Comment	11/21/88	
Period End		
Final Action	04/00/90	

Small Entities Affected: None**Government Levels Affected:** Undetermined

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

RIN: 3150-AC87**4228. ENSURING THE EFFECTIVENESS OF MAINTENANCE PROGRAMS FOR NUCLEAR POWER PLANTS****Legal Authority:** 42 USC 5841; 42 USC 5842**CFR Citation:** 10 CFR 050**Legal Deadline:** None

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

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

It is estimated that about 3 staff-years of effort and \$600,000 for contract

NRC

Final Rule Stage

services will be required to process the final rule.

Timetable:

Action	Date	FR Cite
NPRM	11/26/88	53 FR 47822
NPRM Comment Period End	02/27/89	53 FR 52716

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Moni Dey, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3730

RIN: 3150-AD00

4229. FRACTURE TOUGHNESS REQUIREMENTS FOR PROTECTION AGAINST PRESSURIZED THERMAL SHOCK EVENTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

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

The need to amend the PTS rule to be consistent with the guide became apparent when it was found that some medium-copper, high-nickel materials embrittlement is worse now than predicted using the PTS rule. A number of PWR's will reach the screening criterion sooner than previously thought, and three plants will need to make plant-specific analyses in the next 10 years. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/26/89	54 FR 52446
NPRM Comment Period End	03/12/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Therefore, a high priority is being given to this effort.

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

Agency Contact: Pryor N. Randall, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3542

RIN: 3150-AD01

4230. MINOR AMENDMENTS TO PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 072; 10 CFR 073; 10 CFR 075

Legal Deadline: None

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

that is susceptible to differing interpretations, (5) correct typographical errors, and (6) make other minor changes. (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/15/89	54 FR 33570
NPRM Comment Period End	09/29/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

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

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

RIN: 3150-AD03

4231. INFORMAL HEARING PROCEDURES FOR NUCLEAR REACTOR OPERATOR LICENSING ADJUDICATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

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

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Timetable:

Action	Date	FR Cite
NPRM	04/26/89	54 FR 17961
NPRM Comment	06/26/89	
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jim Fitzgerald, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 482-1607

RIN: 3150-AD17

4232. EXPORT OF HEAVY WATER TO CANADA

Legal Authority: 42 USC 3201; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elaine O. Hemby, Nuclear Regulatory Commission, Office of Governmental and Public Affairs, Washington, DC 20555, 301 482-0341

RIN: 3150-AD20

4233. REVISION OF FEE SCHEDULES: RADIOISOTOPE LICENSES

Legal Authority: 31 USC 9701; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing licensing and inspection fees for radioisotope licenses (small programs licensed under the provisions of 10 CFR Parts 30, 40, and 70). The revised schedule of fees that would more completely recover the costs incurred by the Commission in providing services to identifiable recipients. The proposed rule would establish a ceiling of \$50,000 for Topical Reports, update the schedule of fees for small byproduct material applications for decommissioning, change the cost per professional staff hour for NRC services based on the FY 1990 budget, delete certain exemption provisions and clarify others for ease of administration, add a new exemption to provide that Indian tribes and Indian organizations will be exempt from the payment of fees, and request that bills in excess of \$5,000 be paid by electronic fund transfer in accordance with U.S. Department of the Treasury cash management initiatives.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	54 FR 49763
NPRM Comment	01/30/90	
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lee Hiller, Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, 301 482-7351

RIN: 3150-AD23

4234. ASNT CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 034

Legal Deadline: None

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

Current NRC sealed source radiography licensing requirements specify that an applicant will have an adequate program for training radiographers and will submit a schedule or description of the program including initial training, periodic retraining, on-the-job training, and the means to be used by the licensee to determine the radiographer's knowledge and understanding of, and ability to comply with, Commission regulations and licensing requirements, and the operating and emergency procedures of the applicant. The NRC is proposing to permit applicants to affirm, in lieu of submitting descriptions of their initial radiation safety training and radiographer qualification program, that all individuals acting as radiographers are or will be certified in radiation safety (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/09/89	54 FR 47089
NPRM Comment	02/17/90	
Period End		
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: through the Industrial Radiography Radiation Safety Program of the ASNT. Contingent upon an analysis of costs and benefits and demonstrated success of the ASNT certification program, the NRC is planning to initiate a subsequent rulemaking which would require third-party certification of all radiographers.

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

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include documented training. Some small reduction in cost will be associated with the application process because, if a radiography licensee applicant elects to have his or her staff certified, he or she will not have to submit a detailed description of a planned radiation safety training and testing program. The total cost to the industry would be \$6 million over a 5-year certification period, or \$1.2 million per year.

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

RIN: 3150-AD35

4235. ● SUSPENSION OF ACCESS AUTHORIZATION AND/OR EMPLOYMENT CLEARANCE; DELEGATION OF AUTHORITY TO DEPUTY EXECUTIVE DIRECTORS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 010

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to permit a Deputy Executive Director to suspend an individual's access authorization and/or employment clearance. The amendment provides greater flexibility in responding to questions concerning the continued eligibility of an individual's access authorization and/or employment clearance.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Royal Voegelé, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1562

RIN: 3150-AD42

4236. ● FREEDOM OF INFORMATION ACT, PRIVACY ACT, PRODUCTION OR DISCLOSURE IN RESPONSE TO SUBPOENA OR DEMANDS OF COURT OR OTHER AUTHORITIES; OFFICE OF THE INSPECTOR GENERAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations to reflect the establishment of the Office of the Inspector General. This amendment will permit the Office of the Inspector General to make independent disclosure determinations on (1) records originating in its office that are responsive to Freedom of Information Act requests, and (2) records located in its office that are responsive to Privacy Act requests. The final rule also exempts personnel in the Office of Inspector General from the requirement which specifies that the General Counsel's approval be obtained before responding to subpoenas or demands of courts or other authorities for the production or disclosure of NRC information.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol Ann Reed, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-4262

RIN: 3150-AD45

4237. ● DISCRIMINATION ON THE BASIS OF SEX

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 019

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations dealing with discrimination against persons who, on the grounds of sex, are excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity licensed by the NRC. The Commission has decided that Section 401 of the Energy Reorganization Act, which prohibits sex discrimination, applies only to the Commission and does not apply to NRC licensees and/or applicants. Since this decision invalidates 10 CFR 19.32 and 10 CFR 2.111, action is being taken to amend these sections and to incorporate appropriate language to clarify that these sections do not apply to licensee employees.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 3150-AD50

NUCLEAR REGULATORY COMMISSION (NRC)

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4238. SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EQUIPMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to establish performance standards for industrial

radiography exposure devices. The final rule requires licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures.

Timetable:

Action	Date	FR Cite
Final Action	01/10/90	55 FR 843
Final Action Effective	01/10/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office

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of Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3628.

RIN: 3150-AC12

4239. SEQUESTRATION OF WITNESSES INTERVIEWED UNDER SUBPOENA/DISQUALIFICATION OF ATTORNEYS

Legal Authority: 41 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 019

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	01/04/90	55 FR 243
Final Action Effective	02/05/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: The final rule is also intended to promote candor in the investigative process and to facilitate an expeditious resolution of agency investigations.

Agency Contact: Carolyn F. Evans, Nuclear Regulatory Commission, Office

of the General Counsel, Washington, DC 20555, 301 492-1532

RIN: 8150-AD06

4240. PALLADIUM-103 FOR THE INTERSTITIAL TREATMENT OF CANCER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations governing the medical use of byproduct material. The final rule adds Palladium-103 as a sealed source in seeds to the list of sources permitted in 10 CFR Part 35 for use in cancer treatment. The final rule, developed in response to a petition for rulemaking (PRM-35-7), allows the use of Palladium-103 seeds by each potential user (about 780 licensees) with either a simplified amendment or no amendment, depending upon the individual license.

Timetable:

Action	Date	FR Cite
Final Action	10/12/89	54 FR 41819
Final Action Effective	10/12/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

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

RIN: 3150-AD11

4241. STATEMENT OF ORGANIZATION AND GENERAL INFORMATION; MINOR AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000; 10 CFR 001; 10 CFR 002; 10 CFR 009; 10 CFR 010; 10 CFR 015; 10 CFR 025; 10 CFR 051; 10 CFR 095

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations pertaining to its statement of organization and general information to reflect the recent reorganization within the Office of the Executive Director for Operations and the former Office of Administration and Resources Management and the

creation of the Office of the Licensing Support System Administration. This rule informs licensees and the public of organizational changes within the NRC.

Timetable:

Action	Date	FR Cite
Final Action	12/28/89	54 FR 53312
Final Action Effective	12/28/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7211

RIN: 3150-AD18

4242. STABILIZATION AND DECONTAMINATION PRIORITY, TRUSTEESHIP PROVISIONS, AND AMOUNT OF PROPERTY INSURANCE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/05/89	54 FR 46624
NPRM Comment Period End	01/05/90	
Final Action	04/02/90	55 FR 12163
Final Action Effective	04/02/90	

Small Entities Affected: None

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Government Levels Affected:
Undetermined

Agency Contact: Robert Wood,
Nuclear Regulatory Commission, Office
of Nuclear Reactor Regulation,
Washington, DC 20555, 301 492-1960

RIN: 3150-AD19

4243. PRESERVING THE FREE FLOW OF INFORMATION TO THE COMMISSION

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 030; 10 CFR 040;
10 CFR 050; 10 CFR 060; 10 CFR 070; 10
CFR 072; 10 CFR 150

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30049
NPRM Comment Period End	09/18/89	
Final Action	03/21/90	55 FR 10397
Final Action Effective	04/20/90	

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Stuart Treby, Nuclear
Regulatory Commission, Office of the

General Counsel, Washington, DC
20555, 301 492-1636

RIN: 3150-AD21

4244. CREDIT CHECKS—EXPANDED PERSONNEL SECURITY INVESTIGATIVE COVERAGE

Legal Authority: 42 USC 2165; 42 USC
2201; 42 USC 5841; 42 USC 2273

CFR Citation: 10 CFR 011; 10 CFR 025;
10 CFR 095

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38863
NPRM Comment Period End	11/21/89	
Final Action	03/29/90	55 FR 11572
Final Action Effective	04/30/90	

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Duane Kidd, Nuclear
Regulatory Commission, Office of
Administration, Washington, DC 20555,
301 492-4127

RIN: 3150-AD28

4245. ● CHANGE IN COMMERCIAL TELEPHONE NUMBER FOR REGION III OFFICE

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 020; 10 CFR 021;
10 CFR 073

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to indicate a change in the commercial telephone number for the NRC's Region III office located in Glen Ellyn, Illinois. These amendments are necessary to inform the public of administrative changes to NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/21/89	54 FR 52342
Final Action Effective	12/21/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Meyer,
Nuclear Regulatory Commission, Office
of Administration, Washington, DC
20555, 301 492-7086

RIN: 3150-AD37

4246. ● CENTRALIZATION OF MATERIAL CONTROL AND ACCOUNTING RESPONSIBILITIES FOR NONREACTOR FACILITIES

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 070; 10 CFR 074

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to reflect the second part of the phased centralization in NRC headquarters of Region II's material control and accounting (MC&A) inspection program and 10 CFR 70.32(c) licensing reviews for nonreactor facilities. The first part of the centralization transferred the MC&A programs of Region I, III, and V to headquarters and was effective on February 15, 1989. Region IV had no affected facilities.

Timetable:

Action	Date	FR Cite
Final Action	02/21/90	55 FR 5978
Final Action Effective	02/21/90	

Small Entities Affected: None

Government Levels Affected:
Undetermined

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

RIN: 3150-AD47

4247. ● FINGERPRINT CARDS; INCREASE IN FEE

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 073

Legal Deadline: None

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Abstract: The final rule amends the Commission's regulations to reflect an administrative change pertaining to an increase in the fee that is charged for processing fingerprint cards which are associated with granting unescorted access to an operating reactor site, or access to Safeguards Information. This

amendment is necessary to reflect a fee schedule change imposed by the FBI.

Timetable:

Action	Date	FR Cite
Final Action	01/30/90	55 FR 3040
Final Action Effective	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. B. Manili, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 482-0840

RIN: 3150-AD52

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