
NRC Regulatory Agenda

Quarterly Report
April-June 1982

**U.S. Nuclear Regulatory
Commission**

Office of Administration



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Documents available from public and special technical libraries include all open literature items, such as books, journal and periodical articles, and transactions. *Federal Register* notices, federal and state legislation, and congressional reports can usually be obtained from these libraries.

Documents such as theses, dissertations, foreign reports and translations, and non-NRC conference proceedings are available for purchase from the organization sponsoring the publication cited.

Single copies of NRC draft reports are available free upon written request to the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Copies of industry codes and standards used in a substantive manner in the NRC regulatory process are maintained at the NRC Library, 7920 Norfolk Avenue, Bethesda, Maryland, and are available there for reference use by the public. Codes and standards are usually copyrighted and may be purchased from the originating organization or, if they are American National Standards, from the American National Standards Institute, 1430 Broadway, New York, NY 10018.

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Quarterly Report
April-June 1982

Manuscript Completed: July 1982
Date Published: July 1982

Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



NRC Regulatory Agenda - July 1982

The Nuclear Regulatory Commission is issuing the July edition of the Regulatory Agenda. The Regulatory Agenda is a compilation of all rules on which the NRC has proposed or is considering action and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued each quarter, but, unlike the agenda for April, this edition will not be published in the Federal Register. However, a notice of availability will be published in the Federal Register.

The agenda consists of two sections. Section I entitled "Rules" includes:

(A) Rules on which final action has been taken since April 9, 1982, the cutoff date of the last Regulatory Agenda, (B) Rules published previously as proposed rules and on which the Commission has not taken final action, (C) Rules published as advance notices of proposed rulemaking and for which neither a proposed nor final rule has been issued; and (D) Unpublished rules on which the NRC expects to take action.

Section II entitled "Petitions for Rulemaking" includes: (A) Petitions incorporated into final rules or petitions denied since April 9, 1982, (B) Petitions incorporated into proposed rules, (C) Petitions pending staff review, and (D) Petitions with deferred action.

In Section I of the Agenda, the rules are ordered from lowest to highest 10 CFR part, and when more than one rule appears under the same part, the rules are arranged within the part by date of most recent publication. If a rule contains changes to multiple parts, the rule is listed under the lowest affected part. In Section II of the Agenda, the petitions are ordered from lowest to

highest CFR part and are identified with a petition for rulemaking (PRM) number. When more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within the CFR part.

The status and information included in Sections I and II of this agenda have been updated through June 30, 1982. The date, included under the heading "timetable," for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff and are included for planning purposes only. This Regulatory Agenda is intended to provide increased notice and public participation in the rulemaking proceedings included on the Agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Those rulemaking entries in Section I of the Agenda which may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96-354), are indicated by an asterisk(*) by the title of the rule. The Regulatory Flexibility Act was enacted to encourage Federal agencies to consider, consistent with their enabling legislation, regulatory and informational requirements appropriate to the sizes of the businesses, organizations, and governmental jurisdictions subject to regulations. In the case of the NRC, for example, the Act requires the NRC to consider modifying or tiering those rules which have a significant economic impact upon a substantial number of small entities in a way which considers the particular needs of small businesses or other small entities, while at the same time assuring that the public health and safety and the common defense and security are adequately protected. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981

(or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact upon a substantial number of small entities. If the rule will not have this impact, the head of the agency must certify in the rule that the analysis need not be prepared.

Section I of the Agenda contains six rules completed during the previous quarter; fifteen rules that appear on the agenda for the first time that are identified by the symbol "+" at the end of the title; eight rules that may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96-354) that are identified by an asterisk (*); and no major rules as defined in Section 1(b) of Executive Order 12291.

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 Room 1131, 1717 H Street, NW., Washington, DC between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed on the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7086, 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 "contact" for that rule.

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SECTION I - RULES

(A) - Action Completed Rules

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 15, 1982 (47 FR 16162)

SUBJECT: Codification of Regulatory Guide 8.15

SUMMARY: Description. The final rule amends NRC regulations by eliminating the existing incorporation by reference to Regulatory Guide 8.15 in 10 CFR Part 20 and codifying the provisions of the guide into the text of the regulations. In addition, the final rule makes certain minor changes to the existing standard.

Objective. To respond to a request by the Office of the Federal Register that the Commission amend its regulations to eliminate the incorporation by reference of Regulatory Guide 8.15, "Acceptable Programs for Respiratory Protection." The incorporation by reference of Regulatory Guide 8.15 was conditionally reapproved by the Office of the Federal Register on January 1, 1981. This reapproval was limited to one year to permit the NRC to take alternative action.

Background. The comment period closed January 4, 1982. Fourteen comments were received. The use of respirators, when other process, containment, and ventilation equipment and procedures are not practicable, must be carefully controlled. Regulatory Guide 8.15 contains several procedural and technical provisions for an acceptable program including bioassay, air sampling, specifications for high efficiency filters, and the quality of breathing air in supplied-air devices, to list a few. The addition of these items to the regulations is a change of an administrative nature since licensees are now required to comply with the provisions in Regulatory Guide 8.15 because of its incorporated status. The table in Regulatory Guide 8.15 listing protection factors for certain types of respiratory protection devices is being updated in accordance with work done since the guide was published.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273.

TIMETABLE: Action completed.

CONTACT: Lynnette Hendricks
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 30

OTHER AFFECTED PART(S): 40, 70

FEDERAL REGISTER CITATION: May 27, 1982 (47 FR 23138)

SUBJECT: Regional Licensing Program +

SUMMARY: Description. The final rule specifies the categories of licensing actions for which full responsibility has been delegated to Regional Administrators. The final rule provides information concerning the further implementation of NRC's regional licensing program for source, byproduct and special nuclear material.

Objective. To reflect current NRC practices and assigned responsibilities under its regional licensing program for source, byproduct and special nuclear material.

Background. The NRC published a final rule implementing its regional licensing program on September 7, 1981 (46 FR 44418). This rule specified that inquiries on the regulations in 10 CFR parts 30, 33, 35, 40 and 70 as well as applications for certain types of licenses or license renewals or revision in Region I and III be sent to the regional office. This final rule states more clearly the licensing functions now assigned to these Regional Administrators as their total authority under NRC's regionalization program.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Action completed.

CONTACT: Vandy L. Miller
Office of Nuclear Material Safety and Safeguards
(301) 427-4002

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: June 28, 1982 (47 FR 28087)

SUBJECT: Group Licensing for Certain Medical Uses; Succimer +

SUMMARY: Description. This final rule would add a new reagent kit, used to prepare the radiopharmaceutical technetium-99m labeled succimer, to its list of authorized radioactive drugs and reagent kits. This action includes the radiopharmaceutical in §35.100 where NRC lists groups of medical uses of byproduct material that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures. Licensees within Group III may use the radiopharmaceutical without obtaining a license amendment.

Objective. To reduce administrative costs by eliminating the need for Group III licensees to seek an amendment to their license to permit them to use the reagent kit used to prepare technetium-99m labeled succimer.

Background. As indicated in NRC's medical policy statement published February 9, 1979 (44 FR 8242), NRC relies on FDA for approval of safety and effectiveness for radioactive drugs. FDA has recently approved a "New Drug Application" for a reagent kit that is used to prepare the radiopharmaceutical, technetium-99m labeled succimer.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 5841.

TIMETABLE: Action completed.

CONTACT: Elizabeth G. Rodenbeck
Office of Nuclear Regulatory Research
(301) 427-4580

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: May 6, 1982 (47 FR 19512)

SUBJECT: Emergency Planning for Research and Test Reactors

SUMMARY: Description. The final rule provides an extension of time for licensees authorized to operate a research or test reactor to submit emergency plans to the NRC for approval. The compliance period was extended because of time required to reconcile inconsistencies between the regulation and published guidance.

Objective. To provide affected licensees with an extension of time for submitting emergency plans that meet emergency planning and preparedness requirements.

Background. The proposed rule was published December 31, 1981 (46 FR 63315). The comment period closed February 1, 1982. The Commission upgraded emergency planning regulations in a final rule on August 19, 1980 (45 FR 55402). The criteria contained in Regulatory Guide 2.6, which was referenced in the final rule as guidance criteria for research and test licensees to use in establishing adequate emergency plans, was not consistent with the requirements of the final rule. The date for compliance with the emergency planning rule was extended to allow additional time for licensees to submit emergency plans that meet the requirements of the rule. Regulatory Guide 2.6 is also being revised to conform to the requirements of the rule.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

TIMETABLE: Action completed.

CONTACT: Kenneth E. Perkins
Office of Inspection and Enforcement
(301) 492-7361

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: June 30, 1982 (47 FR 28363)

SUBJECT: Environmental Qualification of Safety-Related Electric +
Equipment; Interim Final Rule

SUMMARY: Description. The final rule adds a new §50.49 to the Commission's regulations which temporarily suspends completion schedules for environmental qualification of safety-related electric equipment in operating nuclear power plants until the Commission issues a comprehensive environmental qualification rule. The staff is completing work on that final rule on an expedited basis.

Objective. The interim final rule permits the staff to finish work on the comprehensive environmental qualification rule after the June 30, 1982, compliance deadline without placing licensees in jeopardy of enforcement action pending promulgation of a revised schedule for implementation of equipment qualification requirements.

Background. The Commission had anticipated publishing the comprehensive final rule prior to the June 30, 1982, compliance deadline. Due to the need for additional revision to the staff's most recent comprehensive final rule (SECY-82-207A), it was not possible for the Commission to issue that final rule prior to June 30, 1982. Thus, this interim final rule is a temporary measure employed to suspend the compliance deadline now contained in licensees' technical specifications or license conditions pending publication of the comprehensive environmental qualification final rule.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: Action completed.

CONTACT: Satish K. Aggarwal
Office of Nuclear Regulatory Research
(301) 443-5946

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 4, 1982 (47 FR 19112)

SUBJECT: Physical Protection of In-transit Special Nuclear
Material of Moderate Strategic Significance

SUMMARY: Description. The final rule amends the NRC's physical protection regulations for special nuclear material (SNM) of moderate strategic significance to require licensees who transport this material to improve their safeguards capabilities for early detection of attempted theft of this material while it is in-transit. These improvements include (1) the use of locked cargo compartments and temporary storage areas, (2) frequent en route telephone communications, and (3) employment of exclusive use trucks or high surveillance signature service. The NRC has been concerned that multiple thefts of SNM of moderate strategic significance could result in the accumulation by an adversary of a formula quantity of strategic special nuclear material (SSNM). To prevent multiple thefts of less than formula quantities of SSNM, the NRC considers it necessary to improve licensee capabilities for early detection of thefts of in-transit SNM of moderate strategic significance. Early detection of the loss or theft of a shipment of SNM of moderate strategic significance would provide time for the NRC to alert other licensees possessing similar types and quantities of material at fixed sites to delay any planned shipments or begin trace procedures for any shipment in progress.

Objective. To improve licensee safeguards capabilities for early detection of attempted theft of special nuclear material while it is in transit.

Background. The comment period closed August 15, 1981. Eight comments were received. The commenters were generally opposed to the requirements as being too severe. The Commission requested that LEU shipments be excluded from the additional security requirements contained in this rule.

Legal Basis. 42 U.S.C. 2073, 2201, 2273, 5841.

TIMETABLE: Action completed

CONTACT: Charles K. Nulsen
Office of Nuclear Material Safety and Safeguards
(301) 427-4181

(B) - Proposed Rules

PART: 0

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: March 7, 1979 (44 FR 12428)

SUBJECT: Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions

SUMMARY: Description. The proposed rule would (1) codify the practices regarding ex parte communications the Commission now employs in its adjudicatory proceedings and (2) adapt the Commission's rules to the terminology of the Government in the Sunshine Act (Pub. L. 94-409). An ex parte communication is one in which one party to a contested hearing communicates with the presiding officer(s) regarding the issue under contention and this communication is made in the absence of, and without notice to, the other party and the communication is not made part of the proceeding's record. The proposed rule applies to all "Commission adjudicatory employees," which is a new term introduced in this rule. The designation of certain employees as "adjudicatory employees" represents a principle embodied in currently effective regulations. The term includes all of those employees who participate in the making of the Commission's (or the subordinate adjudicatory panel's) decisions in adjudicatory proceedings. The term does not include those persons whose participation in the decision-making process is limited to appearance as witnesses or counsel. The proposed rule is designed to prevent Commission adjudicatory employees from being subordinate to non-adjudicatory employees so that no situations can arise in which the independence of the Commission's adjudications may be suspect. The proposed rule would prevent Commission staff personnel who have appeared as parties in adjudications from participation in making decisions in those or factually related adjudications. The proposed rule also includes operative provisions of the ex parte rule, and an explanation of how proceedings to impose sanctions for violation of the ex parte rule should be commenced. The proposed rule also defines the term "interested person" as that term is defined in the legislative history of the Sunshine Act, H.R. Rep. 94-880, Part I, 94th Cong., 2nd Sess., at 19-20, 1976.

Objective. To codify current ex parte communication practices the Commission now employs in its adjudicatory proceedings.

Background. The comment period closed April 23, 1979. One comment was received. A draft final rule was sent to the Commission in October 1979, but Commission action has been suspended pending a broad review of the Commission's ex parte and separation of function rules. In March 1980, the Commission was presented NUREG-0694, "A Study of the Separation of Functions and Ex Parte Rules in Nuclear Regulatory Commission Adjudications

for Domestic Licensing." Public comments were obtained on that study and further work was done in order to propose further and more extensive revisions to the present rules. The Commission is presently reviewing proposals for a new rulemaking proceeding and the relationship between rule changes and its Task Force on Licensing Reform.

Legal Basis. 5 U.S.C. 554, 42 U.S.C. 2201.

TIMETABLE: Commission action is unscheduled.

CONTACT: Harvey J. Shulman
Office of the General Counsel
(202) 634-1493

Paul Bollwerk
Office of the General Counsel
(202)634-3224

PART: 1

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: October 28, 1981 (46 FR 53189)

SUBJECT: Procedures Involving the Equal Access to Justice Act:
Implementation

SUMMARY: Description. The proposed rule would add new provisions designed to implement the Equal Access to Justice Act which provides for the award of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications in which the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) which have been modified to conform to NRC's established rules of practice.

Objective. To further the Equal Access to Justice Act's (EAJA) intent to ensure the development of "uniform" agency regulations government wide, and to provide NRC procedures and requirements for the filing and disposition of EAJA applications.

Background. The comment period expired November 27, 1981. The EAJA (Pub. L. 96-481) was signed into law by President Carter on October 21, 1980, and became effective October 1, 1981. The Act provides that each agency, after consultation with the ACUS, is to establish uniform procedures for the submission and consideration of applications for awards of fees and expenses. To facilitate this statutory requirement, ACUS issued model rules for consideration and use of other agencies March 10, 1981 (46 FR 15895). This proposal is modeled after the ACUS rule.

Legal Basis. 5 U.S.C. 504.

TIMETABLE: Commission action on the final rule is scheduled for July 1982.

CONTACT: Paul Bollwerk
Office of the General Counsel
(202) 634-3224

PART: 2

OTHER AFFECTED PART(S): 30, 40, 50, 51, 70, 110

FEDERAL REGISTER CITATION: March 3, 1980 (45 FR 13739)

SUBJECT: Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions

SUMMARY: Description. The proposed rule would revise the Commission's environmental protection regulations in a manner consistent with NRC's domestic licensing and regulatory authority. The proposed rule would reflect Commission policy to take account of the Environmental Quality Council's (CEQ) Regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) subject to certain conditions. The current regulation contains procedures implementing NEPA requirements relating to the preparation and use of environmental impact statements. The proposed rule would implement each section 102(2) NEPA provision, thereby making all Commission actions that are not totally excluded from environmental review or do not fall under a categorical exclusion contained in the regulation subject to the NRC-NEPA review process.

Objective. To conform NRC's environmental review requirements to the CEQ procedural regulations to the extent possible, to ensure that environmental aspects are considered as part of the NRC decision making process, and to make environmental information available to the public.

Background. The comment period closed May 2, 1980. A majority of the 21 comments support the rule while suggesting numerous minor revisions. Executive Order 11991 (42 FR 26957) directed CEQ to issue regulations implementing all the procedural provisions of NEPA and directed Federal agencies to comply with these regulations unless compliance would be inconsistent with statutory authority. CEQ's procedural regulations were published November 28, 1978 (43 FR 55978). In a letter to the Chairman of the Council on Environmental Quality dated May 31, 1979, the Chairman of the Commission expressed the view, "that a sound accommodation could be reached between NRC's independent regulatory responsibility and CEQ's objective of establishing uniform NEPA procedures."

Legal Basis. 42 U.S.C. 2021, 2201, 4332, 4334, 4335, 5841, 5842.

TIMETABLE: Commission action on the final rule is unscheduled.

CONTACT: Jane R. Mapes
Office of the Executive Legal Director
(301) 492-8695

PART: 2

OTHER AFFECTED PART(S): 50, 51

FEDERAL REGISTER CITATION: April 9, 1980 (45 FR 24168)

SUBJECT: Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews

SUMMARY: Description. The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site reviews of a license application by codification of the lessons learned in past and recent reviews of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would focus on six major issues associated with alternative site selection: (1) information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed site with alternate sites, and (6) reopening of the alternative site decision. The proposal is intended to be a comprehensive rule that will promote public understanding of and participation in the alternative site review process.

Objective. To develop understandable written NRC review and decision-making criteria that provide necessary protection of important environmental qualities while reasonably restricting the consideration of alternatives to permit a rational and timely decision concerning the sufficiency of the alternative site analysis.

Background. The comment period closed June 9, 1980. The majority of the 27 comment letters supported the rulemaking but suggested improvements in the form of clarification or minor substantive changes. On May 28, 1981 (46 FR 28631), the Commission published a final rule on the issue of reopening the alternative site question after a favorable decision at construction permit or early site review stages. The staff is developing the remainder of the rule. Comments and suggestions received in response to Supplement No. 1 to NUREG-0499 and a Commission Workshop on alternative siting were considered in developing the proposed rule. NEPA requires the study and development of alternatives to any major Federal action that would significantly affect the quality of the human environment. Until recently the NRC did not initiate an extensive review of the applicant's site selection process unless substantial inadequacies were identified at the proposed site. The proposed rule reflects NRC's expanded review of the applicant's site selection process and the detailed investigation of alternative sites.

Legal Basis. 42 U.S.C. 2201, 4332, 5841.

TIMETABLE: Commission action on the final rule is scheduled for
August 1982.

CONTACT: William Ott
Office of Nuclear Regulatory Research
(301) 427-4078

PART: 2

OTHER AFFECTED PART(S): 50

FEDERAL REGISTER CITATION: May 22, 1980 (45 FR 34279)

SUBJECT: Possible Amendments to the "Immediate Effectiveness" Rule
in Construction Permit Proceedings

SUMMARY: Description. The proposed rule indicates that the Commission is considering alternative amendments to the "immediate effectiveness" rule for construction permit proceedings and is also considering retaining this rule unchanged. Under the "immediate effectiveness" rule, construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have adversely affect either the quality of the decision-making process or the public perception of it.

Objective. To determine, through rulemaking, if NRC should permit construction on a nuclear power plant to begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review within the Commission.

Background. The comment period closed July 7, 1980. A majority of the 15 comments received favor retaining the rule with little or no change. NUREG-0646 presented a study of the effects of construction during adjudication. The staff is developing a final rule. The rule is presently suspended to allow for Commission review of construction permits prior to issuance.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for August 1982.

CONTACT: Richard Parrish
Office of the General Counsel
(202) 634-3224

PART: 2

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: June 8, 1981 (46 FR 30349)

SUBJECT: Modifications to the NRC Hearing Process
(Limited Interrogatories and Factual Basis for Contentions)

SUMMARY: Description. The proposed rule would facilitate expedited conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts, and limit the number of interrogatories that a party may file in an NRC proceeding.

Objective. To expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute.

Background. The comment period closed June 29, 1981. Sixty comments were received. In recent months the Commission has been examining its hearing process to determine ways to expedite this process and thereby expedite the licensing process. The staff has proposed a series of procedural modifications to achieve this goal.

Legal Basis. 42 U.S.C. 2239.

TIMETABLE: Commission action on the proposed rule is scheduled for September 1982.

CONTACT: Trip Rothschild
Office of the General Counsel
(202) 634-1465

PART: 4

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 21, 1981 (46 FR 46582)

SUBJECT: Age Discrimination

SUMMARY: Description. The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages.

Objective. To comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR Part 90.

Background. The comment period closed November 20, 1981. No comment letters were received during the comment period and no substantive changes have been made in the proposed text. On November 23, 1981, a copy of the proposed final regulations was transmitted to the Office of General Counsel of the Civil Rights Division, HHS, for review to comply with the requirement that final agency regulations not be published until the Secretary of HHS approves them.

Legal Basis. The Age Discrimination Act of 1975, as amended, Pub. L. 94-135, Pub. L. 95-478.

TIMETABLE: Executive Director of Operations (EDO) action on the final rule cannot be scheduled until the regulation is approved by the Secretary of HHS, as required by law.

CONTACT: Hudson B. Ragan
Office of Executive Legal Director
(301) 492-8252

PART: 10

OTHER AFFECTED PART(S): 11, 25, 95

FEDERAL REGISTER CITATION: May 7, 1982 (47 FR 19703)

SUBJECT: Criteria and Procedures for Determining Eligibility
for Access to Restricted Data or National Security Information

SUMMARY: Description. The proposed rule would revise criteria and procedures for determining eligibility for access to restricted data for NRC employees and licensee personnel who possess formula quantities of special nuclear material. The revisions are needed to (1) modify certain types of derogatory information that would raise a question of eligibility for access authorization and/or security clearance, (2) provide for hearings to be conducted by a Hearing Examiner rather than a Personnel Security Board, and (3) clarify and make more concise several of the procedures relating to resolving questions of eligibility.

Objective. To update criteria and procedures for determining eligibility for access to restricted data or national security information by refining the categories and relevancy of information considered and to enhance the application of due process procedures.

Background. The comment period closes July 6, 1982.

Legal Basis. 42 U.S.C. 2165, 2201, 5841, E.O. 10450, E.O. 10865.

TIMETABLE: EDO action on the final rule is scheduled
for August 1982.

CONTACT: Raymond J. Brady
Office of Administration
(301) 427-4472

PART: 19

OTHER AFFECTED PART(S): 20

FEDERAL REGISTER CITATION: January 3, 1975 (40 FR 799)

SUBJECT: Lower Radiation Exposure Levels for Fertile Women

SUMMARY: Description. The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements in Report No. 39 that the radiation exposure to an embryo or fetus be minimized.

Objective. The proposed rule would help provide assurance that radiation exposures of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involving radiation and radioactive material. NRC regulations would be amended to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP.

Background. The comment period closed March 5, 1975. Twenty-nine comments were received. A majority of the comments supported the proposed rule. The subject of this proposed rule, employee radiation exposure, will be addressed further, in the context of planned EPA/NRC/OSHA hearings on radiation exposure levels and also will be included in the comprehensive revision of 10 CFR Part 20 (see Agenda Item No. 48).

Legal Basis. 42 U.S.C. 2111, 2201.

TIMETABLE: This rule will be incorporated into the comprehensive revision of Part 20 scheduled to be issued as a proposed rule in December 1982.

CONTACT: Walter Cool
Office of Nuclear Regulatory Research
(301) 427-4579

PART: 19

OTHER AFFECTED PART(S): 20

FEDERAL REGISTER CITATION: February 20, 1979 (44 FR 10388)

SUBJECT: Changes in Radiation Dose-Limiting Standards

SUMMARY: Description. The proposed rule would eliminate the accumulated dose averaging formula and the associated Form NRC-4, Exposure History, and impose annual dose-limiting standards while retaining quarterly standards. The proposed rule was published because of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection for controlling radiation dose. In preparing the proposed rule, the Commission has also taken into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards as well as petitions for rulemaking to lower dose standards, PRM-20-6 and PRM-20-6A (see Agenda Item Nos. 140 and 141).

Objective. The Commission believes that the changes contained in the proposed rule would benefit workers by increasing radiation protection for them. These changes should also encourage some NRC licensees to take further action to reduce occupational radiation doses. In addition to the imposition of annual dose-limiting standards, the proposed rule contains provisions which would express, in terms of new annual standards, the standard for dose to minors, the requirement for provision of personnel monitoring equipment, and the requirement for control of total dose to all workers including transient and moonlighting workers.

Background. The comment period closed April 23, 1979. Eighty-three comments were received. Forty-seven of the comments opposed the rule on the grounds that the Commission should permit doses greater than 5 rem/yr under unusual circumstances. A final rule will be developed after joint EPA/OSHA/NRC hearings on Federal guidance for occupational radiation protection, and as part of the comprehensive revision of 10 CFR Part 20 (see Agenda Item No. 48).

Legal Basis. 42 U.S.C. 2111, 2201.

TIMETABLE: This rule will be incorporated into the comprehensive revision to 10 CFR Part 20, scheduled to be issued as a proposed rule in December 1982.

CONTACT: Walter S. Cool
Office of Nuclear Regulatory Research
(301) 427-4579

PART: 19

OTHER AFFECTED PART(S): 30, 40, 50, 70, 71, 150

FEDERAL REGISTER CITATION: March 10, 1980 (45 FR 15184)

SUBJECT: Protection of Employees Who Provide Information

SUMMARY: Description. The proposed rule would clarify the protection given to employees of licensees, permittees, applicants, and their contractors and subcontractors who provide information to the NRC. This proposed rule is in response to section 10 of Public Law 95-601, which amended the Energy Reorganization Act of 1974 by adding a new §210, "Employee Protection." This new section identifies specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in these activities, provides the Department of Labor with new authority to investigate an alleged act of discrimination, and provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor. The proposed rule would (1) change the types of information to include not only information on radiological working conditions but also information on antitrust, safety, and security matters, (2) make the employee protection provisions applicable not only to licensees but also to permittees, applicants, and their contractors and subcontractors, (3) make employers aware that discrimination against employees who provide this information to the NRC is prohibited, (4) make employees aware that if this discrimination is believed to have occurred, a recourse for remedy is available through the Department of Labor, and (5) require posting on premises of licensees, permittees, and applicants of explanatory material relating to the prohibition and remedy. The new authority of the Department of Labor does not in any way abridge the Commission's pre-existing authority under section 161 of the Atomic Energy Act to investigate any alleged discrimination and take appropriate action, for example, withholding of a license, suspension of a license, or imposing a civil penalty.

Objective. To provide greater protection for employees of licensees, contractors, etc., who provide information to the NRC.

Background. The comment period closed on May 9, 1980. Twenty-nine comments were received, and they are evenly divided in their support of the rule.

Legal Basis. 42 U.S.C. 2101, 2236, 2282, 5851.

TIMETABLE: Commission approved the final rule on June 17, 1982.

CONTACT: Anthony D. Palo
Office of Nuclear Regulatory Research
(301) 443-5981

PART: 20

OTHER AFFECTED PARTS: 150

FEDERAL REGISTER CITATION: September 12, 1974 (39 FR 32921)

SUBJECT: Transuranic Waste Disposal

SUMMARY: Description. The proposed rule would prohibit the disposal by burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority over disposal of transuranic contaminated wastes (TRU) exceeding this concentration in Agreement States.

Objective. To establish a limit on the disposal of TRU by shallow-land burial.

Background. Comment period ended November 11, 1974; fifteen comments were received. The proposed rule has been incorporated into a new proposed rule, that would establish a new 10 CFR Part 61. A notice withdrawing the earlier proposed rule on TRU and the accompanying proposed amendment to the Commission's Part 150 Agreement States rule will be issued.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273, 5842, 5846.

TIMETABLE: Action on the notice withdrawing this proposed rule is scheduled for late 1982.

CONTACT: Paul H. Lohaus
Office of Nuclear Material Safety and Safeguards
(301) 427-4500

PART: 30

OTHER AFFECTED PARTS: 70

FEDERAL REGISTER CITATION: September 28, 1978 (43 FR 44547)

SUBJECT: Irretrievable Well-Logging Sources

SUMMARY: Description. The proposed rule would establish requirements a licensee must follow in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. The proposed rule would codify the requirements that were previously imposed on individual licensees as a license condition.

Objective. To ensure that there is no damage to the source through drilling operations which might result in dispersal of the radioactive material to the biosphere.

Background. The comment period closed November 27, 1978. Ten comments generally supported the proposed regulation. Additional study was required to complete the value/impact analysis.

Legal Basis. 42 U.S.C. 2073, 2111, 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for December 1982.

CONTACT: Donald E. Solberg
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 30

OTHER AFFECTED PART(S): 32, 70, 150

FEDERAL REGISTER CITATION: October 27, 1980 (45 FR 70874)

SUBJECT: Exemption of Technetium-99 and Low-Enriched Uranium as Residual Contamination in Smelted Alloys.

SUMMARY: Description. The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials.

Objective. To remove a requirement that inhibits trade in scrap metal contaminated with small amounts of technetium-99 and low-enriched uranium and prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials.

Background. The NRC issued the proposed rule in response to a Department of Energy request. The comment period closed December 11, 1980. The NRC received 3,604 comments, almost all opposing the proposed regulation. Public comments are being reviewed. Alternatives to unrestricted release are being considered.

Legal Basis. 42 U.S.C. 2021, 2073, 2077, 2111, 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for December 1982.

CONTACT: Donald Smith
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 9, 1979 (44 FR 21023)

SUBJECT: Institutional Radiation Safety Committee

SUMMARY: Description. The proposed rule would replace the existing requirement for medical institutional licensees to appoint a Medical Isotopes Committee with a new requirement that medical institution licensees appoint a Radiation Safety Committee. The proposed rule would simplify committee membership requirements and focus committee activity on coordinating the use of byproduct material throughout the institution and monitoring the institution's radiation safety program.

Objective. To emphasize radiation safety within medical institutions and to ease recruiting of qualified committee members for smaller institutions.

Background. The comment period closed June 8, 1979. Sixty comments were received. Approximately one-third favored the rule, one-third opposed, and one-third commented without indicating preference.

Legal Basis. 42 U.S.C. 2111, 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for July 1982.

CONTACT: Elizabeth G. Rodenbeck
Office of Nuclear Regulatory Research
(301) 427-4580

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 1, 1981 (46 FR 43840)

SUBJECT: Patient Dosage Measurement

SUMMARY: Description. The proposed rule would require specific medical licensees to (1) measure the total activity of each radiopharmaceutical dosage, except those containing a pure beta-emitting radionuclide, before it is administered to a patient; (2) measure doses with activity less than ten microcuries to verify that activity did not exceed ten microcuries; and (3) keep a record of each measurement. Currently, each of NRC's approximately 2000 specific medical licensees are individually required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The proposed rule would replace the individual licensing conditions with a single regulatory requirement.

Objective. (1) To simplify licensing by replacing a condition that appears in all specific medical licenses with one regulation and (2) to enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

Background. The comment period closed November 30, 1981.

TIMETABLE: EDO action on the final rule is scheduled for September 1982.

CONTACT: Elizabeth G. Rodenbeck
Office of Nuclear Regulatory Research
(301) 427-4580

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 13, 1982 (47 FR 15798)

SUBJECT: Physician's Use of Radioactive Drugs†

SUMMARY: Description. The proposed rule would establish the first exception to the NRC's requirement that a physician follow FDA approved labeling for (1) chemical and physical form, (2) route of administration, and (3) dosage range when the physician uses an unapproved drug for an approved use. In providing this initial exception, permitting the use of Tc-99m pentatate sodium for lung function studies, the proposed rule establishes the process by which other radiopharmaceuticals and uses could be exempted from the requirement to follow FDA labeling after the NRC makes a determination of radiation safety.

Objective. To allow a physician to use Tc-99m pentatate sodium for lung function studies without regard to restrictions concerning FDA labeling and to establish a procedure for listing additional radioactive drugs and clinical procedures as exceptions to FDA approved labeling restrictions.

Background. The comment period closed June 14, 1982. The proposed rule is issued in response to a petition for rulemaking PRM-35-1 (see Agenda Item No. 126) filed by George V. Taplin, M.D. (May 7, 1979; 44 FR 26817). The comment period on the petition closed July 6, 1979. Forty-five comments were received, all supporting the petition. The petitioner requested that the NRC remove the requirements that a physician use an approved radioactive drug strictly in accordance with the product label. Specifically, the petitioner objected to the restrictions as they would prevent the use of Tc-99m pentatate sodium as an aerosol by inhalation for lung function studies.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 5841.

TIMETABLE: Commission action on a final rule is scheduled for September 1982.

CONTACT: Deborah Bozik
Office of Nuclear Regulatory Research
(301) 427-4566

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 28, 1982 (47 FR 18131)

SUBJECT: Teletherapy Room Radiation Monitors

SUMMARY: Description. The proposed rule would codify existing licensing orders and conditions that require installation of radiation monitors in licensed teletherapy rooms, the use of portable survey meters when monitors are inoperable, and the performance of inspection and servicing of safety related teletherapy components. The proposed rule would provide warning of potential teletherapy unit malfunctions and resultant patient/operator overexposures. Further, the proposed rule would replace repetitive individual license conditions with a single regulation. Finally, inspection and servicing requirements would be required of teletherapy licensees.

Objective. To make less likely, and provide warning of, teletherapy unit malfunctions which could result in unshielded sources. To further prevent potentially serious patient and operator overexposures.

Background. The comment period closed June 28, 1982. Teletherapy is the use of gamma radiation, usually from cobalt sources in large doses, to treat diseases. The NRC became aware of several teletherapy unit malfunctions that had the potential of causing serious overexposures through reports from the Bureau of Radiological Health and voluntary reports from licensees. In May 1980, the NRC issued an order amending all teletherapy licenses to require the installation of radiation monitors. The initial draft of the proposed rule and the accompanying value/impact statement was completed September 1981.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 5841.

TIMETABLE: Commission action on the final is scheduled for September 1982.

CONTACT: Alan K. Roecklein
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 18, 1974 (39 FR 26293)

SUBJECT: General Design Criteria for Fuel Reprocessing Plants

SUMMARY: Description. The proposed rule would establish general criteria for designing fuel reprocessing plants. The general criteria contains the minimum requirements that an applicant must use in the selection of a principal design criteria for a fuel reprocessing plant. The principal criteria would establish design fabrication, construction, testing, and performance requirements for structures, systems, and components important to the safety of the facility.

Objective. To provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public.

Background. This proposed rule was indefinitely deferred based on the Carter administration's policy that commercial reactor fuel will not be reprocessed.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233.

TIMETABLE: Commission action on this proposed rule is unscheduled.

CONTACT: Charles W. Nilsen
Office of Nuclear Regulatory Research
(301) 443-5910

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 14, 1980 (45 FR 75536)

SUBJECT: Fracture Toughness Requirements for Nuclear Power Reactors

SUMMARY: Description. The proposed rule would update existing fracture toughness requirements for the reactor coolant pressure boundary of light-water nuclear power reactors. The proposed rule is needed to clarify the applicability of the fracture toughness requirements to old and new plants, modify certain requirements of Appendices G and H to 10 CFR Part 50, and simplify these regulations by replacing technical detail with references to appropriate ASME Boiler and Pressure Vessel Code provisions.

Objective. To update existing requirements to be more consistent with current technology and pertinent national standards (ASME Code).

Background. The comment period closed January 13, 1981. Thirteen comments were received. Several comments received from utilities sought more clarification or relief from the proposed requirements.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for July 1982.

CONTACT: Neil Randall
Office of Nuclear Regulatory Research
(301) 443-5904

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 13, 1981 (46 FR 26491)

SUBJECT: TMI-Related Licensing Requirements for Pending Operating License Applications

SUMMARY: Description. The proposed rule would add new requirements to power reactor safety regulations applicable only to operating license applications. The proposed rule, as part of NRC's efforts to apply the lessons learned from the accident at Three Mile Island to power plant licensing, would add the basic requirements contained in NUREG-0737 which address the problems of design deficiencies, equipment failure, and human error.

Objective. To codify the requirements of NUREG-0737 "Clarification of TMI-Action Plan Requirements" into the Commission's regulations applicable to operating license applications.

Background. The original comment period closed August 12, 1981. Most of the 50 comments received opposed the proposed rule. The proposed rule advised the public that the Commission was considering the issuance of a similar rule that would incorporate NUREG-0737 requirements into its regulations applicable to operating reactors. However, at a meeting held August 12, 1981, the Commission determined that a proposed rule for operating reactors should not be issued, and requested instead an approach with a substantially reduced scope that would increase flexibility and permit more detailed consideration. On November 2, 1981, the Commission published a notice in the Federal Register (46 FR 54378) which extended the comment period on the proposed rule to November 30, 1981. Two additional comments were received. These comments and the comments made by the ACRS during the October 29, 1981 briefing have been considered in the development of the draft final rule. The draft final rule will be reviewed by the CRGR and the ACRS in July 1982.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

TIMETABLE: Commission action on a draft final rule is scheduled for August 1982.

CONTACT: David M. Verrelli
Office of Nuclear Reactor Regulation
(301) 492-8434

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: July 2, 1981 (46 FR 34595)

SUBJECT: Reporting of Changes to the Quality Assurance Program

SUMMARY: Description. The proposed rule would require holders of nuclear power plant construction permits and operating licenses to implement their approved quality assurance programs. The proposal would also require the permit holders and licensees to inform the Commission in writing within 30 days of certain program changes which affect the description of the quality assurance program included in their Safety Analysis Report and accepted by the Commission. Because existing regulations do not require that changes to the accepted quality assurance program be reported to the Commission, some licensees have changed their quality assurance programs without informing the Commission.

Objective. To ensure that quality assurance programs which are approved by the Commission do not have their effectiveness reduced by subsequent changes thereby increasing the risk to public health and safety.

Background. The comment period closed September 8, 1981. Thirty-one comments were received. The comments were equally divided in their opposition to and support of the proposal.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for July 1982.

CONTACT: William Belke
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 50

OTHER AFFECTED PART(S): 70, 73

FEDERAL REGISTER CITATION: September 18, 1981 (46 FR 46333)

SUBJECT: Safeguards Requirements for Nonpower Reactor Facilities
Authorized to Possess Formula Quantities of Strategic
Special Nuclear Material

SUMMARY: Description. The proposed rule would establish additional physical security requirements for nonpower reactor licensees who possess five formula kilograms or more of strategic special nuclear material (primarily uranium-235 contained in high-enriched uranium (HEU)). The staff is considering a performance-oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule. The staff believes that performance-oriented criteria would allow licensees to take advantage of existing facility design features. The proposed amendments would replace the currently effective interim requirements in §73.60 of 10 CFR Part 70 which were published in the Federal Register on November 28, 1979 (44 FR 68199).

Objective. To provide protection for nonpower reactor licensees authorized to possess formula quantities of SSNM against an insider threat and to require a response by local law enforcement agencies in time to prevent a theft of a formula quantity of SSNM.

Background. The comment period closed on February 15, 1982. Twelve comments were received. Eleven of the comments were from industry and raised questions on several aspects of the rule. One public interest commenter felt the proposed rule was too weak. The rule is being revised based on the comments.

Legal Basis. 42 U.S.C. 2071, 2073, 2133, 2134, 2152, 2201, 2232, 2233, 2236, 2239, 2273, 5841, 5842, 5846.

TIMETABLE: Commission action on the final rule is scheduled for January 1983.

CONTACT: Robert J. Dube
Office of Nuclear Materials Safety and Safeguards
(301) 427-4040

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 24, 1981 (46 FR 57521)

SUBJECT: Anticipated Transients Without Scram (ATWS)

SUMMARY: Description. The proposed rule presents two of three alternative regulatory programs designed to reduce the risk posed by accidents involving anticipated transients without scram (ATWS) events under consideration by the Commission. The third alternative is set out in a petition for rulemaking (see Agenda Item No. 121) filed by twenty utilities (Electric Utilities Petition, PRM-50-29, published November 4, 1980; 45 FR 73080, and a supplement to the petition published February 3, 1981; 46 FR 10501). An ATWS event occurs when a nuclear reactor's shut down ("scram") system fails to function following a fault (transient event) in the reactor's normal heat dissipation function. A possible outcome of some ATWS accident sequences is the development of a mismatch between the power generated in the reactor and the controlled dissipation of that power. This power mismatch can threaten the integrity of the barriers that confine the fission products. A core meltdown accident, in some cases accompanied by a failure of containment and a very large release of radioactivity, is a possible outcome of some ATWS accident scenarios. Thus, the Commission has determined that the consequences of some postulated ATWS accidents are unacceptable and has developed this proposed rule to address this important safety issue through rulemaking.

Objective. To limit the likelihood and severity of a release of radioactivity to the environment as a result of an anticipated transient without scram event.

Background. The Commission believes that the likelihood of severe consequences arising from an ATWS event during the two to four year period required to implement a rule is acceptably small. This judgment is based on (a) the favorable experience with operating reactors, (b) the limited number of operating nuclear power reactors, (c) the inherent capability of some operating Pressurized Water Reactors (PWRs) to partially or fully mitigate the consequences of ATWS events, (d) the partial capability of the recirculation pump trip feature that has been added to all Boiling Water Reactors (BWRs) of high power level to mitigate ATWS events, and (e) the interim steps taken to develop procedures and train operators to further reduce the risk from some ATWS events. The implementation schedule contained in the proposed rule balances the need for careful analysis and plant modifications with the desire to carry out the objectives of the rule as soon as possible.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

TIMETABLE: The final rule is scheduled for Commission action in
late 1983.

CONTACT: David Pyatt
Office of Nuclear Regulatory Research
(301) 443-5960

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 15, 1981 (46 FR 61132)

SUBJECT: Low-Power Emergency Planning and Preparedness

SUMMARY: Description. The proposed rule would provide that for the issuance of an operating license authorizing only fuel loading and low-power operation (up to 5% of rated power), findings and determinations on the state of off-site emergency preparedness will not be necessary beyond an assessment of those aspects of an applicant's emergency plan which involve off-site elements.

Objective. To clarify and codify the Commission's position that the emergency preparedness requirements for a low-power license need not be as extensive as those requirements for a full-power operating license.

Background. The comment period closed February 12, 1982. The rule would amend the Commission's regulations in 10 CFR Part 50 to reflect the NRC's position as established in informal staff practice applied in low-power licensing reviews. On the basis of the experience gained in emergency preparedness reviews over the last year, the Commission believes that evaluations of the adequacy of off-site emergency preparedness and the capability of off-site response mechanisms (as measured by the requirements of §50.47(a) and (b) and Appendix E of 10 CFR Part 50) are not necessary prior to issuing a low-power license.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239.

TIMETABLE: Commission approved the final rule on June 11, 1982.

CONTACT: Michael T. Jamgochian
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 15, 1981 (46 FR 61134)

SUBJECT: Emergency Planning and Preparedness; Exercises
Required for Low-Power Operation

SUMMARY: Description. The proposed rule would clarify that full-scale emergency preparedness exercises are part of the operational inspection process and are required prior to operation above 5% of rated power but not for a Licensing Board, Appeal Board, or Commission licensing decision. However, the proposed rule would provide that prior to license issuance a finding must still be made that there is reasonable assurance that the emergency plans can be implemented.

Objective. To clarify the role which the actual conduct of emergency preparedness exercises or the actual state of emergency preparedness would play in initial licensing decisions.

Background. The original comment period closed January 4, 1982. In response to requests, the comment period was extended to January 28, 1982. The Commission is considering adoption of the proposed rule for two reasons. First, making the conduct of a full-scale exercise, which includes participation by several Federal, State, and local agencies as well as the applicant, a prerequisite to license issuance would require that, as a practical matter, the exercises be conducted some months before license issuance so that the exercise results can be factored into the informal prelicensing review process and any pending adjudicatory hearings which are considering relevant emergency planning issues. Recent experience indicates that this could result in the conduct of premature exercises that do not accurately reflect the abilities of the affected agencies. If the exercises are segregated from the prelicensing review, then they can be conducted at a later time during the early phase of operation when equipment and procedures are fully in place and the exercise will more accurately reflect emergency planning capabilities. Second, the actual state of implementation of emergency plans or state of emergency preparedness is something that can vary throughout the term of the license. The nature of NRC's regulatory oversight should be more or less constant throughout the license term, and there should be no special significance attached to the actual state of implementation or preparedness at the time just prior to license issuance. The important point is that exercises should take place early in the plant's lifetime and continue periodically during plant operation.

Legal Basis: 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239,
5842, 5846.

TIMETABLE: Commission approved the final rule on
June 11, 1982.

CONTACT: Michael T. Jamgochian
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 21, 1981 (46 FR 61894)

SUBJECT: Immediate Notification Requirement for Operating Nuclear Reactors

SUMMARY: Description. The proposed rule would require that every operating license for a nuclear power reactor contain a condition that would require the licensee to notify the Commission as soon as possible and in all cases within one hour of any significant event; that is, an event that could pose a threat to public health and safety. The proposed rule would also clarify the list of reportable significant events contained in the regulations. The current regulations require licensees to notify NRC of certain "significant events". The proposed rule responds to the intent of Congress expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96-295) that the Commission establish specific guidelines for identifying accidents which could result in an unplanned release of radioactivity in excess of allowable limits and require immediate notification of these incidents.

Objective. To require that utilization facility licensees immediately notify the Commission of events that could result in an unplanned release of quantities of fission products in excess of allowable limits and to clarify further the types of significant events that must be immediately reported to the NRC.

Background. The comment period closed on February 12, 1982. On August 19, 1980 (45 FR 55402), NRC published a final rule on emergency planning that required, among other things, procedures for immediate notification of NRC, state, and local emergency response personnel in certain situations. These situations were discussed in Revision 1 to NUREG-0654/FEMA-REP-1 issued November, 1980. NRC experience and 15 comments on the rule establishing the events that must be reported (issued February 29, 1980; 45 FR 13435) indicate that the notification rule requires clarification. The proposed rule responds to the mandate of Section 201 of the Authorization Act and provides the needed clarification. The proposed requirements would provide increased confidence that the public health and safety would be protected in a radiological emergency.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

TIMETABLE: Commission action on the final rule is scheduled
for December 1982.

CONTACT: Brian Grimes
Office of Inspection and Enforcement
(301) 492-4614

Michael J. Jamgochian
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 23, 1981 (46 FR 62281)

SUBJECT: Interim Requirements Related to Hydrogen Control

SUMMARY: Description. The proposed rule would require improved Hydrogen control systems for boiling water reactors (BWRs) with Mark III type containments and for pressurized water reactors (PWRs), with ice condenser type containments. All light-water nuclear power reactors not relying on an inerted atmosphere for hydrogen control would be required to show that certain important safety systems must be able to function during and following hydrogen burning.

Objective. To improve hydrogen control systems for BWRs with Mark III type containments and for PWRs with ice condenser type containments.

Background. The original comment period closed February 22, 1982. In a Federal Register notice published on February 25, 1982 (47 FR 8203), the Commission extended the comment period an additional 45 days. The extended comment period closed April 8, 1982. Thirty-five comments were received which are currently being reviewed and analyzed.

Legal Basis. 42 U.S.C. 2133, 2134, 2152, 2201, 2232, 2233, 2234, 2236, 2239, 2273, 5841, 5842, 5846.

TIMETABLE: Commission action on the final rule is scheduled for August 1982.

CONTACT: Morton R. Fleishman
Office of Nuclear Regulatory Research
(301) 443-5981

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 20, 1982 (47 FR 2876)

SUBJECT: Environmental Qualification of Electric Equipment
for Nuclear Power Plants

SUMMARY: Description. The proposed rule would codify the current NRC practice with respect to environmental qualification of electric equipment and will apply the same uniform performance criteria with respect to environmental qualification to all operating nuclear power plants and plants for which application has been made for a construction permit or an operating license. Included are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation.

Objective. To clarify and strengthen the criteria for environmental qualification of electric equipment used in nuclear power plants. The applicable qualification methods currently contained in national standards, NRC regulatory guides, and certain NRC publications for equipment qualification are subject to different interpretations and have not had the legal force of an agency regulation. Codification of the current qualification criteria would provide more uniform guidance to licensees and help assure that electric equipment is able to perform properly throughout its installed life.

Background. The comment period closed March 22, 1982. The requirements for environmental qualification would apply to operating nuclear power plants and all future nuclear power plants. The scope of the proposed rule does not include all electric equipment important to safety in its various gradations of importance. It includes that portion of electric equipment important to safety commonly referred to as safety-related electric equipment.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233.

TIMETABLE: In a memorandum to the Executive Director for Operations dated June 25, 1982, the Commission requested that the staff revise the proposed final rule and return it to the Commission for consideration in July 1982. As a temporary measure, the Commission approved an interim final rule which suspended completion schedules for environmental qualification of safety-related electric equipment in operating nuclear power plants until a comprehensive final rule addressing environmental qualification is issued (see Agenda Item No. 5).

CONTACT: Satish K. Aggarwal
Office of Nuclear Regulatory Research
(301) 443-5946

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 3, 1982 (47 FR 5011)

SUBJECT: Codes and Standards for Nuclear Power Plants (Summer 1981)

SUMMARY: Description. The proposed rule would incorporate by reference the Summer 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Background. The comment period closed May 5, 1982.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: EDO approved final rule on June 17, 1982.

CONTACT: Edward Baker
Office of Nuclear Regulatory Research
(301) 443-5894

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: March 30, 1982 (47 FR 13369)

SUBJECT: Technical Specifications for Nuclear Power Reactors

SUMMARY: Description. The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposal would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval. The changes are needed because of disagreements among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant.

Objective. To improve the safety of nuclear power plant operation by reducing the volume of technical specifications, place more emphasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources.

Background. The comment period closed June 1, 1982. Twenty-eight comments were received with the majority of the commenters favoring the concept. The staff is still evaluating the comments. An advance notice of proposed rulemaking was published on July 8, 1980 (45 FR 45916).

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on final rule is scheduled for December 1982.

CONTACT: Donald J. Skovholt
Office of Nuclear Reactor Regulation
(301) 492-4446

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 13, 1982 (47 FR 15801)

SUBJECT: Codes and Standards for Nuclear Power Plants +

SUMMARY: Description. The proposed rule would reference additional provisions of the ASME Boiler and Pressure Vessel Code including sections that provide rules for the construction of certain safety systems and it would clarify existing regulations by removing obsolete provisions. The ASME Code sections proposed for incorporation by reference include the requirements for Class 2 Components, which are found in Subsections NC and NCA of the Code, and the requirements for Class 3 Components, which are found in Subsections ND and NCA of the Code. Experience has shown that these additional parts of Section III of the ASME Boiler and Pressure Vessel Code are adequate for use on a general basis.

Objective. To establish enforceable requirements to replace previous guidance criteria and to ensure the proper application of referenced ASME Codes to eliminate any possible misunderstandings concerning NRC requirements to be addressed in an application for a license for a nuclear power plant.

Background. The comment period closed June 14, 1982. Twelve comments were received.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: Commission action on the final rule is unscheduled.

CONTACT: Alfred Taboada
Office of Nuclear Regulatory Research
(301) 443-5903

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 6, 1982 (47 FR 19543)

SUBJECT: Licensee Event Report System

SUMMARY: Description. The proposed rule requests public comment on a proposal to revise and codify the existing Licensee Event Report (LER) system. The LER system is an NRC-operated, voluntary reporting system in which nuclear power plant licensees provide data concerning reactor component failure events experienced by licensees. In the proposed rule, the Commission endorsed the Institute for Nuclear Power Operations (INPO) plan to assume responsibility for management of the existing equivalent industry program, the Nuclear Plant Reliability Data System (NPRDS).

Objective. To provide the NRC with the most efficient system to gather data on the operation of nuclear power reactors in order to evaluate the safety of selected systems of these reactors.

Background. The comment period closed July 6, 1982. An advance notice of proposed rulemaking was published in the Federal Register on October 6, 1981 (46 FR 49134). That notice requested comment on the possible modification and codification of the LER system. The Commission, in an earlier advance notice of proposed rulemaking, published on January 15, 1981 (46 FR 3541), stated its intention to integrate the NPRDS with the LER system to form a single, mandatory event reporting system for power reactor licensees. However, on July 8, 1981, INPO announced plans to assume responsibility for the management and the technical direction of the NPRDS. As a result, the Commission has decided to defer rulemaking on the integrated reporting system and to publish a proposed rule which would modify and codify the existing LER system.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the final rule is scheduled for early 1983.

CONTACT: Frederick Hebdon
Office for Analysis and Evaluation of Operational Data
(301) 492-4489

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: March 4, 1981 (46 FR 15154)

SUBJECT: Explanation to Table S-3 Uranium Fuel Cycle
Environmental Data

SUMMARY: Description. The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data", that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3 and the conditions governing the use of the table. The table also addresses important fuel cycle impacts such as environmental dose commitments, health effects, socioeconomic impacts, and cumulative impacts where these factors are eligible for generic treatment. The proposed rule would remove environmental impacts addressed in Table S-3 from consideration in individual reactor licensing proceedings for which a generic conclusion can be drawn that they cannot significantly affect the environmental cost-benefit balance for a light-water reactor.

Objective. To clarify the significance of the uranium fuel cycle environmental data contained in Table S-3 and to address important environmental fuel cycle impacts which may be handled generically thereby removing those impacts from consideration in individual licensing proceedings.

Background. The comment period closed May 11, 1981. Of the 11 comments received, three supported the proposal and eight opposed the rule. The narrative explanation to Table S-3 presented in the proposed rule was drawn to the extent possible from WASH-1248, NUREG-0116, NUREG-0216 and other material in the S-3 hearing record. On July 27, 1979 (44 FR 45362) the Commission set out the revised environmental impact values for the uranium fuel cycle to be included in environmental statements and reports for reactors. That document also announced Commission intention to publish an explanatory narrative that provides the public with quantitative measures of the radiological impacts resulting from the releases of radioactive material specified in Table S-3.

Legal Basis. 42 U.S.C. 2011, 4321.

TIMETABLE: Commission action on the final rule is scheduled for September 1982.

CONTACT: Glenn A. Terry
Office of Nuclear Materials Safety and Safeguards
(301) 427-4211

PART: 60

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 8, 1981 (46 FR 35280)

SUBJECT: Disposal of High-Level Radioactive Wastes in Geologic Repositories

SUMMARY: Description. The proposed rule would specify the technical criteria for the disposal of high-level radioactive waste (HLW) in geologic repositories. These proposed criteria address siting, design, and performance of a geologic repository, and the design and performance of the package which contains the waste within the geologic repository. The proposed rule also includes criteria for monitoring and testing programs, performance confirmation, quality assurance, and personnel training and certification. The proposed criteria are necessary for the NRC to fulfill its statutory obligations concerning the licensing and regulating of facilities used for the receipt and storage of high-level radioactive waste.

Objective. To provide guidance to the Department of Energy and to the public as to the NRC's technical requirements for the disposal of high-level radioactive wastes in a geologic repository.

Background. The comment period closed November 5, 1981. To date 15 comments have been received. On December 6, 1979, the NRC published for comment in the Federal Register (44 FR 70408) proposed licensing procedures for geologic disposal of high-level radioactive wastes. The licensing procedures were published in the Federal Register in final form on February 25, 1981 (46 FR 13971). On May 13, 1980, the NRC published in the Federal Register (45 FR 31393) an advance notice of proposed rulemaking (ANPRM) which requested comments on the technical criteria under development by the staff, a draft of which was included in the ANPRM. The technical criteria in the proposed rule are the culmination of a number of drafts, and were developed in light of the comments received on the ANPRM.

Legal Basis. 42 U.S.C. 2021, 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 4332, 5842, 5846.

TIMETABLE: Commission action on the final rule is scheduled for September 1982.

CONTACT: Edward O'Donnell
Office of Nuclear Regulatory Research
(301) 427-4639

PART: 61

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 24, 1981 (46 FR 38081)

SUBJECT: Licensing Requirements for Land Disposal of Radioactive Waste*

SUMMARY: Description. The proposed rule would specify performance objectives and general requirements for land disposal of radioactive waste, technical requirements for disposal of radioactive waste to near-surface disposal facilities, requirements for submitting applications for licenses authorizing these activities and procedures which the Commission will follow in the issuance of these licenses, provisions for consultation and participation in license reviews by state governments and Indian tribes, and procedures governing the transfer of licensed material for disposal. Specific requirements for licensing facilities for the disposal of radioactive wastes by alternative land disposal methods will be proposed for Part 61 in subsequent rulemaking. The proposed rule does not deal with the disposal by individual licensees of their own wastes by burial. Disposal of radioactive wastes by an individual licensee will continue to be governed by requirements in Part 20 of 10 CFR.

Objective. To establish procedures and technical standards and criteria for the licensing of facilities for the land disposal of radioactive wastes.

Background. The comment period closed January 14, 1982. The majority of the 107 comments received supported the proposed rule. The staff's analysis of comments and recommendations for the final Part 61 rule have been submitted to the Commission for action. A petition for rulemaking (PRM-20-7) on the subject of "Shallow Land Disposal of Low-Level Radioactive Waste" was published in the Federal Register on September 23, 1976 (41 FR 41759). Several issues raised in PRM-20-7 (see Agenda Item No. 119) are being considered as part of this proposed rulemaking.

Legal Basis. 42 U.S.C. 2021a, 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 5842, 5846.

TIMETABLE: The final rule is currently before the Commission.

CONTACT: R. Dale Smith
Office of Nuclear Material Safety and Safeguards
(301) 427-4433

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 17, 1979 (44 FR 48234)

SUBJECT: Transportation of Radioactive Material - Compatibility
with IAEA Regulations

SUMMARY: Description. The proposed rule would revise the NRC's regulations for the transportation of radioactive material to make them more compatible with those of the International Atomic Energy Agency (IAEA) and thus with those of most major nuclear nations of the world. Although several substantive changes are proposed in order to provide a more uniform degree of safety for various types of shipments, the Commission's basic standards for radioactive material packaging would remain unchanged. The Department of Transportation (DOT) is also proposing a corresponding rule change to its Hazardous Materials Transport Regulations.

Objective. To make NRC regulations for the transportation of radioactive material compatible with those of the IAEA and thus with those of most nuclear nations of the world.

Background. The comment period closed October 16, 1979. Twenty-eight comments were received, with most generally supporting the proposed rule. More than half of the commenters made suggestions regarding the technical content of the requirements, and several were concerned specifically about the consistency of terminology and requirements among NRC, DOT, and the IAEA.

Legal Basis. 42 U.S.C. 2073, 2093, 2111, 2232, 2233, 2273, 5842.

TIMETABLE: Commission action on the final rule is scheduled for October 1982.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 13, 1981 (46 FR 55992)

SUBJECT: Packaging of Radioactive Material for Transport and
Transportation of Radioactive Material Under Certain
Conditions

SUMMARY: Description. The proposed rule would require that shipments of plutonium by air be contained in a package specifically certified as air crash-resistant. The rule would permit the air shipment of plutonium in other packages if the plutonium is in a medical device for individual human use or if the plutonium is shipped in quantities or concentrations small enough to prevent significant hazard to the public health and safety, even if the plutonium were released in an air crash. This rule was developed in response to an amendment to the NRC Authorization Act for Fiscal Year 1976, Pub. L. 94-79, which was passed on August 9, 1975. This amendment, known as the "Scheuer Amendment," prohibited the air transport of plutonium, except in medical devices, until the NRC certified to the Congress that an air crash-resistant package had been developed. On August 4, 1978, the Commission certified to the Congress that a package (Model PAT-1) would fulfill the requirements of the Scheuer Amendment. Now that the NRC plutonium air transport package certification program has been completed, the NRC has issued this proposed rule which would implement the mandate of Congress. All NRC licensees authorized to transfer plutonium are subject to the provisions of this proposed rule.

Objective. To require that plutonium transported by air in quantities or concentrations that pose a significant hazard to the public health and safety, if released, be shipped only in packages certified by the NRC as crash resistant.

Background. The comment period closed on January 12, 1982. Action on a petition for rulemaking (PRM-70-6) from Eberline Instrument Company will follow action on the final rulemaking implementing Pub. L. 94-79 in the Part 71 rule (see Agenda Item No. 149). In addition, the issues raised in another petition (PRM-71-3) from Diagnostics Isotopes, Inc., will be addressed in the final rule for Part 71 (see Agenda Item No. 123).

Legal Basis. 42 U.S.C. 2073, 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for October 1982.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 18, 1982 (47 FR 21269)

SUBJECT: General License for Shipment in Packages Approved
for Use by Another Person

SUMMARY: Description. The proposed rule would modify the recordkeeping requirements for general licenses issued under §71.12. This general license authorizes use of a package that the Commission has previously evaluated and specifically authorized another license to use. Currently §71.12 requires the general licensee to possess copies of all documents referred to in the Commission's specific authorization. The proposed amendment requires the general licensee to possess only those drawings and other documents relating to the use and maintenance of the packaging and the actions to be taken prior to shipment.

Objective. To modify the recordkeeping requirements of the general license for shipment in packages approved for use by another licensee, which will reduce the recordkeeping burden on the licensees by approximately 50 percent.

Background. The comment period closed June 17, 1982. Seven comments were received, all of which favored the proposed rule. The proposed rule has been prepared in response to petition for rulemaking PRM-71-8 which was published in the Federal Register on June 11, 1980 (45 FR 39519) (see Agenda Item No. 133). The comment period closed August 11, 1980. Three comments were received, all of which favored the petitioner's request. The proposed rule goes beyond the petitioner's request which covered industrial radiographers only and extends to all users of the general license issued under §71.12.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: EDO action on the final rule is scheduled
for August 1982.

CONTACT: Donovan A. Smith
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: March 12, 1980 (45 FR 15937)

SUBJECT: Miscellaneous Amendments Concerning Physical Protection
of Nuclear Power Plants (Part of Insider Rule Package)

SUMMARY: Description. The proposed rule would require (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, and (4) revised requirements for key and lock controls and revised searches of handcarried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection.

Objective. To clarify several safeguards policy issues pertaining to nuclear power plant security.

Background. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published March 12, 1980 (45 FR 15937). Initial development on the final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This revised proposed rule will provide a balanced safeguards approach providing for a level of protection equivalent to that of the present requirements.

Legal Basis. 42 U.S.C. 2101, 5841.

TIMETABLE: Commission action on the revised proposed rule is scheduled for August 1982.

CONTACT: Tom R. Allen
Office of Nuclear Material Safety and Safeguards
(301) 427-4010

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 1, 1980 (45 FR 79492)

SUBJECT: Searches of Individuals at Power Reactor Facilities
(Part of Insider Rule package)

SUMMARY: Description. The proposed rule would require nuclear power plant licensees to conduct searches of individuals at the entry portals to protected areas of power reactor facilities. The currently effective regulations require, in part, that physical ("pat-down") searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, the NRC has extended relief to licensees from the requirement to conduct the physical search of regular employees of power reactor facilities while this rulemaking is proceeding. The most recent notice granting a continuation of this relief was published on December 1, 1980 (45 FR 79410). This proposed rule would require searches similar to those used on an interim basis at power reactors prior to November 1, 1980. The searches would include the mandatory use of search equipment for all persons and the use of pat-down searches of visitors. Pat-down searches of employees would be required in certain situations.

Objective. To standardize the search procedures at the entry portals to protected areas of power reactor facilities.

Background. The comment period closed on January 15, 1981. Approximately 30 comments were received, and they were about evenly divided in their support for or opposition to the proposed rule. The staff is considering changes to the proposed rule which, in the final rule, would require utility employees and contractors who have been successfully screened in accordance with the requirements included in the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published on March 12, 1980 (45 FR 15937), to be subject only to random searches using search equipment. All unscreened individuals will be required to be searched using search equipment. Physical ("pat-down") searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material. A petition for rulemaking (PRM-73-2) from Wisconsin Electric Power Company, et al., (see Agenda Item No. 151), is being held in abeyance pending action on this rule and the proposed rule entitled "Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants" (see Agenda Item No. 46).

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the final rule is scheduled for
August 1982.

CONTACT: Tom R. Allen
Office of Nuclear Material Safety and Safeguards
(301) 427-4010

(C) - Advance Notices of Proposed Rulemaking

PART: 20

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: March 20, 1980 (45 FR 18023)

SUBJECT: Standards for Protection Against Radiation*

SUMMARY: Description. The advance notice of proposed rulemaking seeks comments on a proposal to completely revise NRC's standards for protection against radiation (Part 20). This regulation applies to all NRC licensees and establishes standards for protection against radiation hazards under licenses issued by the NRC. The proposed revision reflects a comprehensive and systematic review of Part 20 and incorporates current standards for radiation protection into the revised regulation.

Objective. To incorporate developments in radiation protection that have occurred since NRC radiation protection standards were issued in their present form.

Background. The comment period on the advance notice of proposed rulemaking closed June 18, 1980. Seventy-one comments were received. Although approximately 90 percent favored the proposal, industry comments generally reflect the view that current radiation protection standards are adequate. The staff is developing a proposed revision of Part 20. Two petitions for rulemaking, PRM-20-6 and PRM-20-6A, addressed issues pertaining to occupational dose limits. Responses to these petitions will be prepared following Commission action on this revised Part 20 rule (see Agenda Item Nos. 140 and 141).

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273, 5841, 5842.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: Robert E. Baker
Office of Nuclear Regulatory Research
(301) 427-4570

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: March 28, 1980 (45 FR 20493)

SUBJECT: Performance Testing of Personnel Dosimetry

SUMMARY: Description. The advance notice of rulemaking sought comment on a proposal to add amendments to 10 CFR Part 20 that would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service which is certified by a testing laboratory, approved or specified by the NRC.

Objective. To improve the accuracy and consistency of reported occupational radiation dose measurements by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees.

Background. The comment period on the advance notice of proposed rulemaking (ANPRM) closed June 27, 1980. The ANPRM summarized the results of the pilot study of dosimetry processors against a draft HPSSC/ANSI standard on performance testing of dosimetry processors, and outlined alternatives for the operation of a testing laboratory. As described in the ANPRM, this program would involve amendments to 10 CFR Part 20 which would establish a program of this type. The performance standard to be used in this testing program would be the final HPSSC/ANSI standard. The competency of any proficiency testing laboratory (PTL) would be monitored by the National Bureau of Standards (NBS). Forty-six comment letters were received in response to the ANPRM. Twenty-one letters commented on the standard to be used in the program and on the program in general. Three commenters felt no program at all was necessary. In the remaining 22 comment letters, one or more preferences were expressed as being acceptable for the operation of the PTL. During the comment period, a method for PTL operation was identified under procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Bureau of Standards (NBS) which is part of the Department of Commerce (DOC). This method would allow NBS through NVLAP to contract the services of a PTL to administer proficiency testing for processors at the contractor's facilities in accordance with the HPSSC Standard. In addition, the NVLAP method would include a thorough examination of a processor's routine processing activities and quality assurance programs through an on-site review. The NVLAP method would essentially offer a system of third party accreditation by a Government agency, the DOC through NBS, which would include proficiency testing of processors

by a PTL contracted and supervised by the NBS. NRC staff requested the DOC to work together with NRC to establish a Laboratory Accreditation Program (LAP) for personnel Dosimetry Processors in a letter dated December 23, 1980. The DOC in accordance with NVLAP procedures and authority which are stated in 10 CFR 7 published NRC's request for the development of such a laboratory accreditation program (LAP) in the Federal Register (46 FR 9698) and requested public comment. NRC sent a copy of the DOC Federal Register notice and a description of the NVLAP method to all known dosimetry processors, licensees, and known interested persons. Nineteen letters of comment were received on the NVLAP method for operating the PTL as part of an accreditation program. All 19 letters favored the selection of this method. Public meetings were held May 28 and 29, 1980, to obtain further comments on the ANPRM and to discuss elements of a QA program for personnel dosimetry processors. The NRC and the NBS signed an Interagency Agreement on July 17, 1981, revised on June 18, 1982, for the establishment of a Laboratory Accreditation Program for Personnel Dosimetry Processors. The staff has attended a technical workshop held under the auspices of NVLAP where the benchmarks for on-site assessment of processor's laboratories were established, which was part of the process of working out the details of the laboratory accreditation program. The proposed rule is currently being revised and will be distributed in the near future for staff review.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2134, 2201, 2273, 5841, 5842.

TIMETABLE: Commission action on the proposed rule is scheduled for August 1982.

CONTACT: Nancy A. Dennis
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 30

OTHER AFFECTED PARTS: 40, 50, 70, 72

FEDERAL REGISTER CITATION: March 13, 1978 (43 FR 10370)

SUBJECT: Decommissioning Criteria for Nuclear Facilities*

SUMMARY: Description. The advance notice of proposed rulemaking seeks comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees.

Objective. To protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning.

Background. The comment period on the advance notice of proposed rulemaking closed July 15, 1978. The majority of the 69 comments received supported the proposal. State workshops were held in September 1978 and 1979. Notice of the availability of a draft generic environmental impact statement was published on February 10, 1981. The comment period on the environmental impact statement closed April 22, 1981. The advance notice of proposed rulemaking is partially in response to PRM-50-22 (see Agenda Item No. 120).

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for February 1983.

CONTACT: Keith G. Steyer
Office of Nuclear Regulatory Research
(301) 443-5910

PART: 30

OTHER AFFECTED PART(S): 40, 70

FEDERAL REGISTER CITATION: June 3, 1981 (46 FR 29712)

SUBJECT: Upgraded Emergency Preparedness Procedures for
Certain Fuel Cycle and Materials Licensees*

SUMMARY: Description. The advance notice of proposed rulemaking seeks comments on a proposal that would strengthen emergency preparedness requirements for fuel cycle and materials licensees with the potential for accidents involving radioactive materials harmful to public health and safety. This is necessary to ensure that emergency preparedness planning and coordination is sufficient to minimize the danger to public health and safety.

Objective. To minimize the danger to public health and safety following an accident involving radioactive materials held by certain fuel cycle and materials licensees.

Background. One of the lessons learned from the accident at Three Mile Island was that improvements in emergency preparedness planning and coordination for some NRC licensed activities was necessary. Having strengthened requirements for nuclear power reactors, NRC is considering strengthening emergency preparedness requirements for certain fuel cycle and materials licensees.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled
for December 1982.

CONTACT: Michael Jamgochian
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 34

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: March 27, 1978 (43 FR 12718)

SUBJECT: Design of Radiographic Exposure Devices

SUMMARY: Description. The advance notice of proposed rulemaking seeks comment on NRC's undertaking the development of safety design requirements for radiation exposure devices. The proposed amendments would establish safety requirements for radiographic equipment.

Objective. To reduce routine radiation exposures to radiographers and to reduce the number of overexposures to radiography operators and others caused by equipment failure.

Background. The comment period closed May 26, 1978. A public hearing was held April 18, 1978. Thirty-three comments were received generally favoring some type of equipment standard. Most users favored the proposal with little reservation. Manufacturers expressed no consensus on the particular features of radiographic exposure devices that should be regulated. This action will be reassessed in light of parallel efforts aimed at radiographer training and certification.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: Donovan A. Smith
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 34

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 4, 1982 (47 FR 19152)

SUBJECT: Certification of Industrial Radiographers

SUMMARY: Description. The advance notice of proposed rulemaking would require all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking seeks comment on a proposal that would enable NRC to verify the effectiveness of this training.

Objective. To assure that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Background. The comment period closes September 3, 1982. A series of public meetings on the advance notice of proposed rulemaking was announced May 11, 1982 (47 FR 20149) and is now in progress. Notice of receipt of a petition for rulemaking on the subject of licensing radiographers was published August 4, 1978 (43 FR 34563) (see Agenda Item No. 118). The comment period closed October 3, 1978. Eleven comments were received on the petition. The comments generally opposed a licensing program. The petitioner withdrew the petition for rulemaking by letter dated May 10, 1982. The advance notice of proposed rulemaking has been developed to elicit a wider range of response on the proposed action.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273, 5841, 5842.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: James A. Jones
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 6, 1978 (43 FR 57157)

SUBJECT: Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Plants *

SUMMARY: Description. The advance notice of proposed rulemaking seeks comment on several questions concerning the acceptance criteria for Emergency Core Cooling Systems (ECCS) in light-water-cooled nuclear power plants. Specifically, some of the questions to be commented on are: (1) under what circumstances should corrections to ECCS models be used during licensing reviews without necessitating complete reanalysis of a given plant or an entire group of plants; (2) what would be the impact of the proposed procedure-oriented and certain specific technical rule changes; and (3) how should safety margins be quantified and how can acceptable safety margins be specified. The Commission is considering changing certain technical and nontechnical requirements within the existing ECCS rule. The changes would provide improvements to the ECCS rule which would eliminate previous difficulties encountered in applying the rule and improve licensing evaluation in the light of present knowledge while preserving a level of conservatism consistent with that knowledge.

Objective. To modify the existing ECCS rule with technical and nontechnical changes. The technical changes would include consideration of new research information. The nontechnical changes would be procedure-oriented and would, among other things, allow for corrections to be made to vendor ECCS analysis codes during the construction review and during construction of the plant.

Background. The comment period closed March 5, 1979. Twenty-nine comments were received. A majority of the comments favored the rule. Work on the rule has been deferred pending an assessment of the Three Mile Island accident and its impact on ECCS criteria. In June 1981, representatives of the General Electric Corporation met with the NRC staff to discuss proposed changes to the rule.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Mort Fleishman
Office of Nuclear Regulatory Research
(301) 443-5981

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: June 24, 1982 (47 FR 27371)

SUBJECT: Mandatory Property Insurance for Decontamination of Nuclear Facilities +

SUMMARY: Description. The advance notice of proposed rulemaking requests comments on the Long Report (NUREG-0891) entitled "Nuclear Property Insurance: Status and Outlook." The Commission seeks comments on the issues raised by the Long Report and other issues relating to property insurance for nuclear utilities.

Objective. To determine the adequacy of the NRC's property insurance requirements and to seek comments on the feasibility of NRC participation in the regulation of replacement power insurance programs.

Background. On March 31, 1982, the NRC published in the Federal Register (47 FR 13750) an interim final rule requiring utility licensees to purchase on-site property insurance to be used for decontamination expenses arising from an accident. The NRC subsequently published a report on property insurance (NUREG-0891) that was prepared by Dr. John D. Long, Professor of Insurance at Indiana University. This report was written as an outgrowth of the Three Mile Island-2 accident after it became apparent that nuclear utilities may need more property insurance than has previously been required. The NRC staff asked Dr. Long to write the report, in part, to answer six pertinent questions regarding nuclear property insurance. The advance notice of proposed rulemaking is seeking a broad range of comments from the public.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: Robert S. Wood
Office of State Programs
(301) 492-9885

PART: 50

OTHER AFFECTED PART(S): 51

FEDERAL REGISTER CITATION: October 25, 1979 (44 FR 61372)

SUBJECT: Storage and Disposal of Nuclear Waste

SUMMARY: Description. The advance notice of proposed rulemaking seeks public participation in a proceeding to be conducted by NRC on the storage and disposal of nuclear wastes. The purpose of the proceeding is (1) to assess generally the degree of assurance that radioactive wastes can be safely disposed of and (2) to determine whether disposal or off-site storage will be available prior to the expiration of a facility license and if not, whether radioactive wastes can be stored on-site past the expiration date of an existing facility license. This advance notice of proposed rulemaking was initiated in response to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in State of Minnesota v. NRC, Nos. 78-1269 and 78-2032 (May 23, 1979), but also is a continuation of previous proceedings conducted by the Commission on this subject (see Federal Register notice published July 5, 1977; 42 FR 34391).

Objective. To reassess the Commission's degree of confidence that licensees can safely dispose of radioactive wastes produced by nuclear facilities.

Background. The comment period closed November 26, 1979. Approximately 50 participants filed statements of position. The Commission instructed the working groups to provide a summary of the record and identify issues and controversies. The working group prepared a report summarizing the comments and identified 26 major issues in controversy. Comments on the report were received from 24 participants. On January 11, 1982, the Commission heard oral presentations from four consolidated participant groups.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233.

TIMETABLE: Commission action on the proposed rule is scheduled for October 1982.

CONTACT: Leo Slaggie
Office of the General Counsel
(202) 634-3224

Sheldon Trubatch
Office of the General Counsel
(202) 634-3224

PART: 50

OTHER AFFECTED PART(S): 51, 100

FEDERAL REGISTER CITATION: July 29, 1980 (45 FR 50350)

SUBJECT: Modification of the Policy and Regulatory Practice
Governing the Siting of Nuclear Power Reactors

SUMMARY: Description. The advance notice of proposed rulemaking seeks comment on a proposal that would replace the existing reactor site criteria applicable to the licensing of nuclear power reactors with demographic and other siting criteria. The proposed rule would also establish siting requirements that are independent of design differences between nuclear power plants. The proposed rule is intended to reflect the experience gained by the Commission since the original regulations on siting were published on April 12, 1962 (27 FR 3509).

Objective. To ensure that Commission practices on nuclear power reactor siting afford sufficient protection to the public health and safety and to obtain public comment on seven of the nine recommendations contained in NUREG-0625, "Report of the Siting Policy Task Force."

Background. The comment period on the advance notice of proposed rulemaking closed September 29, 1980. Notice of intent to prepare an environmental impact statement was published December 2, 1980 (45 FR 79820). The comment period on the notice of intent closed January 16, 1981. Seventy comments were received on the advance notice and 35 comments on the notice of intent to develop an environmental impact statement. The staff is continuing the analysis of comments received. This rulemaking also considers recommendations contained in Petitions for Rulemaking 50-20 (see Agenda Item No. 145) filed by Free Environment Inc., et al. on May 19, 1977 (42 FR 25785) and 100-2 (see Agenda Item No. 153) filed by Public Interest Research Group, et al. on July 1, 1976 (41 FR 27141).

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 5842.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1983.

CONTACT: William R. Ott
Office of Nuclear Regulatory Research
(301) 427-4078

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: October 2, 1980 (45 FR 65474)

SUBJECT: Severe Accident Design Criteria

SUMMARY: Description. The advance notice of proposed rulemaking was published to provide the nuclear industry and the public an opportunity to submit advice and recommendations to the Commission on what should be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the costs of the design improvements compared to expected benefits.

Objective. It is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analysis are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melt events, both inside and outside historical design envelopes. In addition, the Commission will consider whether to require more coherent consideration of this range of core damage events in the design of both normal operating systems and engineered safety features.

Background. The comment period closed December 31, 1980. Forty-six comments were received. A majority of the comments expressed opposition to the staff's proposal. The staff completed review of the comments in preparation for the start of preliminary rule drafting. An outline of actions planned by the staff was submitted to the Executive Director for Operations on April 1, 1981. A briefing on the status and plans for the Severe Accident Rulemaking was given to the Commission on January 6, 1982. The staff is revising the plan in response to the Commission's comments.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Final action on this rule is scheduled for 1985 with a policy statement expected to be published during 1982.

CONTACT: Morton R. Fleishman
Office of Nuclear Regulatory Research
(301) 443-5981

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: December 11, 1980 (45 FR 81602)

SUBJECT: Design and Other Changes in Nuclear Power Plant
Facilities After Issuance of Construction Permit

SUMMARY: Description. The advance notice of proposed rulemaking seeks comments on a proposal that would define more clearly the limitations on the changes a construction permit holder may make in a facility during construction. The proposal is intended to improve the present licensing process and develop specific descriptions of essential facility features to which a construction permit holder is bound.

Objective. To make the procedure for facility licensing more predictable by specifying the information to which a construction permit holder should be bound and controlling the ways a construction permit holder implements NRC criteria.

Background. The comment period on the advance notice of proposed rulemaking closed February 9, 1981. A majority of the 24 comments received were filed by industry, opposed the proposal, and recommended maintaining current procedures.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for August 1982.

CONTACT: G. K. Tomlin
Office of Nuclear Regulatory Research
(301) 443-5860

PART: 70

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 10, 1981 (46 FR 45144)

SUBJECT: Material Control and Accounting Requirements for Facilities Possessing Formula Quantities of Strategic Special Nuclear Material

SUMMARY: Description. The advance notice of proposed rulemaking would revise the material control and accounting (MC&A) regulations that apply to both existing and new fuel processing and fabrication facilities possessing formula quantities of strategic special nuclear material (SSNM). These proposed regulations are currently being considered for application to future spent fuel reprocessing plants. These amendments would not apply to waste disposal operations, nuclear reactors, or to users of nuclear material as sealed sources. Five basic options are presented in the advance notice of proposed rulemaking. These include two that emphasize existing inventory control requirements, and three that require material controls with a more timely frequency for detection and resolution of possible material losses. The latter three options also reduce a number of the existing requirements which the staff believes may not be cost-effective.

Objective. To permit (1) timely detection of the possible loss of strategic quantities of weapons grade nuclear material, (2) rapid determination of whether an actual loss of strategic quantities occurred, (3) facilitating recovery of the lost material by providing evidence regarding the source of the loss, if an actual loss occurred, and (4) long-term assurance that no significant loss has occurred.

Background. The comment period closed February 9, 1982. Fourteen comments were received with ten of the commenters favorably inclined towards the options designed to achieve more timely detection (options 3 - 5). The other commenters favored retaining current procedures.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for April 1983.

CONTACT: Robert J. Dube
Office of Nuclear Material Safety and Safeguards
(301) 427-4040

PART: 100

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 19, 1978 (43 FR 2729)

SUBJECT: Seismic and Geologic Siting Criteria for Nuclear Power Plants

SUMMARY: Description. The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state-of-the-art of earth sciences.

Objective. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions.

Background. The comment period closed March 1, 1978. Thirty-four comments were received. Nearly all comments supported preparation of a proposed rule to revise the siting criteria. Development of a proposed rule has been substantially delayed due to the allocation of staff to higher priority work. The staff intends to begin initial rulemaking activities in March, 1983. Two petitions for rulemaking filed with the Commission, PRM-50-20 and PRM-100-2 (see Agenda Item Nos. 145 and 153), will be addressed as part of this rulemaking.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 5842.

TIMETABLE: Commission action on a proposed rule is scheduled for 1986.

CONTACT: Leon L. Beratan
Office of Nuclear Regulatory Research
(301) 427-4370

(D) - Unpublished Rules

PART: 1

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Reassignment of Nuclear Regulatory Commission Issuances
Preparation Responsibility †

SUMMARY: Description. NRC is amending its regulations to reflect the transfer of the responsibility for managing the collection, preparation, review and publication of Office, Board and Commission documents in the monthly Nuclear Regulatory Commission Issuances (NRCI) to the Division of Document Control from the Division of Rules and Records.

Objective. This transfer will result in more efficient pairing of resources and responsibilities.

Background. This rule is issued to reflect a change in Division responsibilities effected recently within the Office of Administration.

Legal Basis. Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201).

TIMETABLE: EDO action is scheduled for July 1982.

CONTACT: John Philips
Office of Administration
(301) 492-7086

PART: 1

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Jurisdiction of Adjudicatory Boards

SUMMARY: Description. The final rule would amend the Statement of Organization and Rules of Practice to make explicit the jurisdiction of its adjudicatory boards in certain ancillary licensing matters which may arise in the course of an operating license proceeding for a nuclear power reactor. The amendments clarify the boards' authority to decide issues related to a license application for the receipt of cold fuel at a reactor site prior to issuance of an operating license.

Objective. To make explicit the jurisdiction of the Commission's adjudicatory boards to hear and decide Part 70 matters arising during the course of an operating license proceeding.

Background. In a recent operating license proceeding, the licensing board conducting the proceeding declined to rule on a request for a Part 70 cold fuel license. This necessitated a Commission order appointing that same board to rule on the request. The proposed rule change would eliminate the potential for this circuitous and time-consuming procedure.

Legal Basis. 42 U.S.C. 2201, 2241.

TIMETABLE: Commission action on the final rule is unscheduled.

CONTACT: William M. Shields
Office of the Executive Legal Director
(301) 492-8693

PART: 2

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Rules of Practice - Appeals from Intervention Rulings
and Objections to Special Prehearing Conference
Orders

SUMMARY: Description. The proposed rule would clarify the appropriate procedure for appealing a special prehearing conference order granting or denying a petition for leave to intervene in a nuclear power reactor licensing proceeding. Specifically, the amendment to §2.751a(d) states that for all questions falling within the ambit of §2.714a, an unsuccessful petitioner for intervention (or a party contending that an intervention petition should have been wholly denied) can challenge a special prehearing conference order only by way of appellate review under §2.714a, and cannot file objections under §2.751(d).

Objective. To clarify the method for appealing the grant or denial of a petition for leave to intervene in a nuclear power reactor licensing proceeding.

Background. The Rules of Practice are presently silent on the relationship, if any, between obtaining reconsideration of intervention rulings via §2.751a(d) objections and seeking appellate review of these rulings under §2.714a. This amendment clarifies this relationship by allowing challenges to a special prehearing conference order granting or denying a petition for leave to intervene only through existing avenues for appeal of intervention rulings.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Bruce A. Berson
Office of the Executive Legal Director
(301) 492-7678

PART: 2

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Management of Discovery

SUMMARY: Description. The final rule would expand the authority for the presiding officer in an NRC adjudicatory proceeding to act on his or her own initiative to control discovery by setting guidelines for its use and imposing sanctions for its abuse.

Objective. To reduce unnecessary discovery and eliminate undue burdens on limited NRC staff resources.

Background. This rule is a part of the Commission's continuing efforts to expedite the NRC hearing process with due regard for the rights of the parties. This rule is currently being reviewed by the Regulatory Reform Task Force. The Commission issued one rule that addresses the issue of expediting the hearing process on December 1, 1981 (46 FR 58279) and is considering another rule that addresses this issue (see Agenda Item No. 12).

Legal Basis. 42 U.S.C. 2201, 2231, 2241, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for August 1982.

CONTACT: B. Paul Cotter, Jr.
Atomic Safety and Licensing Board Panel
(301) 492-7814

PART: 2

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Commission Review Procedures for Power Reactor Operating Licenses; Immediate Effectiveness Rule +

SUMMARY: Description. The final rule would amend the Commission's rules of practice to modify the schedule for Commission review under the immediate effectiveness rule. The 30-day goal for completion of this review will apply only when the applicant is prepared to implement a favorable Commission decision. When the applicant is not prepared to commence operating above low power, the Commission may take longer than 30 days but intends to complete its review in a timely manner that would not delay full-power operation of the plant in the event that issuance of the license is authorized.

Objective. To conform the language of the rule with current Commission practice.

Background. Under the immediate effectiveness rule, the Commission established a 30-day goal for completion of its effectiveness review of Atomic Safety and Licensing Board decisions on full-power operating license applications (46 FR 47764 published September 30, 1981). The purpose of these reviews is to determine whether the Licensing Board's decisions should go into effect so as to authorize issuance of full-power operating licenses pending the completion of administrative appeals. Cases have arisen during the past year in which there was no need to complete this review within the allotted 30 days because the facility was not prepared to operate beyond low power, due to construction delays or because fuel loading and low-power testing would require longer than 30 days. In those instances, the Commission has disregarded the 30-day goal and has scheduled its effectiveness review to be completed in a timely manner that would not delay operation of the plant beyond low power in the event that the Commission authorized issuance of the license. The final rule would modify the immediate effectiveness rule to conform to this current practice.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the final rule is scheduled for July 1982.

CONTACT: Richard A. Parrish
Office of the General Counsel
(202) 634-3224

PART: 2

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Authority to Issue Notices of Violation to Non-Licensees
and Delegation of Authority to Regional Administrators†

SUMMARY: Description. The proposed rule would specifically authorize the issuance of a notice of violation to any person subject to the jurisdiction of the Commission, including non-licensees. The proposed rule would require non-licensees as well as licensees to comply with the Commission's regulations in §§2.200 and 2.201. In addition, the amendment would clarify the authority of Regional Administrators or their designees to issue notices of violation under §§2.200 and 2.201.

Objective. To authorize the issuance of a notice of violation to non-licensees and clarify the authority of the Regional Administrators or their designees to issue notices of violation.

Background. Presently, the Commission's regulations do not require issuance of notices of violation under 10 CFR 2.201 to non-licensees even though they are subject to section 206(d) of the Energy Reorganization Act (ERA). This proposed rule would require non-licensees to comply with Commission's regulations. In addition, the functions of the Commission's regional offices have recently been upgraded (NRC: Manual Chapter 0218) to provide enhanced responsibilities and duties to the newly created position of Regional Administrator. This proposed change would also clarify the authority of the Regional Administrators or their designees to issue notices of violation under §§2.200 and 2.201.

Legal Basis. 42 U.S.C. 2077, 2021, 2201, 4332, 4334, 4335, 5841, 5842. Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201).

TIMETABLE: Commission action is scheduled for August 1982.

CONTACT: Tom Brockett
Office of Inspection and Enforcement
(301) 492-4923

PART: 2

OTHER AFFECTED PART(S): 9

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Executive Order 12356, "National Security Information",
Implementation+

SUMMARY: Description. The final rule would amend NRC regulations to incorporate the new Executive Order 12356, "National Security Information", and Implementing Directive. E.O. 12356 replaces E.O. 12065 and modifies the procedures to be followed wherever a Freedom of Information Act request is made for a classified document. In addition, the rule makes minor changes to some definitions contained in these parts.

Objective. To comply with the latest Executive Order, E.O. 12356 which prescribes a uniform system for classifying/ declassifying, and safeguarding National Security Information.

Background. The current definition of National Security Information in Part 2 (41 FR 53328) is based on a previous Executive Order. The existing Part 9, Appendix A was printed August 30, 1979 (44 FR 50804) based on declassification review procedures originally contained in E.O. 12065 (43 FR 28949).

Legal Basis. 42 U.S.C. 2165, 2201, 5841, E.O. 12365.

TIMETABLE: EDO action is scheduled for July 1982.

CONTACT: Raymond J. Brady
Office of Administration
(301) 427-4472

PART: 2

OTHER AFFECTED PART(S): 50

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Criteria for Notice and Public Comment and Procedures
for State Consultation on License Amendments Involving No
Significant Hazards Consideration

SUMMARY: Description. The proposed rule would specify criteria for providing or dispensing with prior notice and public comment on determinations about whether amendments to operating licenses or to construction permits for certain facilities involve no significant hazards consideration. In addition, the proposed rule would specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located.

Objective. To specify the procedures for prior notice and public comment and for consultation with States when the Commission acts on proposed amendments to operating licenses and construction permits involving a "no significant hazards consideration" for a nuclear power plant. The proposed rule would permit the Commission to act expeditiously, if circumstances surrounding a request for amendment of an operating license require a prompt response.

Background. Pub. L. 97-xxx (now pending with Congressional action expected late in 1982) contains the requirement that the Commission promulgate regulations to provide criteria for prior notice and public comment and procedures for consultation with States on the issue of "no significant hazards consideration." (see Agenda Item No. 144).

Legal Basis. 42 U.S.C. 2201; Pub. L. 97-xxx.

TIMETABLE: Congressional action on pending legislation is expected late in 1982, with Commission action to follow immediately thereafter. The legislation is now reported in NRC FY-82 Authorization Bills as S. 1207 and H. R. 4255.

CONTACT: Thomas F. Dorian
Office of the Executive Legal Director
(301) 492-8690

PART: 2

OTHER AFFECTED PART(S): 50

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Standards for Determining Whether License
Amendments Involve No Significant Hazards Consideration

SUMMARY: Description. The final rule would specify standards for the NRC staff to use in determining whether amendments to operating licenses or construction permits for certain facilities involve no significant hazards consideration. The Commission has incorporated provisions into the final rule which are substantially identical to those in the proposed rule published in Federal Register March 28, 1980 (45 FR 20491).

Objective. To improve the licensing process by amending the Commission's regulations to incorporate standards for the staff to apply in making a determination as to whether a proposed amendment to an operating license or to a construction permit for certain facilities involves no significant hazards consideration.

Background. This final rule would complete the Commission's actions on this subject. The proposed rule was published in response to petition for rulemaking PRM-50-17 (see Agenda Item No. 144). The comment period for the proposed rule closed May 27, 1980. Ten comments were received. A majority of the comments opposed the rule as proposed. A court decision in Sholly v. NRC, 651 F.2d 780 (1980), rehearing denied 651 F.2d 792 (1980) and legislation pending in Congress have influenced this rulemaking.

Legal Basis. 42 U.S.C. 2201; Pub. L. 97-xxx.

TIMETABLE: Congressional action on pending legislation is expected late in 1982, with Commission action to follow immediately thereafter. The legislation is now reported in NRC FY-82 Authorization Bills as S. 1207 and H. R. 4255.

CONTACT: Thomas F. Dorian
Office of the Executive Legal Director
(301) 492-8690

PART: 2

OTHER AFFECTED PART(S): 50

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Interim Operating Licenses

SUMMARY Description. The final rule would permit the Commission to issue an interim operating license for a nuclear power plant authorizing fuel loading, low-power operation, and testing. This interim operating license would be issued in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license.

Objective. To speed the licensing process by authorizing utilities which have built and applied for licenses to operate nuclear power plants to load fuel and conduct low-power operation and testing on the basis of previously submitted and approved safety and environmental evaluations. Prior to enactment of Pub. L. 97-XXX, the Commission lacked the authority to authorize fuel loading and low power operation and testing on the basis of safety and environmental evaluations; instead, this authorization was possible only after the hearing process was complete.

Background. Estimates of the cost to utilities and their customers for this type of licensing delay, even if limited to the cost of replacement power, range to tens of millions of dollars per month for each completed plant. To relieve the burden of these delays, the Commission, on March 18, 1981, submitted a legislative proposal to amend the Atomic Energy Act to provide for an interim operating license authorizing fuel loading and low-power operating and testing as described above. Pub. L. 97-XXX and these regulations are the results of this action.

Legal Basis. 42 U.S.C. 2201; Pub. L. 97-xxx.

TIMETABLE: Congressional action on pending legislation is expected late in 1982, with Commission action to follow. The authority is included in the NRC FY-83 Authorization Bills, H.R. 2330 as passed by the House on November 5, 1981, and S.1207, as reported.

CONTACT: Thomas F. Dorian
Office of the Executive Legal Director
(301) 492-8690

PART: 19

OTHER AFFECTED PART(S) 21, 30, 40, 50, 70, 71, 73, 110

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Clarification of Inspection Procedures

SUMMARY: Description. The proposed rule would specify more clearly the authority of NRC inspectors to (1) perform tests on safeguards-related equipment and procedures at licensee facilities, (2) copy and take away copies of licensed records, and (3) specify the retention period for licensee physical security records.

Objective. To clarify the authority of NRC inspectors to inspect and evaluate a licensee's safeguards program.

Background. The staff is developing the proposed rule in response to objections and questions raised by power reactor licensees regarding NRC's authority to conduct inspections of a licensee's safeguards program. The NRC feels that lack of clear authority could adversely affect its ability to conduct effective inspections.

Legal Basis. 42 U.S.C. 2073, 2207.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Jerry D. Ennis
Office of Nuclear Regulatory Research
(301) 443-5976

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Reports of Theft or Loss of Licensed Material

SUMMARY: Description. The proposed rule would remove a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would provide increased radiological safety to the public by requiring all losses or thefts of licensed material be reported to the NRC.

Objective. To require reporting of all losses or thefts of licensed material without regard to licensee's judgment concerning the existence of a substantial hazard.

Background. The staff completed an initial draft of the proposed rule on July 30, 1981.

Legal Basis. 42 U.S.C. 2073.

TIMETABLE: EDO action on the proposed rule is scheduled for August 1982.

CONTACT: Donald Nellis
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Occupational ALARA Rule

SUMMARY: Description. The proposed rule would require NRC licensees to develop and use means to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring, perform bioassays, or to measure concentrations of radioactivity in the air. The proposed rule was developed in order to promulgate a regulation which would express the Commission's belief that radiation doses received by workers in licensed activities can and should be reduced and to strengthen efforts to maintain occupational doses of ionizing radiation ALARA.

Objective. To further control occupational radiation exposures by requiring them to be maintained ALARA using means that are subject to NRC inspection and enforcement. The amendment under consideration would require licensees who are required by the NRC to monitor personnel radiation exposures, radioactive materials in air, or radioactive materials in the body or excreted from the body to develop and implement, as part of individual radiation protection programs, means for maintaining occupational radiation doses ALARA and, thereby, establish a regulatory base for reducing worker radiation doses.

Background. The Commission believes that a reduction in the occupational collective (man-rem) dose received in connection with NRC licensed activities can be effected without unreasonable costs to licensees. Further, the Commission believes that this reduction can be achieved through the implementation of amendments to NRC regulations that would place greater emphasis on the ALARA concept as applied to workers in restricted areas, with the objective of elevating the radiation protection performance of less safety conscious licensees and applicants to the level currently achieved by the better performers. With this objective, it is feasible to adopt as performance criteria radiation protection techniques which have been shown by experience to be both effective and practical.

Legal Basis. 42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2133, 2134, 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for August 1982.

CONTACT: Jack M. Bell
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Monitoring of Packages Containing Radioactive
Materials Upon Receipt by Licensees

SUMMARY: Description. The proposed rule would (1) extend current requirements for the receipt and monitoring by licensees of packages containing an excess of Type A quantities of nuclear material to include additionally those packages (not transported by exclusive use vehicles) containing more than one-third of a Type A quantity of nuclear material (a quantity of nuclear material, the total radioactivity of which does not exceed the values specified in 71.14(q)), which, if damaged, would not disperse but could pose a radiological threat; (2) remove the existing requirement to report excessive external radiation levels at the package surface to avoid increased occupational radiation exposure to the worker; and (3) add a general package monitoring requirement for packages which do not require direct monitoring under existing NRC regulations in 20.205.

Objective. To provide increased radiological protection for transportation workers and the general public by broadening the requirements for monitoring packages used to transport radioactive material.

Background. In May 1979, the General Accounting Office (GAO) issued a report entitled "Federal Actions are Needed to Improve Safety and Security of Nuclear Material Transportation" (EMD-79-18) which recommended that the NRC modify 20.205 to broaden its requirements for the monitoring of external radiation levels of packages not covered by the existing regulations. In NRC's response to this report, NRC stated that the requirements in 20.205 would be reexamined and that other portions of NRC's regulations which may require modification would also be examined.

Legal Basis. 42 U.S.C. 2201, 5842.

TIMETABLE: Commission action on the proposed rule is scheduled for September 1982.

CONTACT: Steven Bernstein
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Radiation Protection Instrument Test and Calibration

SUMMARY: Description. The proposed rule would require any licensee, other than radiographers, who use portable survey instruments to test the instrument prior to use to determine its operability and to calibrate it when necessary. The proposed rule would establish criteria for licensees to apply to their licensed activities and would place compliance on an enforceable, regulatory basis.

Objective. To improve the accuracy of measurements made with hand-held radiation survey meters, thereby improving worker protection against radiation.

Background. The staff is in the process of developing a draft of the proposed rule.

Legal Basis. 42 U.S.C. 2111, 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for May 1983.

CONTACT: Robert B. Neel
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Performance Testing for Health Physics
Survey Instruments*

SUMMARY: Description. The advance notice of proposed rulemaking would require that NRC licensees use health physics survey instruments that have been certified as meeting certain performance specifications. The proposed rule would permit the NRC to determine whether health physics survey instruments used by almost all NRC licensees meet acceptable performance standards.

Objective. To improve the radiation safety of workers using health physics instruments by ensuring that the instruments meet acceptable performance standards.

Background. The staff has not yet begun work on the advance notice of proposed rulemaking. A draft standard suitable for testing has been completed. The standard is being tested under a contract jointly funded and managed by NRC and DOE.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273, 5841, 5842.

TIMETABLE: Commission action on the advance notice of proposed rulemaking is scheduled for September 1983.

CONTACT: James A. Jones
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Performance Testing for Bioassay Labs

SUBJECT: Description. The proposed rule would require licensees who provide bioassay services for individuals to assess internal radiation exposure to use accredited laboratories after the NRC establishes an accreditation program. The proposed rule would reduce unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories analyzing materials for radioactivity.

Objective. To improve accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material.

Background. An expert committee of the Health Physics Society has written a draft standard. The NRC in cooperation with the DOE has established a performance testing study to test the standard and provide the information necessary to complete the standard and to design and set up an accreditation program. The draft standard will be revised as needed after the performance testing study has developed sufficient information.

Legal Basis. 42 U.S.C. 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for April 1984.

CONTACT: Allen Brodsky
Office of Nuclear Regulatory Research
(301) 443-5970

PART: 21

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Reporting of Defects and Noncompliance*

SUMMARY: Description. The proposed rule would revise a substantial portion of Part 21 of the Commission's regulations to permit more effective reporting of defects and noncompliance and to improve NRC's inspection and enforcement actions. Part 21 requires any individual, director, or responsible officer of a firm which constructs, owns, operates, or supplies the components of any facility or activity which is licensed or otherwise regulated by the NRC to notify the NRC immediately of the failure, or the potential for failure, of any facility, activity, or basic component supplied to a facility. This rule is in response to Task II.2.4. of the TMI Action Plan, which identified the need for improved identification of safety-related problems at licensed facilities.

Objective. To obtain more uniform reporting and earlier identification and correction of safety problems at NRC-licensed facilities and in NRC-licensed activities.

Background. NRC experience in inspecting licensed facilities and activities indicates that many problems exist in implementing the requirement that defects and noncompliance be reported to the NRC. This problem exists particularly with programs and activities involving non-licensed personnel.

Legal Basis. 42 U.S.C. 2201, 5846.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: Francis X. Cameron
Office of Nuclear Regulatory Research
(301) 443-5981

PART: 25

OTHER AFFECTED PART(S): 95

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Access to and Protection of National Security
Information and Restricted Data

SUMMARY: Description. The proposed rule would (1) modify the requirements for requesting access authorizations for individuals who possessed authorizations on the effective date of Part 25, (2) establish a requirement to maintain records concerning visits to and from affected licensed facilities involving classified information, (3) provide additional guidance to affected licensees for handling classified drafts of documents and working papers as well as guidance for obtaining approvals for the security of telecommunications and ADP systems where classified information is involved, and (4) address the requirements for classifying, declassifying and safeguarding National Security Information as set forth in the new E.O. 12356 and Implementing Directive. These proposed amendments are necessary to incorporate experience gained under the current regulations, comply with the requirements of the new Executive Order 12356, and prohibit the unauthorized disclosure of National Security Information and Restricted Data.

Objective. To eliminate any possible misinterpretation or misunderstanding regarding information and forms required for access authorization requests, maintain adequate visit records, and assure proper protection of information determined to be National Security Information or Restricted Data based on NRC's "Classification Guide for Safeguards Information."

Background. The final rule establishing procedures for access to and protection of National Security Information and Restricted Data (Parts 25 and 95) was published March 5, 1980 (45 FR 14476). These proposed amendments will further clarify and update the final rule, bringing it into conformance with E.O. 12356.

Legal Basis: 42 U.S.C. 2165, 2201, 5841, E.O. 10865 and E.O. 12356.

TIMETABLE: EDO action on the proposed rule is scheduled for July 1982.

CONTACT: Raymond J. Brady
Office of Administration
(301) 427-4472

PART: 30

OTHER AFFECTED PART(S): 40, 70

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Clarified Requirements for Terminating a License

SUMMARY: Description. The proposed regulation would clarify a licensee's authority and responsibility for nuclear materials and specify procedures that would allow for orderly license termination. Each licensee who decides to discontinue operations permanently would be required to submit form NRC-314. This form contains information describing disposal of nuclear materials. Except for licensees with only sealed sources, each licensee would submit a final radiation survey report. If there is no residual radioactive contamination above background, the Commission may terminate the license. If there is residual radioactive contamination, the licensee would be required to decontaminate the nuclear facility before the Commission would terminate the licensee's responsibility under its license.

Objective. To ensure that licensed materials are properly disposed of and facilities and sites are properly decontaminated before a licensee's responsibility is terminated.

Background. Current regulations are not specific concerning licensee responsibility for nuclear materials. A licensee could dispose of nuclear materials, notify the Commission of its intent to discontinue operations, and vacate the premises before the NRC staff could verify residual radioactive contamination levels. This situation has the potential for adverse public health and safety effects. The proposed rule is necessary to protect public health and safety by establishing clear procedures for the termination of a license.

Legal Basis. 42 U.S.C. 2071, 2073, 2092, 2093, 2094, 2095, 2111, 2112, 2113, 2114, 2201, 2232, 2233, 2236, 2282, 5842, 5846.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: William R. Pearson
Office of Nuclear Regulatory Research
(301) 443-5910

PART: 30

OTHER AFFECTED PART(S): 32

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Periodic and Systematic Reevaluation of Parts 30 and 32

SUMMARY: Description. The proposed rule would be an editorial revision of the regulations governing the domestic licensing of byproduct material and the exemptions from domestic licensing requirements. The proposed rule would reflect the application of good regulatory drafting practices and is intended to help the reader find significant material within the regulation.

Objective. To simplify and clarify the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them.

Background. On January 23, 1981 (46 FR 7388), the NRC published in the FEDERAL REGISTER a notice of comprehensive review of its regulations (10 CFR Chapter I) and attached to the notice a preliminary schedule for conducting the review over the following five years. This proposed rule is in response to Commission approval of Task IV.G.2. of the TMI Action Plan.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 2234, 5846.

TIMETABLE: Commission action on the proposed rule is scheduled for January 1983.

CONTACT: James J. Henry
Office of Nuclear Regulatory Research
(301) 443-5981

PART: 32

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Consumer Products Containing Small Quantities of Radioactive Material; Modified Approval Transfer Reporting Requirements +

SUMMARY: Description. The proposed rule would modify the annual reporting requirements imposed on persons specifically licensed to distribute products containing small quantities of byproduct material. The proposed rule establishes a threshold for submitting a report so that a licensee need not submit a report if the licensee distributes less than 1,000 products a year.

Objective. To reduce the administrative and paperwork burden for the licensee and the NRC without significantly changing the value of the reports to the regulatory program monitoring the use of radioactive materials in consumer products.

Background. The regulations required licensees distributing products containing exempt quantities of radioactive material to submit annual reports on the type and number of products distributed. A negative report was required if nothing was distributed during a reporting period. NRC uses these reports to estimate exposure of the general public to widely used consumer radioactive products. A licensee's questions concerning the significance of the reports has led to a review of the reporting requirement. The NRC reviewed 1500 reports submitted during the last 10 years and determined that if a 1,000 item threshold had been in effect, there would have been a 1/3 reduction in the number of reports submitted and less than a 1/10 reduction in the number of units transferred which reports were prepared for.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for August 1982.

CONTACT: Donovan A. Smith
Office of Nuclear Regulatory Research
(301) 443-5825

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Medical Licenses for Human Use of Byproduct Material

SUMMARY: Description. The proposed rule would completely revise Part 35. This part contains the requirements and procedures applicable to a physician or medical institution that seeks to obtain a license authorizing the human use of byproduct material. The proposed rule would simplify the medical licensing process by adopting a "performance standard" approach to medical licensing. The proposed rule would set out all the requirements a licensee must meet yet allow the licensee flexibility in meeting the requirements. The proposed rule would be consistent with regulatory reform objectives while maintaining the current level of protection to the health and safety of the medical worker and the general public.

Objective. To simplify the medical licensing process and reduce the administrative burden on the licensee and the NRC by (1) including all the requirements a medical licensee must meet in the regulations; (2) eliminating or modifying administrative requirements not essential to safety; (3) simplifying the application form which, together with an automated licensing system, will create a more efficient licensing process; and (4) reducing the paperwork burden for the licensee and the NRC.

Background. The medical use of byproduct material has increased substantially over the past 30 years in terms of the number and types of procedures performed. To keep pace with radiation safety in a rapidly changing field, many requirements were imposed as license conditions or implied in regulatory guides. In addition, current practices require that each new and renewal application be complete without reference to any previous submittal. Over the past few years, the practice of nuclear medicine has become more sophisticated and radiation safety methodology and procedures have become more uniform. This permits NRC to propose simplifying the licensing process by codifying all requirements into a simple set of requirements contained in the proposed regulation and simplify the license application form to eliminate a detailed explanation of the procedures involved. An earlier rule on which the NRC was considering action that would clarify the responsibilities of various echelons of nuclear medicine personnel has been incorporated into this proposed revision of Part 35.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233.

TIMETABLE: Commission action on the proposed rule is scheduled
for August 1982.

CONTACT: William J. Walker
Nuclear Material Safety and Safeguards
(301) 427-4232

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Misadministration of Radioactive Material;
Proposed Removal of Reporting Requirements

SUMMARY: Description. The proposed rule would remove the requirement that NRC's medical licensees report certain misadministrations of radioactive material to the NRC, to the patient's referring physician, and to the patient. The NRC is considering the removal of the misadministration reporting requirements because an analysis of the first year's reports has not revealed errors that can be corrected through regulations and because of the continued controversy raised by the requirements in the medical community.

Objective. To reduce the regulatory burden on medical licensees and the administrative burden on NRC staff by removing a reporting requirement that, in the opinion of the staff, has largely achieved its primary purpose, which was to detect trends that could be corrected through regulation.

Background. The Commission published the final rule requiring NRC's medical licenses to report misadministrations of radioactive material on May 14, 1980 (45 FR 31701). The rule was intended to detect common conditions that lead to misadministrations. The Commission would then correct these conditions through regulations and license conditions. At the time the rule was issued, the Commission indicated that it would reevaluate the merits of continuing the regulation after three years. In a memorandum dated June 30, 1981, the Commission directed the staff to conduct an analysis of the first year's reports. This analysis indicated that the primary causes leading to misadministration are attributable to human error.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Lidia A. Roche
Office of Nuclear Material Safety and Safeguards
(301) 427-4211

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Applicability of Technical Facility License Conditions and Specifications in an Emergency

SUMMARY: Description. The proposed rule would add a specific provision to the Commission's regulations to clarify that licensee technical specifications are not intended to restrict or prohibit the licensee from undertaking, during the course of unanticipated emergency conditions, any action necessary to protect public health and safety.

Objective. The rule would clarify the responsibility of licensees to take actions necessary to protect public health and safety during emergencies even though the action necessary may not be in full accord with certain provisions of the technical specifications. The staff believes that in emergency situations it is very important to assure that licensees have the ability to respond promptly using their best engineering judgment.

Background. Technical specifications contain a wide range of operating limitations and specifications concerning actions required to respond to certain systems failures and to other specified operating events. Technical specifications also require the employment of a wide range of operating procedures to be taken in the course of operation to maintain facility safety. These specifications are based on the various conditions - normal transient and accident conditions - analyzed as part of the licensing process. The Commission believes, however, that there are unanticipated circumstances which could occur during the course of response to an emergency condition. The proposed rule would permit licensees to respond promptly to these events.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Charles M. Trammell
Office of Nuclear Reactor Regulation
(301) 492-7389

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Fitness for Duty of Personnel with Unescorted Access to
Vital or Protected Areas of Nuclear Power Plants

SUMMARY: Description. The proposed rule would require licensees to establish and implement controls to assure that personnel with unescorted access to vital or protected areas are fit for duty.

Objective. To protect the public health and safety by requiring personnel with unescorted access to vital or protected areas be fit for duty.

Background. The Commission initiated the proposed rule in response to concern by members of the public that nuclear power plant operators, like airline pilots, should not be permitted to perform activities that could impair the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages.

Legal Basis. 42 U.S.C. 2236, 2237.

TIMETABLE: Commission approved the proposed rule on June 24, 1982.

CONTACT: Ellis Merschoff
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not Yet Published

SUBJECT: Filing of Controlled Copies of Emergency Plans

SUMMARY: Description. The proposed rule would require certain licensees to provide controlled copies of emergency plans and implementing procedures and changes to these plans and procedures to the appropriate NRC regional office and to NRC headquarters. Each of the controlled copies delivered to NRC would have a receipt attached. The receipt would be signed and returned to the licensee by the NRC employee who is responsible for receiving and maintaining the controlled copies. The NRC employee would certify that the plan was received and filed or that the changes were received and incorporated into the appropriate emergency plan.

Objective. Adoption of the proposed rule would ensure that the NRC has the latest updated plan to use in the event of a radiological incident or accident. The proposed rule would also reduce the number of copies that a licensee must submit to the NRC from 13 to 3 thus lessening the regulatory burden on affected licensees.

Background. On August 19, 1980, the NRC published a revised emergency planning regulation which became effective on November 3, 1980. That rule requires that three copies of an emergency plan and implementing procedures and three copies of each change to the plan or the procedures be sent to NRC regional office directors along with an additional ten copies of each to be sent to the Director, Office of Nuclear Reactor Regulation. The proposed rule would require a licensee to submit one controlled copy to the regional administrator and two controlled copies to NRC Headquarters.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

TIMETABLE: EDO action on the proposed rule is scheduled for August 1982.

CONTACT: Steve L. Ramos
Office of Inspection and Enforcement
(301) 492-9602

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Laboratory Accreditation Program*

SUMMARY: Description. The proposed rule would require that qualification testing of nuclear plant equipment necessary to demonstrate the capability of that equipment to perform its function in accordance with design and functional specification under normal and postulated accident conditions be performed in laboratories that have been accredited in accordance with procedures administered by the Institute of Electrical and Electronics Engineers (IEEE). The proposed rule, as part of the increased emphasis on equipment qualification, would improve the reliability and accuracy of qualification testing performed by accredited laboratories.

Objective. To ensure that equipment qualification testing performed by a laboratory meets established standards and thereby provides greater assurance of protecting the public health and safety.

Background. A notice of the NRC and IEEE agreement addressing the laboratory accreditation program was published in the Federal Register on November 20, 1981 (46 FR 57206).

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Steven D. Richardson
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Applicability of Appendix B to Appendix A

SUMMARY: Description. The proposed rule would clarify the quality assurance program requirements for those structures, systems, and components of nuclear power plants which are important to safety. The proposed rule would also eliminate any possible confusion over the definition of the terms "important to safety" and "safety-related" and provide a clear statement in the Commission's regulations concerning the applicability of the quality assurance criteria (in 10 CFR Part 50) of Appendix B to the structures, systems, and components covered in Appendix A. The proposed rule could expand the extent of the review applied to nuclear power plant structures, systems, and components, and thus, it could help ensure the appropriate application of quality assurance program requirements during the construction of nuclear power plants.

Objective. To assure that the requirements of Appendix A to 10 CFR Part 50, Criterion 1, result in the establishment by licensees of effective quality assurance programs that are implemented in a manner that provides adequate assurance that structures, systems, and components covered in the appendix will satisfactorily perform their safety functions. Also, to assure that the requirements in Appendix B to 10 CFR Part 50 result in the establishment by licensees of adequate quality assurance requirements for the design, construction, and operation of certain structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public.

Background. In the aftermath of the Three Mile Island Unit #2 accident, a number of studies have concluded that the scope of the items to which the quality assurance criteria of Appendix B to 10 CFR Part 50 apply needs to be broadened to include the full range of safety matters as was originally intended. Typical examples of structures, systems, and components for which the Appendix B quality assurance program criteria may not have been fully implemented are in-core instrumentation, reactor coolant pump motors, reactor coolant pump power cables, and radioactive waste system pumps, valves, and storage tanks. The proposed rule is intended to clarify the Commission's original intent by revising Criterion 1 of Appendix A to state specifically that the criteria to be used for the quality assurance program required in Appendix A are those criteria contained in Appendix B. Additionally, in order to eliminate confusion over definition of the terms "important to safety" as used in Appendix A and "safety-related" as used in Appendix B, the proposed rule would, in Appendix B, delete the term "safety-related".

Legal Basis: 42 U.S.C. 2133, 2134, 2201, 2233.

TIMETABLE: Commission action on the proposed rule is scheduled for
November 1982.

CONTACT: William L. Belke
Office of Nuclear Regulatory Research
(301)443-7741

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Fire Protection for Future Plants

SUMMARY: Description. The proposed rule would provide more comprehensive fire protection requirements for future nuclear power plants.

Objective. To consolidate the NRC fire protection guidelines and requirements for nuclear power plants in one enforceable document.

Background. The present requirements for fire protection at nuclear power plants are limited in that these requirements apply only to plants licensed prior to January 1, 1979. At the time when these effective regulations were approved, the Commission directed the staff to proceed with development of a comprehensive rule for plants licensed in the future. Staff is preparing a recommendation that rule development be postponed until all exemption request for Appendix R have been processed, and relevant research results are available to assure proper technical bases for the rule.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Unscheduled.

CONTACT: David P. Notley
Office of Nuclear Regulatory Research
(301) 443-5946

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

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

SUMMARY: Description. The proposed rule would revise the criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. The current regulation specifies the criteria that leakage testing must meet and how the testing must be performed. The proposed rule would incorporate the accepted national standard (ANSI/ANS 56.8) that specifies approved procedures for conducting the test and thus permit the NRC staff to focus its attention on the performance standard and design criteria aspects of the regulation. The proposed rule would also eliminate ambiguities and increase the flexibility of the regulation.

Objective. To emphasize the testing criteria aspects of the regulation while reducing the mechanistic aspects of the testing procedure. Also, to reduce the paperwork burden on NRC and the compliance burden on licensees by reducing the number of exemption requests licensees are required to submit.

Background. The current regulation was issued in 1973. The proposed rule would reflect experience gained in implementing the regulation by clarifying requirements currently open to interpretation and by adopting a more flexible approach. By providing licensees with the option of obtaining NRC review of a procedural deviation, the number of exemption requests licensees submit would drop sharply. The staff is developing a proposed regulation.

Legal Basis. 42 U.S.C. 2133, 2134, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for September 1982.

CONTACT: Gunter Arndt
Office of Nuclear Regulatory Research
(301) 443-5860

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Shift Staffing at Nuclear Power Plants

SUMMARY: Description. The proposed rule would provide minimum shift staffing requirements for licensed operators at nuclear power plants. Shift staffing requirements would be based upon a power plant's configuration (e.g., A power plant may have two units and one control room, or three units and two control rooms) and the status of each unit (i.e., operating or cold shutdown).

Objective. To upgrade shift staffing requirements at nuclear power plants to ensure that a sufficient number of licensed personnel are on duty at any given time.

Background. This rulemaking effort is the result of the requirement in Task I.A.1.4. of the TMI Action Plan, approved by the Commission, to upgrade staffing of personnel in control rooms of nuclear power plants.

Legal Basis. 42 U.S.C. 2201, 5846.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Ellis W. Merschoff
Office of Nuclear Regulatory Research
(301) 443-5943

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not Yet Published

SUBJECT: Codes and Standards for Nuclear Power Plants (Winter 1981)

SUMMARY: Description. The proposed rule would incorporate by reference the Winter 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Background. Staff is preparing a draft proposed rule for EDO action.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: EDO action on the final rule is scheduled for July 1982.

CONTACT: Edward Baker
Office of Nuclear Regulatory Research
(301) 443-5894

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Extension of Criminal Penalties +

SUMMARY: Description. The proposed rule would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. The proposed rule establishes, in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

Objective. To deter knowing and willful violations of the Commission's regulations during the construction of nuclear power plants.

Background. The NRC Authorization for Fiscal Year 1980 (Pub. L. 96-295) amended the Atomic Energy Act to extend the criminal penalties provision of the Act to cover certain violations of the Commission's regulations during construction of a nuclear power plant. The amendment, Section 223(b) of the AEA, essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. The Commission is further directed in Section 223(b)(3) to establish that limit in its definition of a "basic component."

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for August 1982.

CONTACT: Ed Podolak
Office of Nuclear Regulatory Research
(301) 427-4358

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not Yet Published

SUBJECT: Codes and Standards for Nuclear Power Plants (Summer 1982)

SUMMARY: Description. The proposed rule would incorporate by reference the Summer 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction of nuclear power plants.

Background. Staff action on the proposed rule has not yet begun.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: EDO action on the proposed rule is scheduled for October 1982.

CONTACT: Edward Baker
Office of Nuclear Regulatory Research
(301) 443-5894

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not Yet Published

SUBJECT: Codes and Standards for Nuclear Power Plants (Winter 1982)

SUMMARY: Description. The proposed rule would incorporate by reference the Winter 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Background. Staff action on the proposed rule has not yet begun.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 5841.

TIMETABLE: EDO action on the proposed rule is scheduled for April 1983.

CONTACT: Edward Baker
Office of Nuclear Regulatory Research
(301) 443-5894

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Emergency Preparedness Reporting Requirements

SUMMARY: Description. The proposed rule would add a specific provision to the Commission's regulations which would require nuclear power plant licensees to report to the Commission if the level of emergency preparedness is adversely affected. The proposed reporting requirements would focus on the more important aspects of emergency preparedness such as communications capabilities and accident assessment capabilities while placing less emphasis on items such as recovery operations and updating and distribution of copies of the emergency preparedness plan.

Objective. To ensure that an adequate level of emergency preparedness is maintained by nuclear power plant licensees. The proposed rule would provide an enforceable basis for requiring that the affected licensees report to the NRC concerning deficiencies in the status of their emergency preparedness capabilities.

Background. In response to NRC staff paper SECY-81-216, dated April 2, 1982 (Emergency Preparedness Requirements), and after considerable review and discussion with the staff on this issue, the Commission requested that the staff develop a proposed rule to establish emergency preparedness reporting requirements.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

TIMETABLE: Commission action on the proposed rule is scheduled for September 1982.

CONTACT: Kenneth E. Perkins
Office of Inspection and Enforcement
(301) 492-7361

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Reporting of Significant Design and Construction
Deficiencies

SUMMARY: Description. The proposed rule would clarify the description of a significant design or construction deficiency in a nuclear power plant and would require the holder of a construction permit to provide the Commission with more timely information regarding potential construction or design deficiencies.

Objective. To provide the Commission with more timely information regarding events that may indicate a potential construction or design deficiency.

Background. Staff action on this item was initiated in response to TMI Action Plan Task II.J.4.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: Francis X. Cameron
Office of Nuclear Regulatory Research
(301) 443-5981

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: List of Required Emergency Response Facilities and Associated Implementation Dates

SUMMARY: Description: The proposed amendment to emergency planning and preparedness requirements would establish a complete list of the emergency response facilities required at each operating nuclear power reactor site by adding the Safety Parameter Display System (SPDS) and the Operations Support Center (OSC) to the items listed in Appendix E of 10 CFR Part 50. The proposed rule would also establish a schedule for the construction and operation of the facilities.

Objective. To establish a legally enforceable requirement for the scheduled construction and operation of emergency response facilities at all nuclear power reactor sites.

Background. On February 19, 1981, the Commission set October 1, 1982, as the date by which nuclear power reactor licensees must complete the upgrading of their emergency response facilities. However, this date of compliance has not yet been incorporated into NRC regulations. As a result of NRC staff review of emergency response facility information submitted by certain licensees, it is clear that the October 1, 1982, date may place an unreasonable burden on certain licensees due to equipment design, procurement, and installation time, particularly where an outage is required to make certain corrections to plant instrumentation. For this reason, the Commission is considering proposing that the date for final implementation of the emergency response facilities required by §50.47 and Appendix E of 10 CFR Part 50 be changed to allow licensees to complete their four emergency response facilities no later than the first fuel outage, or any other outage scheduled to last more than 30 days, occurring after January 1, 1983.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the proposed rule will be scheduled after the rule has been reviewed by the Committee to Review Generic Requirements (CRGR).

CONTACT: Kenneth E. Perkins, Jr.
Office of Inspection and Enforcement
(301) 492-7361

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Licensing Requirements for Pending Operating License Applications; Clarification of and Supplement to Notice of Proposed Rulemaking

SUMMARY: Description. The proposed rule would specify the implementation schedule for Emergency Response Facilities as described in NUREG-0737 and subsequent Commission actions. The implementation schedule would incorporate the NRC staff's proposed revisions to the original schedule as well as clarify and correct the following items of NUREG-0737: (1) Plant Safety Parameter Display Console, (2) Upgrade Emergency Support Facilities, and (3) Improving Licensee Emergency Preparedness - Long Term. In a Federal Register notice of a proposed rule published on May 13, 1981 (46 FR 26491), the Commission noted that certain TMI Action Plan items were still being completed, and that new requirements would be added to the regulations as they were approved.

Objective. The Commission intends, through issuance of this proposed rule, to clarify that the implementation and contents of the three items listed in the Description section above, as approved by the Commission, should be considered part of NUREG-0737 as originally approved on October 28, 1980.

Background. This proposed schedule reflects the results of discussions between industry representatives and the NRC staff of the difficulties and added expense being encountered due to equipment design and delivery and installation times, particularly if special outages are required for final hookup of ERF equipment. The proposed rule is currently before the Commission's special Committee to Review Generic Requirements (CRGR) for assessment of its regulatory impact.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the proposed rule will be scheduled after the CRGR review has been completed.

CONTACT: Kenneth E. Perkins, Jr.
Office of Inspection and Enforcement
(301) 492-7361

PART: 50

OTHER AFFECTED PART(S): 51

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Radon Emissions Estimate for Table S-3

SUMMARY: Description. The proposed rule establishes a new Table S-3 estimate of radon releases associated with nuclear fuel cycle operations involved in producing fuel for one year's normal operation of a typical 1000 megawatt light-water reactor (LWR) power plant, including disposal of the spent fuel and radioactive wastes. The proposed rule will describe the basis for the new estimate and will include the necessary amendments of the Table S-3 explanatory narrative now being considered for adoption as Appendix A to 10 CFR Part 51.

Objective. To provide a new Table S-3 estimate of radon-222 releases to replace the value deleted from the Table in a Federal Register notice published on April 14, 1979 (43 FR 15613).

Background. In deleting the radon-222 value from Table S-3, the Commission stated that upon issuance of the Generic Environmental Impact Statement (GEIS) on uranium milling and evaluation of data from several ongoing research programs, it would determine whether to initiate rulemaking to provide for radon-222 in Table S-3. The GEIS on uranium milling and the reports of research on radon releases in uranium mining were published in 1979 and 1980. Based on these documents, the staff developed new estimates of radon emissions from the entire fuel cycle. These new estimates were introduced into the public record at the February 1980 hearing on radon before the Atomic Safety and Licensing Appeal Board at Harrisburg, Pa. The Appeal Board decision of May 13, 1981 (ALAB-640), upheld the staff's new estimates of radon releases and deferred for later consideration the questions of health effects. Rulemaking to add the new value for radon-222 in Table S-3 is being held in abeyance until the Appeal Board completes its decision.

Legal Basis. 42 U.S.C. 2201, 5841, 5842.

TIMETABLE: Commission action on the proposed rule is scheduled for March 1983.

CONTACT: William E. Thompson
Office of Nuclear Material Safety and Safeguards
(301) 427-4211

PART: 50

OTHER AFFECTED PART(S): 55

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Operator Qualification and Licensing

SUMMARY: Description. The proposed rule would strengthen the criteria for issuing licenses to operators of nuclear power plants. The rule will focus on improvements in requirements for operator education, operator simulator training, operator understanding of the theory behind the operation of a facility, maintaining operator proficiency, and requalification examinations.

Objective. To improve operator performance to help minimize the possibility of accidents and to enhance the ability of operators to deal with a potential accident.

Background. The Commission directed the NRC staff to organize a review group composed of Federal workers external to NRC to address certain provisions of the rule, specifically, education requirements for entry level operators, whether shift supervisors should be licensed, and ways of implementing requirements for existing operators. The review group has provided the Commission with recommendations and rulemaking is expected to proceed on schedule.

Legal Basis. 42 U.S.C. 2137, 2201, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for January 1933.

CONTACT: Ellis Merschoff
Office of Nuclear Regulatory Research
(301) 443-5942

PART: 50

OTHER AFFECTED PART(S): 70

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Regional Licensing Reviews†

SUMMARY: Description. The NRC is amending its regulations to require that licensees notify the NRC Regional Offices of any reactor security and contingency plan changes which do not decrease safeguards effectiveness. This action is being taken as part of the implementation of the NRC regional licensing program under which, full responsibility for licensing, inspection and enforcement actions has been delegated to Regional Administrators.

Objective. To inform current or prospective licensees of current NRC practice and organization.

Background. On October 16, 1981, the Commission announced a reorganization of NRC staff activities. The objectives of the reorganization are to improve control over requirements imposed on NRC licensees and focus the priorities of the agency and the nuclear industry on those requirements having the greatest safety significance. In addition, the reorganization will enlarge the role of the NRC's regional offices in agency-wide activities.

Legal Basis. Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201).

TIMETABLE: EDO action on this final rule is scheduled for September 1982.

CONTACT: Martin Levy
Office of Nuclear Material Safety and Safeguards
(301) 497-4024

PART: 50

OTHER AFFECTED PART(S): 73

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Personnel Access Authorization Requirements for Nuclear Power Plants

SUMMARY: Description. The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. This program will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants.

Objective. To assist nuclear power plant licensees in determining employee suitability and trustworthiness.

Background. On March 17, 1977, the NRC published in the Federal Register (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM). Written comments were invited and received. On December 28, 1977, the NRC published in the Federal Register (42 FR 64703) a notice of public hearing on the proposed rulemaking. The NRC subsequently established a Hearing Board to gather additional testimony. A final rule establishing an access authorization program for fuel cycle facilities and transportation licensees was published in the Federal Register on November 21, 1980. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended that a new access authorization program be established for and administered by nuclear power plant licensees. On June 24, 1980, the Commission directed the staff to prepare a proposed rule to establish an access authorization program for nuclear power plant licensees. A petition for rulemaking filed with the Commission, PRM-73-2, will be addressed as part of this rulemaking (see Agenda Item No. 151).

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for August 1982.

CONTACT: James A. Prell
Office of Nuclear Regulatory Research
(301) 443-5976

PART: 50

OTHER AFFECTED PART(S); 100

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Qualification of Mechanical Equipment

SUMMARY: Description. The advance notice of proposed rulemaking seeks comment on a proposal to clarify requirements for nuclear power plant licensees and applicants to demonstrate the ability of mechanical equipment important to safety to perform its function in accordance with design and functional specifications under normal and postulated accident conditions. The establishment of criteria by which selected components of nuclear power plants will be qualified will help create a more uniform program to assess the performance of mechanical equipment under certain conditions.

Objective. To assure conformity in individual equipment qualification reviews and provide a sufficient technical basis for judgments of acceptability by each reviewer.

Background. The consequences of mechanical equipment failure at a nuclear power plant could have an adverse impact upon the public health and safety. For this reason, the NRC requires that the design of equipment important to safety, including mechanical equipment, be verified to assure that it will satisfactorily perform its function in the most adverse environment to which it may be subjected through means such as qualification of prototypes. The Commission directed the staff to initiate rulemaking to make this process more uniform for electric equipment qualification. A staff Equipment Qualification Program plan recommended a rulemaking on mechanical equipment as well.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: Commission action on an advance notice of proposed rulemaking is delayed pending implementation of Equipment Qualification Program Plan.

CONTACT: Harold I. Gregg
Office of Nuclear Regulatory Research
(301) 443-5860

PART: 70

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Material Control and Accounting Requirements for Low Enriched Uranium Fuel Cycle Facilities

SUMMARY: Description. The proposed rule would revise the material control and accounting (MC&A) requirements for low enriched uranium (LEU) with which fuel cycle facility licensees must comply. Under current regulations almost all substantive requirements apply uniformly to all licensees authorized to possess greater than one kilogram of special nuclear material, whether they have HEU, plutonium, or LEU. Yet both NRC-sponsored and independent studies have concluded that safeguard risks associated with LEU are far less significant than risks associated with HEU. The proposed rule eliminates these unnecessary requirements while maintaining safeguards standards which meet those of the IAEA.

Objective. To establish more cost-effective MC&A requirements for LEU that assure the protection of the public health and safety, while taking into account the low risk associated with the material.

Background. Staff is preparing a draft proposed rule for Commission action.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: Robert J. Dube
Office of Nuclear Material Safety and Safeguards
(301) 427-4040

PART: 70

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Safeguards Requirements for Licensees Authorized to Possess
SNM of Moderate or Low Strategic Significance

SUMMARY: Description. The proposed rule would require a licensee to obtain approval from the NRC prior to making any changes in the licensee's security plan which would reduce the security plan's effectiveness. This proposed requirement would apply to any licensee who submits a physical security plan in accordance with §70.22(k) of 10 CFR. These licensees include those which possess or use special nuclear material (SNM) of moderate strategic significance or 10 kg. or more of SNM of low strategic significance, except those licensees who possess this material in the operation of a nuclear power plant. This requirement currently applies to any licensee, other than nuclear power reactor licensees, who possess formula quantities of SNM and who submit physical security plans in accordance with §70.22(h) or §73.20(c) of 10 CFR.

Objective. To extend the safeguards requirement for obtaining prior approval from NRC for any change in physical security plans which might decrease the plan's effectiveness to licensees who possess or use SNM of moderate or low strategic significance.

Background. Staff action on the proposed rule has not yet begun.

Legal Basis. 42 U.S.C. 2071, 2073, 2201, 2232, 2233, 5842, 5846.

TIMETABLE: Commission action on the proposed rule is scheduled for March 1983.

CONTACT: Andrea Kuffner
Office of Nuclear Regulatory Research
(301) 413-5876

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Medical Standards for Employment of Security Personnel

SUMMARY: Description. The proposed rule would amend the medical standards for the employment of security personnel by licensees which operate nuclear power plants, fuel cycle facilities, or possess or ship certain quantities of special nuclear material. Specifically, the rule would revise paragraph I.B.(3) of Appendix B to Part 73 to provide the conditions under which persons with an established medical history or medical diagnosis of a chronic or nervous disorder may be employed as security personnel. Currently, these criteria provide that an individual shall have no established medical history or diagnosis of epilepsy or diabetes or, where either of these medical conditions exist, the individual shall provide medical evidence that the condition may be controlled with proper medication. The revised paragraph would require that an individual who has any chronic disease or nervous disorder must provide evidence that it can be controlled through medication.

Objective. To clarify the types of diseases which are required to be controlled in order for individuals to be employed as security personnel.

Background. Staff work on the proposed rule is being delayed in order to incorporate this change into the rulemaking which will completely revise Appendix B of Part 73.

Legal Basis. 42 U.S.C. 2201, 5841.

TIMETABLE: Commission action on the revision of Part 73 is scheduled for FY 83.

CONTACT: Kristina Z. Markulis
Office of Nuclear Regulatory Research
(301) 443-5976

PART: 73

OTHER AFFECTED PART(S): 95

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Advance Notification of SNM Shipments

SUMMARY: Description. The proposed rule would require NRC licensees who ship special nuclear material (SNM) to notify the appropriate NRC Regional Office by mail postmarked at least ten days in advance of the date of shipment. NRC regulations currently require NRC licensees to notify the appropriate NRC Regional Office of Inspection and Enforcement by mail postmarked at least seven days in advance.

Objective. To provide the NRC Headquarters Office of Inspection and Enforcement additional time to prepare for inspections of SNM shipments.

Background. Staff began developing the proposed rule in February 1982.

Legal Basis. 42 U.S.C. 2073, 2201, 5841.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1982.

CONTACT: Andrea Kuffner
Office of Nuclear Regulatory Research
(301) 443-5976

PART: 81

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Patents

SUMMARY: Description. The proposed rule would establish the policies, general rules and procedures for the handling of patent matters.

Objective. To rewrite Part 81, which currently is directed only to patent licenses, into a regulation that sets forth NRC patent policies, regulations and rules for contract clauses, waiver of rights provisions and other applicable areas.

Background. NRC presently has no regulations which set forth the agency's patent policies, rules of administration, or contract clauses and the like. The agency should fill the present void by adopting patent policies substantially like those being used by other government agencies.

Legal Basis. 42 U.S.C. 3182.

TIMETABLE: Commission action on the proposed rule is scheduled for January 1983.

CONTACT: Neal E. Abrams
Office of Executive Legal Director
(301) 492-8662

PART: 110

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Export of Australian-Origin Nuclear Material and
Equipment+

SUMMARY: Description. The final rule requires export licensees to notify the Commission in advance before shipping nuclear equipment or material of Australian origin to a third country. This requirement is necessary for the US Government to obtain the prior consent of Australian authorities before exporting Australian-origin nuclear material or equipment to a third country.

Objective. To assure proper compliance with provisions of the US/Australian Agreement for Cooperation in the Peaceful uses of Nuclear Energy that require the US Government to obtain the prior consent of Australian authorities before Australian-origin nuclear equipment and material is exported to a third country.

Background. The US/Australian Agreement for Cooperation concerning the Peaceful Uses of Nuclear Energy (the Agreement) became effective January 16, 1981. Article 5, paragraph 2 of the Agreement requires the United States to obtain the consent of Australian authorities before exporting nuclear material or equipment of Australian origin. The advance notification requirement contained in this final rule allows the US Government to assure proper compliance with this requirement.

Legal Basis. 42 U.S.C. 2201.

TIME/TABLE: Commission action on the final rule is scheduled for July 1982.

CONTACT: Marvin R. Peterson
Office of International Programs
492-4599

PART: 110

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Export/Import of Nuclear Equipment and Material

SUMMARY: Description. The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective. The proposed rule would expand or establish general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses set out in the proposed regulation would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. In addition, the proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals.

Objective. To increase U.S. international commerce while maintaining adequate non-proliferation controls and to reduce regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security.

Background. On March 21, 1980 (45 FR 18370), the NRC issued a final rule that simplified licensing requirements for the export of certain minor quantities of nuclear material. Twenty comments were received in response to that rule in addition to two comments received in response to the NRC's rule amending Part 110 to reflect the enactment of the Nuclear Non-Proliferation Act of 1978 published May 19, 1978 (43 FR 21641). This proposal addresses these comments and the NRC's stated intent to consider a possible revision of the general license of americium-241. The proposed amendment would reduce NRC's licensing workload for minor cases by about 75% thereby allowing the staff to process license applications for major exports of nuclear equipment and material quickly and expeditiously.

Legal Basis. 42 U.S.C. 2073, 2074, 2077, 2092, 2094, 2111, 2112, 2139, 5841, 5842.

TIMETABLE: Commission action on the proposed rule is unscheduled.

CONTACT: Marvin Peterson
Office of International Programs
(301) 492-8155

PART: 140

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Financial Protection Requirements and Indemnity
Agreements

SUMMARY: Description. The proposed rule would remove from the current regulations a stipulation which requires the Commission to allow interested persons 15 days to file petitions for leave to intervene when it enters into an indemnity agreement with provisions different than those in a standard form indemnity agreement or modifies a standard form indemnity agreement. The Commission is proposing this action because it believes that a public hearing on the limited subject of the precise wording of an amendment to an indemnity agreement serves no useful purpose and is unnecessary.

Objective. To remove from the regulation the requirement that the Commission has to allow interested persons 15 days to file petition for leave to intervene when it modifies or uses an agreement different from a standard form indemnity agreement.

Background. The proposed rule will be published in the Federal Register allowing a period of 30 days for public comment.

Legal Basis. 42 U.S.C. 2201, 2210.

TIMETABLE: Commission action on the proposed rule is scheduled for July 1982.

CONTACT: Eric E. Jakel
Office of Executive Legal Director
(301) 492-8691

PART: 140

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Criteria for an Extraordinary Nuclear Occurrence

SUMMARY: Description. The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on things that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels).

Objective. To revise the criteria for an ENO in order to minimize problems such as those the Commission encountered in applying the existing criteria after the TMI accident.

Background. The Commission's existing criteria were established in 1968 (33 FR 15998). Following the accident at TMI, the Commission and staff uncovered problems in applying the existing ENO criteria with regard to radiation dose trigger levels, application of the test for physical injury, and settlement of monetary damages, other than those associated with evaluation, which could be ascertained only after extended litigation. The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO. Public comments are sought on the proposed rule. The Public Citizen Litigation Group and Critical Mass Energy Project filed a petition (PRM-140-1) in July 1979 requesting that the ENO criteria be reexamined (see Agenda Item No. 138).

Legal Basis. 42 U.S.C. 2201, 2210, 5841, 5842.

TIMETABLE: Commission action on the proposed rule is scheduled for September 1982.

CONTACT: Enrico Conti
Office of Nuclear Regulatory Research
(301) 427-4320

PART: 140

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Changes in Nuclear Energy Liability Insurance Policies †

SUMMARY: Description. The final rule would amend 10 CFR Part 140 by removing Appendix A, "Form of Nuclear Energy Liability Policy for Facilities," and by making the information contained in the Appendix available in the form of a Regulatory Guide.

Objective. To ease the amendatory process and afford the licensee a greater degree of flexibility in meeting the financial protection requirements of the Price-Anderson Act.

Background. The amendment is in response to two endorsements requesting changes in the existing Facility Form Policy that were submitted to the Commission by the American Nuclear Insurers (ANI) and published in the Federal Register on February 19, 1981 (46 FR 12750), for public comment. Two comments were received on the proposed notice, and both opposed the Commission's proposed modification of its traditional position of publishing the entire nuclear liability insurance policy and endorsements. In reviewing the comments and after closer examination of the policy, the Commission decided not to publish the endorsements as part of Appendix A. The Commission decided, however, that since the insurance policy was merely one form which would be acceptable to the Commission rather than the required form, it would be more appropriate to publish the policy and endorsements as a Regulatory Guide rather than a regulation. The NRC staff is preparing a Regulatory Guide concurrently with the final rule to remove Appendix A from Part 140.

Legal Basis. 42 U.S.C. 2201.

TIMETABLE: EDO action on the final rule is scheduled for August 1982.

CONTACT: Ira Dinitz
Office of State Programs
(301) 492-9884

PART: 170

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: Not yet published

SUBJECT: Revision of License Fee Schedules*

SUMMARY: Description. The proposed rule would adjust the NRC fee schedule to permit the NRC to charge fees for the actual cost incurred by the NRC to review license applications, renewals, amendments, etc. The new fee schedule would affect the licensing and inspection of nuclear power plants, other production or utilization facilities vendors of nuclear power steam supply systems and materials facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-bying and ion exchange activities, burial of radioactive waste, spent fuel cask and packaging approvals, and other users of critical quantities of special nuclear materials.

Objective. To permit the NRC to charge fees for the actual costs incurred by the NRC to review license applications, renewals, amendments, etc.

Background. The staff has completed the proposed rule and is awaiting a decision by the Commission. The proposed rule incorporates the proposed new Category 11.F schedule of fees for materials licenses published in the Federal Register as a proposed rule on March 31, 1980 (45 FR 20899).

Legal Basis. 31 U.S.C. 483, 42 U.S.C. 2201, 5841.

TIMETABLE: The proposed rule is pending before the Commission.

CONTACT: William O. Miller
Office of Administration
(301) 492-7225

SECTION II - PETITIONS FOR RULEMAKING

- (A) - Petitions incorporated into final rules or petitions denied since April 9, 1982

PETITION DOCKET NUMBER: PRM-34-2

PETITIONER: Non-Destructive Testing Management Association

PART: 34

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 4, 1978 (43 FR 34563)

SUBJECT: Registration, Licensing, and Control of Individual Radiographers

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to provide for the registration, licensing, and control of individual radiographers. The petition includes the outline of a suggested program of NRC registration for industrial radiographers. The petitioner believes that only through the registration, licensing, and control of the individual radiographer can the overexposure-to-radiation record of the radiographic industry be improved.

Objective. The petitioner proposes that a program it suggests for the registration of industrial radiographers form the basis for a Commission rulemaking that would apply to all radiographers. The program suggested by the petitioner is intended to reduce the incidence of overexposure to radiation, to prevent needless exposure to radiation, to curtail noncompliance with accepted safety requirements and procedures, and to advance the overall safety of the radiographic industry.

Background. The petitioner originally presented its program to the Commission by letter dated June 24, 1977, at which time NRC staff began its review. On June 28, 1978, the petitioner requested that this letter be considered a petition for rulemaking. The Commission agreed and published a notice of filing in the Federal Register on August 4, 1978 (43 FR 34563). The comment period closed October 3, 1978. Eleven comments were received, the majority of which opposed the petition. The staff is continuing to actively study this concept. Action on another petition (PRM-20-13) from Victor D. Anderson is being held in abeyance pending the results of the studies on this petition (see Agenda Item No.142). The staff published an advance notice of proposed rulemaking (May 4, 1982, 47 FR 19152) and announced a series of public meetings (May 11, 1982, 47 FR 20149) (see Agenda Item No. 133).

TIMETABLE: Action completed. By letter dated May 10, 1982, the petitioner withdrew the petition for rulemaking.

CONTACT: James A. Jones
Office of Nuclear Regulatory Research
(301) 443-5970

(B) - Petitions incorporated into
proposed rules

PETITION DOCKET NUMBER: PRM-20-7

PETITIONER: Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 23, 1976 (41 FR 41759)

SUBJECT: Shallow Land Disposal of Low-Level Radioactive Waste

SUMMARY: Description. The petitioner requests the Commission to amend regulations to set interim standards for shallow land disposal of low-level radioactive wastes. The petitioner proposes that the regulations require (1) the transfer of regulatory authority for long-lived transuranic waste (TRU) from the states to NRC, (2) a moratorium on new or enlarged burial site licensing pending the establishment of certain requirements, (3) payment of fees by persons who produce TRU waste to finance safe permanent disposal, (4) the solidification of all radioactive wastes before shipment, and (5) the preparation of a generic environmental impact statement. These regulations are needed to ensure safe disposal of long-lived radioactive wastes.

Objective. To provide interim measures needed to preserve the capability to dispose safely of low-level wastes until the necessary studies and environmental impact statement are completed for a long-term regulation.

Background. The comment period closed on November 22, 1976. Fourteen of the fifteen responses from industry recommended denial of the petition. The NRC staff analyzed the petition and concluded that no compelling potential health and safety hazard existed to warrant immediate NRC re-assumption of regulatory authority from the states, or immediate implementation of interim regulations as proposed by the petitioner. Consequently, a notice denying immediate issuance of interim requirements for shallow land disposal of radioactive wastes was issued by the Commission and published in the Federal Register on July 25, 1979 (44 FR 4354). However, several issues raised by the petitioner are being considered as part of a comprehensive proposed rulemaking entitled "Licensing Requirements for Land Disposal of Radioactive Waste" and published in the Federal Register on July 24, 1981 (46 FR 38081, see Agenda Item No. 42).

TIMETABLE: The final rule addressing these issues is currently before the Commission.

CONTACT: Paul Lohaus
Office of Nuclear Material Safety and Safeguards
(301) 427-4500

PETITION DOCKET NUMBER: PRM-50-22

PETITIONER: Public Interest Research Group, et al.

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 8, 1977 (42 FR 40063)

SUBJECT: Decommissioning of Nuclear Power Plants *

SUMMARY: Description. The petitioners request that the Commission amend its regulations to require nuclear plant operators to post bonds before each plant's operation to insure that funds will be available for isolation of radioactive material upon decommissioning. The petitioners state that their proposal would insure that power companies which operate reactors, rather than future generations, bear the cost of decommissioning. The petitioners also request that the Commission amend its regulations to require that operators of nuclear power plants already in operation be required to establish plans and immediately post bonds to insure proper decommissioning.

Objective. Since decommissioning will not occur until after the 40-year operating license has expired and may require substantial capital expenses for hundreds of years thereafter, the petitioners seek to ensure that companies which are now financially stable continue to have the capacity to pay decommissioning and guardianship costs when necessary.

Background. The original comment period closed October 7, 1977, but was extended to January 3, 1978. Sixty-two comments were received, a majority of which oppose the petition. A notice denying the petition in part was published in the Federal Register on June 22, 1979 (44 FR 36523). The partial denial covered that part of the petition seeking an immediate rulemaking requiring the posting of surety bonds. Other issues and funding alternatives raised in the petition have been incorporated into the ongoing rulemaking on Decommissioning Criteria for Nuclear Facilities (see Agenda Item No. 50). An advance notice of proposed rulemaking for that proceeding was published on March 13, 1978 (43 FR 10370). The NRC staff issued a draft Environmental Impact Statement (EIS) on decommissioning in January 1981.

TIMETABLE: Commission action on a proposed rule is scheduled for February 1983.

CONTACT: William R. Pearson
Office of Nuclear Regulatory Research
(301) 443-5910

PETITION DOCKET NUMBER: PRM-50-29

PETITIONER: Electric Utilities

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 4, 1980 (45 FR 73080)
Supplement to petition published
February 3, 1981 (46 FR 10501)

SUBJECT: Anticipated Transients Without Scram (ATWS)

SUMMARY: Description. The petitioners request that the Commission initiate a rulemaking proceeding on the issue of Anticipated Transients Without Scram (ATWS) which has been designated as an Unresolved Safety Issue by the Commission. An ATWS event takes place if an abnormal operating condition ("anticipated transient") occurs at a nuclear power plant which should cause the reactor protection system to initiate a rapid shutdown ("scram") of the reactor, but the reactor shutdown system fails to function. The petitioners specifically ask that the Commission either proceed with a notice and comment rulemaking using the petitioners' own proposed ATWS regulation or conduct formal evidentiary hearings using adjudicatory procedures supplied by the petitioner. The petitioners filed a supplement to the petition, dated January 5, 1981, that contained a proposed Appendix to 10 CFR Part 50 which the petitioners asked the Commission to consider in connection with PRM-50-29. The proposed Appendix addresses the issue of Criteria for Evaluation of Scram Discharge Volume Systems for Boiling Water Reactors.

Objective. To resolve the ATWS issue.

Background. The comment period closed January 5, 1981. Seventeen comments were received, the majority of which supported the petition. The Commission approved publication of a proposed rule subject to certain modifications on June 16, 1981, to obtain public comment on two NRC staff versions of an ATWS proposed rule (see Agenda Item No. 30) and extended the comment period for the petition to include it for consideration as a third option (Federal Register notice published November 20, 1981, 46 FR 57521). Future action on the petition will be linked to staff response to public comments received on proposed rule. The comment period for the petition expired April 23, 1982.

TIMETABLE: Commission action on a final ATWS rule is scheduled for April 1983.

CONTACT: David W. Pyatt
Office of Nuclear Regulatory Research
(301) 443-5921

PETITION DOCKET NUMBER: PRM-71-1, PRM-71-2, PRM-71-4

PETITIONER: Energy Research and Development Administration (ERDA)/DOE
(PRM-71-1)
American National Standards Inst. Committee N14 (PRM-71-2)
Chem-Nuclear Systems, Inc. (PRM-71-4)

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: PRM-71-1, September 22, 1975 (40 FR 43517)
PRM-71-2, April 15, 1976 (41 FR 15921); and
PRM-71-4, January 27, 1977 (42 FR 5149).

SUBJECT: Exemption of "Low Specific Activity
Material" from the Requirements of Part 71.

SUMMARY: Description. The petitioners requested the Commission to amend its regulations at §§71.7 and 71.70 to exempt "low specific activity material," as defined in §71.4(g), from the requirements of Part 71. The petitioners stated that the Department of Transportation (DOT) Hazardous Materials Regulations, 49 CFR 170-189, provide a specific exemption for "low specific activity material" in which these materials are exempted from the normal packaging requirements. Petitioners further stated that this exemption would make Part 71 more consistent with both the 1967 regulations of the International Atomic Energy Agency (IAEA) and with the 1972 revised edition of the IAEA regulations. In addition, the American National Standards Institute requested an exemption from the specific container requirements of "low specific activity material" transported in the "sole use" mode, which means that the shipper has exclusive use of the entire transport vehicle and all package handling is done under its control.

Objective. To exempt "low specific activity material" from the packaging requirements of 10 CFR Part 71 to achieve compatibility among the regulations of the NRC, DOT, and IAEA.

Background. Comments were received on these petitions over a period of one and one-half years. Altogether, five favorable comments were received. In July 1979, the Commission approved a proposed revision (SECY-79-192) of the NRC transportation regulations in 10 CFR Part 71 to make them more compatible with those of the IAEA. The proposed rule change was published in the Federal Register on August 17, 1979 (44 FR 48234). In 1981, the draft final rule for Part 71 was completed and circulated to the staff for review (see Agenda Item No. 43). A draft document to deny these three petitions was circulated to the staff as well. These documents are still undergoing staff review.

TIMETABLE: Commission action on the petition is scheduled for October 1982.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
(301) 443-5825

PETITION DOCKET NUMBER: PRM-71-3

PETITIONER: Diagnostics Isotopes, Inc.

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 15, 1976 (41 FR 50359)

SUBJECT: Addition of Lead-201 to Transport Group IV

SUMMARY: Description. The petitioner requests that the Commission amend Appendix C of Part 71 to include lead-201 in Transport Group IV, which is one of seven groups into which radionuclides in normal form are classified according to their toxicity and their relative potential hazard in transport. The petitioner states that lead-201, due to its short half-life of 9.4 hours decays into its daughter radionuclide, thallium-201, which is currently listed in Transport Group IV. As a result of this rapid transformation, the time spent in transporting lead-201 can also be utilized in the buildup of thallium-201, a substance important in clinical nuclear medicine.

Objective. To add lead-201 to Transport Group IV, Appendix C of Part 71. The petitioner noted that thallium-201 was already listed in Group IV of Appendix C and because of the fact that lead-201 decays into thallium-201, the petitioner recommended including the lead radionuclide in the same grouping.

Background. The comment period closed January 14, 1977, with no public comments received. In September 1979, the petitioner was advised that the proposed amendments to 10 CFR Part 71, which were published in the Federal Register on August 17, 1979 (44 FR 48234), would be responsive to its petition for rulemaking. Since that time, the draft final rule for Part 71 has been circulated to the staff for review. This document is still undergoing staff review (see Agenda Item No.43).

TIMETABLE: Commission action on the petition is scheduled for October 1982.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
(301) 443-5825

(C) - Petitions pending staff review

PETITION DOCKET NUMBER: PRM-30-55

PETITIONER: State of New Jersey, Department of Environmental Protection

PART: 30

OTHER AFFECTED PART(S): 31, 32, 33

FEDERAL REGISTER CITATION: August 11, 1977 (42 FR 40791)

SUBJECT: Radiation Standards for Uses of Byproduct Material

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking proceeding for the purpose of adopting new national standards for users of radioactive byproduct materials. The petitioner states that the Commission Radiation Standards for byproduct material facilities and nuclear power plants differ drastically. The petitioner states that a nuclear power plant's sophisticated control equipment is designed to handle different types of potential accidents and still keep radiation exposure to the public within acceptable limits, while a byproduct material facility (e.g. radiopharmaceutical plant) does not have the same capabilities. Furthermore, the petitioner states that because byproduct material plants have unrestricted siting, more people are in the vicinity of a byproduct facility than a nuclear power plant and would be affected by radiation exposure resulting from an accident.

Objective. The petitioner proposes that the Commission take the following actions to reduce unnecessary public exposure to radioactive substances emitted from byproduct material facilities:

1. Establish criteria to quantify the "as low as reasonably achievable" emission reduction policy for major facilities using byproduct materials from man-made fission reactions and require existing plants to meet these criteria.
2. Establish siting criteria for these facilities that would form a basis for evaluating the acceptability of new plant locations in terms of radiation doses to the public.
3. Require new and existing byproduct facilities to develop and implement offsite environmental surveillance programs to provide information on levels of radioactivity in the environment around these facilities.

Background. The comment period closed October 11, 1977. Six comments were received, all opposing the petition. The staff is developing a final position on the petition. This petition has been combined with an earlier petition (PRM-50-10) from the State of New Jersey that deals with similar issues (see Agenda Item No. 128).

TIMETABLE: Commission action on the petition is scheduled for December 1982.

CONTACT: Richard Grill
Office of Nuclear Regulatory Research
(301) 427-4468

PETITION DOCKET NUMBER: PRM-30-58

PETITIONER: U. S. Department of Commerce, National Bureau of Standards

PART: 20

OTHER AFFECTED PART(S): 30, 40, 70

FEDERAL REGISTER CITATION: July 10, 1981 (46 FR 35662)

SUBJECT: Radioactive Material From Environmental Sources

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking proceeding that would exempt radioactive material obtained directly or indirectly from environmental sources from specific license application requirements. Because of the plutonium and americium content of soil or tissue, an environmental sample, once it has passed through a licensee, is subject to all licensing requirements. The petitioner states that this licensing interpretation appears to apply to any sample extracted from the earth by anyone because of the residual plutonium and americium content.

Objective. The petitioner proposes alternative amendments to NRC regulations that would exempt from licensing requirements radioactive material obtained from environmental samples. The petitioner suggests a broad amendment that would remove potential ambiguity in the regulations as these regulations might apply to individuals not covered by their requirements. In the alternative, the petitioner presents a specific solution that addresses the plutonium and americium content of the environmental sample in a manner that would alleviate the petitioner's problem.

Background. The comment period closed September 8, 1981. The staff is continuing to analyze the three comments received. The petitioner's request stems from its intent to provide a variety of environmental standards which would be collected from numerous places in North America, assayed as to content for a number of isotopes, and packaged for sale as standards. Under existing regulations and NRC's licensing interpretation, this process could require license applications to the NRC.

TIMETABLE: Commission action on the petition is scheduled for October 1982.

CONTACT: Donovan A. Smith
Office of Nuclear Regulatory Research
(301) 443-5825

PETITION DOCKET NUMBER: PRM-35-1

PETITIONER: George V. Taplin, M.D.

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 7, 1979 (44 FR 26817)

SUBJECT: Physician's Use of Radioactive Drugs

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to remove its restrictions that apply when a physician uses an FDA-approved radioactive drug for a clinical procedure that does not have FDA approval. The regulations in question provide that when a physician uses byproduct material for a clinical procedure not approved by FDA and specified in the product labeling, the physician follow FDA approved product labeling regarding: (1) chemical and physical form, (2) route of administration, and (3) dosage form. Specifically, the petitioner objects to the restrictions, as they would prevent the use of Tc-99m pentatate sodium as an aerosol by inhalation for lung function studies.

Objective. The petitioner proposes that the NRC amend its regulations to remove the requirement that physicians use an approved radioactive drug strictly in accordance with the product label. The petitioner believes that this action would allow the physician to use approved drugs according to his or her best knowledge and judgment in the interest of the patient and allow the development of new safe applications of approved drugs.

Background. The comment period closed July 6, 1979. Forty-five comments were received, all supporting the petition. On December 7, 1979, the NRC met with FDA to discuss NRC restrictions on a physician's use of approved drugs for unapproved clinical procedures. NRC polls of the Advisory Committee on the Medical Uses of Isotopes in February, June, July, and August 1981 indicated that the committee favored retaining NRC's general restrictions in question, but the consensus of the Committee was to grant exceptions to the restrictions, such as the use of Tc-99m pentatate sodium used for lung function studies. On April 13, 1982 (47 FR 15798) the Commission published a proposed rule that would grant an exception to the regulations in §35.14(b)(1) for Tc-99m pentatate sodium used for lung function studies. The proposed rule also includes a procedure detailing how such exception could be expeditiously handled in the future (see Agenda Item No. 23).

TIMETABLE: Commission action on final rule is scheduled for
September 1982.

CONTACT: Deborah Bozik
Office of Nuclear Regulatory Research
(301) 427-4566

PETITION DOCKET NUMBER: PRM-40-23

PETITIONER: Sierra Club

PART: 40

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 25, 1981 (46 FR 14021)

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

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to license the possession of uranium mill tailings of inactive storage sites. Uranium ore is mined and milled by private companies under licenses issued by the Commission. After fissionable material is extracted from the uranium, the ore removed is deposited after processing in tailing piles at the mill site. The petitioner states that the remaining tailings are radioactive in that the milling operators extract only 15 percent of the radioactive material. The petitioner believes the Commission exempted uranium mill tailings and inactive storage sites without making the required findings under the Atomic Energy Act that the exemption would not constitute an unreasonable risk to the health and safety of the public.

Objective. The petitioner proposes the following regulatory action to ensure that the public health and safety is adequately protected: (1) repeal the licensing exemption for inactive uranium mill tailings sites subject to the Department of Energy's remedial program; (2) require a license for the possession of byproduct material on any other property in the vicinity of an inactive mill tailings site if the byproduct materials are derived from the sites; or, in the alternative, (3) conduct a rulemaking to determine whether a licensing exemption of these sites or byproduct materials constitutes an unreasonable risk to public health and safety.

Background. The comment period closed April 27, 1981. Three comments were received, all stating the petition should be denied. Uranium mill tailings are regulated under the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604). Title I of the Act directs the Department of Energy, in consultation with NRC, to conduct a remedial action program at certain inactive uranium mill tailings sites. Title V of the Act authorizes NRC to regulate disposal of the tailings at active sites. The staff is preparing a response to the petition.

TIMETABLE: Commission action on the petition is scheduled for September 1982.

CONTACT: Don F. Harmon
Office of Nuclear Regulatory Research
(301) 427-4284

PETITION DOCKET NUMBER: PRM-50-10

PETITIONER: State of New Jersey Nuclear Energy Council

PART: 50

OTHER AFFECTED PART(S): 30, 40, 55, 70, 100

FEDERAL REGISTER CITATION: May 6, 1974 (39 FR 15900);
July 11, 1974 (39 FR 25525)

SUBJECT: Safety and Licensing Requirements

SUMMARY: Description. The petitioner requests that the Commission amend its regulations in Parts 50 and 70 to require that licensees who routinely handle large quantities of byproduct material be made subject to emergency planning requirements and, in addition, to require that these licensees clearly identify the material involved, exposure pathways, and populations at risk as a result of licensed activities. In Part 100, the petitioner requests that the exclusion area criteria be amended, the population zone criteria be reviewed, and that radiation release protective action levels set by EPA or individual states be incorporated by reference. The petitioner requests that the exclusion of the "Class 9 accident" from consideration in Part 50 reactor licensing procedures be eliminated when new or novel siting or design considerations are involved, and that due consideration be given to countermeasures for the "Class 9 accident" (a "Class 9 accident" occurs at a nuclear reactor when the fuel core melts). The petitioner also requested that reactor operators undergo training and periodic reexamination and that the scope of Part 55 be expanded to cover health physicists assigned to reactor sites and for operators of waste disposal facilities.

Objective. To increase the level of assurance that accidents at nuclear facilities can be prevented and, in the event of an accident, to assure that the consequences are mitigated.

Background. The comment period closed on July 5, 1974. Six comments were received. The petitioner withdrew the requested change concerning reactor personnel qualification. The petitioner has agreed that its requested change concerning health physics personnel was satisfied by the Commission's issuance of regulatory guides. Part of the petitioner's request concerning emergency planning for Part 70 licensees was addressed in a final rule published in the Federal Register on March 31, 1977 (42 FR 17125). The petitioner has agreed that action on the "Class 9 accident" issue should await completion of the liquid pathways study. The petitioner's request concerning emergency planning for Part 50 licensees was incorporated into a final rule published in the Federal Register on June 3, 1981 (46 FR 29712). The petitioner's requests concerning "Class 9 accident," emergency planning and siting criteria for Part 30, 40, and 70 licensees, and revisions to Part 100 are the subject of current NRC staff reviews. This petition has been combined with another petition from the State of New Jersey (PRM-30-55) that deals with similar issues (see Agenda Item No.124).

TIMETABLE: Commission action on the petition is scheduled for
December 1982.

CONTACT: Richard P. Grill
Office of Nuclear Regulatory Research
(301) 427-4468

PETITION DOCKET NUMBER: PRM-50-21

PETITIONER: Northern States Power Company and Wisconsin
Electric Power Company

PART: 50

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: July 21, 1977 (42 FR 37458)

SUBJECT: Plant Security Information

SUMMARY: Description. The petitioners request that the Commission amend its regulations (1) in §50.34(c) to include plant security information within the definition of Restricted Data, or alternatively within the definition of National Security Information; (2) in §2.905 to assure that discovery of plant security information is subject to the protections of Subpart I to Part 2; (3) in Subpart I to Part 2 to explicitly recognize that the protections required by the Subpart extend to information not under Commission control; and (4) to delete §2.790(d)(1) which currently could permit disclosure of plant security information without the protections of Subpart I to Part 2.

Objective. To protect plant security information from unauthorized disclosure and to assure that licensees' security plans are not compromised.

Background. The comment period closed September 19, 1977. Twelve comments were received, nine of which endorsed the petition. Consideration to grant the petition was under review based on Pub. L. 96-295 (NRC FY 80 Authorization Bill) which amended the Atomic Energy Act by adding Section 147 - Safeguards Information -which directs the Commission to prescribe regulations or issue orders to prohibit the unauthorized disclosure of safeguards information which specifically identifies the licensees' or applicants' detailed security measures, etc. The NRC staff is currently preparing a response to the petition.

TIMETABLE: Commission action on the petition is scheduled for September 1982.

CONTACT: James A. Prell
Office of Nuclear Regulatory Research
(301) 443-5976

PETITION DOCKET NUMBER: PRM-50-24

PETITIONER: John F. Doherty

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 16, 1979 (44 FR 47997)

SUBJECT: Objects Falling From Earth Orbit

SUMMARY: Description. The petitioner requests that the Commission adopt a regulation which would state that it is the duty of the Commission to inform all holders of Class 103 licenses (production and utilization facility licensees) of any announcement by any Federal agency or department of predicted or expected falling objects from earth orbit, whether the falling object is the responsibility of the announcing agency or the responsibility of a foreign nation. The petitioner also requests that the Commission adopt a regulation which specifies that the Commission's duty is to issue the initial warning and then continue to inform and advise the affected licensees until a prediction of the most likely impact area(s) can be issued by the responsible department or agency. The petitioner requests that the Commission order plants near the probable impact area to be shut down.

Objective. To prepare for a possible occurrence of a situation similar to the Skylab incident where orbiting objects of considerable size are expected to fall to earth with considerable force.

Background. The comment period closed October 1, 1979. One comment was received which expressed the view that a regulation is not required for this issue since the NRC already has the authority to order that a nuclear power plant be shut down and, in addition, that events such as those envisioned by the petitioner would be infrequent. The NRC staff is preparing a response to the petition.

TIMETABLE: Commission action on the petition is scheduled for September 1982.

CONTACT: Brian K. Grimes
Office of Inspection and Enforcement
(301) 492-4614

PETITION DOCKET NUMBER: PRM-50-25, PRM-50-25A

PETITIONER: State of Illinois and the Porter County Chapter of the
Izaak Walton League of America, Inc., et al.

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 4, 1980 (45 FR 7653)

SUBJECT: Extension of Construction Completion Date

SUMMARY: Description. The petitioners filed essentially identical petitions which request that the Commission amend its regulations in Part 50, §50.55, to require that a "good cause" proceeding concerning a requested amendment of a construction permit to exceed the latest construction completion date must consider whether a permittee has shown good cause for the continued construction of a nuclear power plant in light of all the circumstances at the time the application is considered. The petitioners further request that the Commission determine that "good cause" is not limited to the reasons why construction was not completed by the latest completion date in the construction permit.

Objective. To prevent frustration of the statutory purposes of section 185 of the Atomic Energy Act of 1954, as amended, which permits the extension of the completion date for construction of a nuclear power plant only for good cause shown.

Background. The comment period closed April 4, 1980. Six comments were received, including two from the petitioners on jurisdictional issues. Comments filed by parties other than the petitioners opposed the petition. The Atomic Safety and Licensing Board (ASLB) and the Commission have ruled on the "good cause" issue which is the subject of this petition. The matter was alluded to in the Bailly case before the U.S. Court of Appeals. The staff is preparing a proposed revising §50.55.

TIMETABLE: The proposed rule is scheduled for submission to the Commission late in 1982.

CONTACT: Thomas F. Dorian
Office of the Executive Legal Director
(301) 492-8690

PETITION DOCKET NUMBER: PRM-51-6

PETITIONER: Catherine Quigg

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 15, 1980 (45 FR 25557)

SUBJECT: Generic Environmental Impact Statement for High Burnup Nuclear Fuel

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require the preparation of a generic environmental impact statement for high burnup nuclear fuel as used in commercial nuclear reactors, stored in spent fuel pools or cooling racks, or potentially as processed in reprocessing plants or disposed of in permanent sites. The petitioner states that with the decision not to reprocess nuclear fuel, the Federal government and the utilities want to use more uranium in existing nuclear fuel in reactors across the country. The petitioner expresses concern that cited experiments in high fuel burnup will lead to a national program of high burnup of nuclear fuel in reactors without adequately considering potential long and short-term environmental effects.

Objective. The petitioner proposes that the Commission require a generic environmental impact statement for high burnup nuclear fuel. The petitioner believes this regulation is necessary to adequately protect public health and safety. The petitioner believes an environmental statement is necessary to adequately examine the following significant effects that use of high burnup fuel could have on the environment: (1) Greater fission gas releases from nuclear reactors; (2) Increased fission gas releases from spent fuel pools; (3) Production of inferior grade spent nuclear fuel; (4) Potential for greater radiological impact in reactor and spent fuel pool accidents; and (5) Increased radioactive releases during reprocessing.

Background. The comment period closed June 16, 1980. Fourteen comments were received, the majority in opposition to the petition. The petitioner believes that studies and reports based on low burnup fuel may not be relevant when applied to high burnup fuel and that the Commission has no adequate basis for its negative declaration that higher burnups would have no significant environmental impact.

TIMETABLE: Commission action on the petition is scheduled for
December 1982.

CONTACT: Richard Grill
Office of Nuclear Regulatory Research
(301) 443-5825

PETITION DOCKET NUMBER: PRM-71-8

PETITIONER: Foster Wheeler Energy Corporation

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: June 11, 1980 (45 FR 39519)

SUBJECT: Exemption of Radiographers from Documentation Requirements
for Delivering Licensed Material

SUMMARY: Description. The petitioner requests the NRC to exempt industrial radiography licensees from the requirement in paragraph (b)(1)(i) of §71.12 that these licensees have all documents which are referenced in the license, certificate, or other approval in order to deliver licensed material to a carrier for transport under the general licensing provisions of §71.12. The petitioner contends that "...it is adequate for a radiography licensee to have on file just the Certificate of Compliance for a given source shipping container." The petitioner further contends that the documents which are maintained pursuant to §71.12(b)(1)(i) have not proved to be needed or useful on other occasions and that the requirement, as it applies to industrial radiographers, "...offers no positive effect on the safe transportation of radioactive material and should be withdrawn."

Objective. To eliminate the requirement for industrial radiographers that they maintain all documents referenced in the license, certificate, or other approval in order to deliver licensed material to a carrier for transport under the general licensing provisions of §71.12.

Background. The comment period closed August 11, 1980. Three comments were received, all of which favored the petitioner's request. A proposed rule that addresses the petitioner's request and goes beyond it to include all users of the general license issued under §71.12 (see Agenda Item No. 45) was published in the Federal Register on May 18, 1982 (47 FR 21269). The comment period closed June 17, 1982.

TIMETABLE: Commission action on the final rule is scheduled for August 1982.

CONTACT: Donovan A. Smith
Office of Nuclear Regulatory Research
(301) 443-5825

PETITION DOCKET NUMBER: PRM-73-6

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6659)

SUBJECT: Modification of Qualifications for Security Personnel of Nuclear Power Plants and Other Special Nuclear Material Licensees

SUMMARY: Description. The petitioners request that the Commission eliminate the requirement that armed security personnel at nuclear power plants or other facilities licensed to handle special nuclear material (1) carry an extra pair of eyeglasses and (2) undergo an annual medical examination within the preceding thirty days of an annual physical fitness test. The petitioners contend that these requirements are "excessive and unreasonable" when compared to similar requirements for security personnel in other government agencies or in operations with security requirements comparable to those of nuclear power plants. The petition includes proposed amendatory text which would achieve these modified requirements.

Objective. To eliminate requirements for security personnel which the petitioner contends are "excessive and unreasonable."

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. These comments are currently being evaluated by the staff.

TIMETABLE: Commission action on the petition is unscheduled.

CONTACT: William Floyd
Office of Nuclear Regulatory Research
(301) 443-5976

PETITION DOCKET NUMBER: PRM-73-7

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6658)

SUBJECT: Elimination of Required Log Out of Personnel from Vital Areas of Nuclear Power Reactors

SUMMARY: Description. The petitioners request that the Commission eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas. The petitioners contend that the requirement is not only unnecessary from a safety standpoint, but may be detrimental to safe plant shutdown and effective plant response to other emergencies. The petitioners also contend that sensitive facilities have no similar requirement. The petition includes proposed amendatory text which would achieve these modified requirements.

Objective. To eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas.

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. These comments are currently being evaluated by the staff.

TIMETABLE: Commission action on the petition is scheduled for September 1982.

CONTACT: William Floyd
Office of Nuclear Regulatory Research
(301) 443-5976

PETITION DOCKET NUMBER: PRM-73-8

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6657)

SUBJECT: Elimination of Required Search of Hand-Carried Packages of Personnel at Nuclear Power Plants

SUMMARY: Description. The petitioners request the Commission to eliminate the requirement for searches of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary as demonstrated by the absence of these kinds of searches in comparable Federal programs. The petitioners also contend that the requirement is an ineffective means of preventing insiders from sabotaging the plant. The petition includes proposed amendatory text which would achieve this requested change.

Objective. To eliminate the required search of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant.

Background. The comment period closed April 19, 1982. Ten comments on the petition were received. These comments are currently being evaluated by the staff.

TIMETABLE: Commission action on the petition is unscheduled.

CONTACT: William Floyd
Office of Nuclear Regulatory Research
(301) 443-5976

PETITION DOCKET NUMBER: PRM-95-1

PETITIONER: General Atomic Company

PART: 95

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 4, 1981 (46 FR 39610)

SUBJECT: Modification of Classification Guide for Safeguards Information

SUMMARY: Description. The petitioner requests a change in the "Classification Guide for Safeguards Information" included in Appendix A of 10 CFR Part 95. Appendix A provides security classification guidance for the safeguarding of information concerning certain nuclear material or facilities. The petitioner contends that a portion of these classification requirements is unduly restrictive and unnecessary for several reasons: (1) General Atomic's computer system is coded to limit access to authorized users, (2) the records management systems allocation of storage to its users is known only by the central processing unit, and (3) processing classified data inhibits the development of early detection capabilities and the trend toward more real time processing of data from stations located within the manufacturing process area.

Objective. To modify or eliminate certain parts of the "Classification Guide for Safeguards Information." The petitioner states that the use of data classifications with its material control system is unnecessary and results in added costs, delays, and inefficiencies in its material accounting and records management operations.

Background. The comment period closed October 2, 1982. No comments were received.

TIMETABLE: Submission to the EDO for review and action is scheduled for July 1982.

CONTACT: Raymond J. Brady
Office of Administration
(301) 427-4472

PETITION DOCKET NUMBER: PRM-140-1

PETITIONER: Public Citizen Litigation Group and
Critical Mass Energy Project

PART: 140

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 28, 1979 (44 FR 50419)

SUBJECT: Extraordinary Nuclear Occurrence

SUMMARY: Description. The petitioners request that the NRC (1) find that the accident at Three Mile Island was an extraordinary nuclear occurrence (ENO) and (2) amend Subpart E of Part 140 to make less stringent the criteria used for determining that an extraordinary nuclear occurrence has occurred. Part 140 of the Commission's regulations provide procedures and requirements for determining the financial protection required of licensees and for the indemnification and limitation of liability of licensees. Subpart E of Part 140 sets forth the procedures the Commission will follow and the criteria the Commission will apply in making a determination as to whether or not there has been an ENO.

Objective. To change the criteria used by the Commission to make a determination that an ENO has occurred and to provide additional compensation for injury or damage resulting from the hazardous properties of radioactive materials or radiation.

Background. The comment period closed on December 31, 1979. One comment was received. The petitioners are property owners in the vicinity of TMI and contend that their property was sharply decreased in value as a result of the accident. In addition, the petitioners contend that "the Commission's established criteria have been easily met" in that the damages resulting from the accident exceed those levels necessary to be considered an ENO. Finally, the petitioners request additional criteria be added to Part 140 to permit accidents of much smaller proportions than TMI to be considered ENOs. (See Agenda Item No. 115 for proposed rule to modify ENO criteria).

TIMETABLE: Commission action on the petition for rulemaking is scheduled for July 1982.

CONTACT: Harold T. Peterson, Jr.
Office of Nuclear Regulatory Research
(301) 427-4210

(D) - Petitions with deferred action

PETITION DOCKET NUMBER: PRM-2-11

PETITIONER: Wells Eddleman

PART: 2

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 29, 1982 (47 FR 4310)

SUBJECT: Separate Operating License Hearings for Individual
Reactor Units at Multi-Unit Sites

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require a separate operating license hearing for each power reactor unit at a nuclear plant site. The petitioner specifically requests that the Commission require for each unit a separate hearing with provision for reopening or introducing any issue including safety, need for power, cost-effectiveness compared to alternatives to meet or eliminate the energy output proposed from the unit, evacuation planning, waste disposal, need for base load power, and other relevant issues. The petitioner requests that the separate hearing include consideration of additional issues, including a determination as to whether or not the Commission has in place adequate regulations and sufficient personnel to ensure the safe operation of the unit for its planned operating life as well as consideration of the range of probable costs and uncertainties in costs of waste disposal and decommissioning of the unit.

Objective. To provide the means for acquiring an updated data base for nuclear power plant licensing decisions concerning applications for operating licenses in cases where a licensee is constructing concurrent units at a single power station over a period of several years.

Background. The comment period closed March 30, 1982.

TIMETABLE: Publication of notice in the Federal Register
scheduled for March 1983.

CONTACT: James J. Henry
Office of Nuclear Regulatory Research
(301) 443-5981

PETITION DOCKET NUMBER: PRM-20-6

PETITIONER Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: October 29, 1975 (40 FR 50327)

SUBJECT: Radiation Protection Standards

SUMMARY: Description. The petitioner requests that the Commission amend its radiation protection standards as they apply to the maximum permissible whole body dose equivalent for occupational exposure. Specifically, the petitioner requests that (1) for individuals under the age of 45, the whole body radiation exposure limit would not exceed 0.5 rems in any calendar year and 0.3 rems in any calendar quarter; (2) that individuals over 45 years of age may receive up to 3 rems per quarter whole body dose as long as the whole body dose does not exceed $0.5(M-18) + X(N-M)$ rem, where M is not less than 45, N equals the individual's age in years, and X is calculated to reduce the cumulative somatic risk by a factor of 6 below the cumulative somatic risk associated with exposure at 5 rem/year from age 18. The petitioner also requests that hearings be held to determine the "as low as practicable" extent to which the exposures can be maintained below the proposed regulations.

Objective. To reduce the genetic risk associated with radiation exposure at the occupational level by a factor of 10 and to reduce the somatic risk by a factor of 6.

Background. The initial comment period closed December 29, 1975; but was extended to February 12, 1976. The comments received included three letters supporting the petition, one proposing an alternate set of reduced limits, and 52 opposing the petition. The petitioner filed a supplement to the petition, dated November 4, 1977, requesting the consideration of recent epidemiological studies. This issue will be included in the hearing on occupational radiation protection to be jointly sponsored by EPA, NRC, and OSHA. Staff presented a paper to the Commission on August 17, 1978. The tentative staff position was that the petitioner's request to lower the occupational dose limits should be denied, but the staff is deferring its final recommendation until the public hearing has been held. Proposed EPA guidance was published in the Federal Register on January 23, 1981. EPA/ NRC/OSHA hearings were held in April 1981. The question of occupational dose limits is being addressed by the staff in work on the revision of 10 CFR Part 20 (see Agenda Item No. 48). This petition has been combined with PRM-20-6A from Rosalie Bertell (see Agenda Item No. 141) that addresses the same issues. A response to this petition and PRM-20-6A will be prepared following Commission action on the revised Part 20 rule.

TIMETABLE: Commission action on the final rule is scheduled for
November 1983.

CONTACT: Robert E. Baker
Office of Nuclear Regulatory Research
(301) 427-4570

PETITION DOCKET NUMBER: PRM-20-6A

PETITIONER: Rosalie Bertell

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 21, 1978 (43 FR 37018)

SUBJECT: Standards for Protection Against Radiation

SUMMARY: Description. The petitioner requests that the Commission (1) amend its Standards for Protection Against Radiation as they apply to the maximum whole body dose equivalent for occupational exposures to ionizing radiation, (2) include in 10 CFR Part 20 those diseases which indicate above normal susceptibility to leukemia and/or radiation damage, and (3) the hearing in response to this petition be consolidated with the petition (PRM-20-6) filed by the Natural Resources Defense Council, Inc. Petitioner states that the requested amendment in item (1) would have the same effect, measured by the reduction of the individual's biological ability to cope with chronic and malignant disease, as would be achieved by reducing the current maximum whole body dose for occupational exposure by a factor of 50.

Objective. To reduce the current permissible whole body dose equivalent for occupational exposure by a factor of 50.

Background. The comment period expired October 20, 1978. Four comments were received, one favoring and three opposing the petition. This petition has been combined with an earlier petition (PRM-20-6) from the National Resources Defense Council, Inc. that addresses the same issues (see Agenda Item No.140). The issue of occupational dose limits is presently being addressed by the staff in work on the revision of 10 CFR Part 20 (see Agenda Item No.48). A response to this petition and PRM-20-6 will be prepared following Commission action on the revised Part 20 rule.

TIMETABLE: Commission action on a final rule is scheduled for November 1983.

CONTACT: Robert E. Baker
Office of Nuclear Regulatory Research
(301) 427-4570

PETITION DOCKET NUMBER: PRM-20-13

PETITIONER: Victor E. Anderson

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 28, 1979 (44 FR 11284)

SUBJECT: Certification of Health Physics Personnel

SUMMARY: Description. The petitioner requests that the Commission require Health Physics personnel to be certified by the Commission. The requirement would provide for the certification of the Health Physicist on five levels: Trainee, Junior, Senior, Supervisor, and Master Health Physicist. Only individuals certified by the Commission would make surveys, evaluations, and decisions on matters of radiation protection. A licensee could not override the decision of a certified Health Physicist except in cases where the decision is a violation of Federal regulations.

Objective. To assure the public and workers of adequate radiation protection.

Background. The comment period closed April 30, 1979. Fifty-eight comments were received. Fifty-two comments opposed the petition. Most of the comments were from industry. Further action on this petition will consider results of an NRR contracted study on the need for licensing nuclear power plant personnel. Results of studies performed with respect to PRM 34-2 (see Agenda Item No. 118) on licensing of radiographers are being considered in relation to this petition. Report on licensing nuclear power plant managers and senior licensee officers in response to direction in Pub. L. 96-295 will also be considered.

TIMETABLE: Commission action on the petition is scheduled for February 1983.

CONTACT: Jack M. Bell
Office of Nuclear Regulatory Research
(301) 443-5970

PETITION DOCKET NUMBER: PRM-35-2

PETITIONER: The American Association of Physicists in Medicine

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 29, 1982 (47 FR 4311)

SUBJECT: Intervals Between Required Dosimetry System Calibrations

SUMMARY: Description. The petitioner proposes that the Commission amend its regulations to permit an interval longer than two years between required calibrations of a dosimetry system that is used to perform calibration measurements on a teletherapy unit, as long as suitable dosimetry system verification checks are carried out. The petitioner also recommends, as an interim measure, that a variance be granted to licensed teletherapy users who are unable to have instruments calibrated within the required period. Current regulations require calibration measurements using a dosimetry system that has been calibrated by the National Bureau of Standards or an accredited Regional Calibration Laboratory within two years and after any servicing that may have affected system calibration. The petitioner indicates that as a result of this requirement and the limited number of instruments that may be calibrated by an approved organization, the waiting period for instrument calibration is currently about six months and expected to increase.

Objective. The petitioner proposes a regulation that would allow a longer interval between calibrations while providing for suitable dosimetry system verification checks. The petitioner's proposed alternative is intended to reduce the six-month waiting period for instrument calibration without adversely affecting dosimetry system reliability.

Background. The comment period closed March 30, 1982. The staff met with representatives of the National Bureau of Standards on January 21, 1982, to discuss the extent of and reasons for the instrument calibration backlog. Any amendment to Part 35 that may result from this petition for rulemaking would be incorporated into the proposed revision of Part 35 currently in progress. Affected licensees will receive relief in the form of rulemaking or variances as an interim solution until the Part 35 revision is complete (see Agenda Item No.84).

TIMETABLE: Commission action on the petition is scheduled for September 1982.

CONTACT: Elizabeth G. Rodenbeck
Office of Nuclear Regulatory Research
(301) 427-4580

PETITION DOCKET NUMBER: PRM-50-17

PETITIONER: Boston Edison Company, et al.

PART: 50

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: June 14, 1976 (41 FR 24006)

SUBJECT: No Significant Hazards Consideration

SUMMARY: Description. The petitioners request that the Commission amend its regulations to include criteria which would be used in making a determination as to when a proposed amendment to an operating license involves no "significant hazards consideration" and could thus be issued without prior public notice or hearing.

Objective. The petitioners state that adoption of their proposed criteria would help reduce the uncertainty and unnecessary delay in the Commission's procedures for approving license amendments without compromising the rights of members of the public to participate in Commission proceedings involving significant safety considerations.

Background. The comment period closed August 13, 1976. Ten comments were received. The comments were evenly divided for and against the petition. The Commission approved issuance of a proposed rule in response to the petition which was published in the Federal Register on March 28, 1980 (45 FR 20491; see Agenda Item No. 70). Ten letters of comment were received on the proposed rule, none of which fully supported the staff proposal. Work on this petition was delayed due to commitment of staff to TMI-related work. A court decision in the case of Sholly v. NRC, 651 F. 2d 780 (1980), rehearing denied 651 F. 2d 792 (1980) and legislation pending in Congress have influenced this action.

TIMETABLE: Commission action on this issue is not expected until either the Supreme Court acts or Congress passes currently pending legislation. Supreme Court or Congressional action is not expected until late 1982.

CONTACT: Thomas F. Dorian
Office of the Executive Legal Director
(301) 492-8690

PETITION DOCKET NUMBER: PRM-50-20

PETITIONER: Free Environment, Inc. et al.

PART: 50

OTHER AFFECTED PART(S): 100

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

SUBJECT: Reactor Safety Measures

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

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

Background. The comment period closed July 18, 1977. Three comments were received. The first three parts of the petition (see Description section above) were incorporated with PRM-50-19 for staff action purposes. A notice of denial for the third part of the petition was published in the Federal Register on February 2, 1978 (43 FR 4466). A notice of denial for the first two parts of the petition was published April 19, 1978 (43 FR 16556). NRC staff work on the fourth part of the petition will be carried out in connection with the ongoing Part 100 rulemaking (see Agenda Item No. 61) on demographic criteria. Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983, to await safety goal information and source term reevaluation.

TIMETABLE: Commission action on a final rule addressing demographic criteria is scheduled for summer 1983.

CONTACT: William R. Ott
Office of Nuclear Regulatory Research
(301) 427-4078

PETITION DOCKET NUMBER: PRM-50-31

PETITIONER: Citizens' Task Force

PART: 50

OTHER AFFECTED PART(S): 70

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

SUBJECT: Emergency Preparedness

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

Objective. To establish an effective notification and evacuation system in communities located near nuclear reactors.

Background. The comment period closed May 24, 1982.

TIMETABLE: Commission action on the response to the petitioner is scheduled for April 1983.

CONTACT: Michael T. Jamgochian
Office of Nuclear Regulatory Research
(301) 443-5942

PETITION DOCKET NUMBER: PRM-50-32

PETITIONER: Ohio Citizens for Responsible Energy

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: June 24, 1982 (47 FR 27371)

SUBJECT: Protection Against the Effects of Electromagnetic Pulse (EMP)

SUMMARY: Description. The petitioner requests that the Commission amend its regulations in 10 CFR Part 50 to require applicants for construction permits and operating licenses for nuclear power plants to provide for design features to protect against the effects of electromagnetic pulse (EMP). The petitioner states that electromagnetic pulses are generated by high altitude nuclear explosions and can cause current or voltage to flow through electrically conducting materials, thereby either destroying or temporarily disrupting control systems in a nuclear power plant that are essential for safety.

Objective. To assure that structures, systems, and components of nuclear power plants which are important to safety are protected against the effects of electromagnetic pulse.

Background. The comment period closes August 23, 1982.

TIMETABLE: Not available.

CONTACT: Faust Rosa
Office of Nuclear Reactor Regulation
(301) 492-7141

PETITION DOCKET NUMBER: PRM-51-1

PETITIONER: New England Coalition on Nuclear Pollution

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 16, 1976 (41 FR 2448)

SUBJECT: Environmental Impacts of the Uranium Fuel Cycle

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking to amend its summary of environmental considerations in the uranium fuel cycle presented in Table S-3 of Part 51. The petitioner declares that (1) the current Table S-3 seriously underestimates the impact on human health and safety by disregarding the long-term effects of certain radionuclides, particularly Thorium-230 which decays into radon gas; (2) the health effects of Krypton-85 and tritium releases from fuel reprocessing plants are underestimated; (3) releases of Carbon-14 from the fuel cycle should be included; (4) the term "man-rem" does not provide a meaningful representation of health effects, at least in terms of radionuclides involved in this petition, and that human deaths from man-rem exposures provide a more comprehensible consequence of fuel cycle activities; and (5) the magnitude of the potential death toll from mill tailings alone alters previous judgments and requires a reassessment of previous conclusions to authorize construction and operation of nuclear reactors and the postponement of all pending applications for construction or operating authority until final resolution of the issue by the Commission.

Objective. The petitioner proposes that the amendments to Table S-3 it presents in its petition, form the basis of Commission action to amend Table S-3 to more accurately reflect the impact of the long-term effects of certain long-lived radionuclides on human health and safety. The petitioner also proposes to suspend all activities related to nuclear power plant construction and operation until the Commission reassesses the health and safety effects of mine tailings.

Background. The comment period was extended to April 26, 1976 (41 FR 12365). A majority of the ten comments received opposed the petition. The Commission published a partial denial of the petition on April 14, 1978 (46 FR 15613) and deferred remaining action pending a future rulemaking proceeding to amend the Table S-3 value for radon. That document removed the radon value from Table S-3 and made it subject to litigation in individual licensing proceedings. Seventeen cases were combined for a hearing of the radon issue before the Atomic Safety and Licensing Appeal Board. Although the Appeal Board published a partial decision on May 13, 1981 (ALAB-640), the Board has not completed its proceeding and nor has it published the remainder of its decision.

TIMETABLE: Commission action on a proposed rule on radon is scheduled for March 1983.

CONTACT: William E. Thompson
Office of Nuclear Material Safety and Safeguards
(301) 427-4211

PETITION DOCKET NUMBER: PRM-70-6

PETITIONER: Eberline Instrument Corporation

PART: 70

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION August 18, 1977 (42 FR 41675)

SUBJECT: Air Transport of Plutonium

SUMMARY: Description. The petitioner requests the Commission to approve the air transport of calibration or reference sources which are generally licensed pursuant to §70.19 and manufactured pursuant to a specific license issued by the Commission under § 70.39, or in accordance with the specifications contained in a specific license issued to the manufacturer by an Agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the Agreement State. As an alternative, the petitioner requests the Commission to declare that these calibration and reference sources represent "de minimis" quantities of plutonium for which container certification should not be required.

Objective. To permit the air transport of calibration or reference sources which contain small quantities of plutonium.

Background. The comment period closed October 17, 1977. Two comments were received, both of which supported the petition. Disposition of this petition will proceed when the Commission determines its policy on the air transport of plutonium by taking rulemaking action to implement that portion of Pub. L. 94-79 known as the Scheuer Amendment which places restrictions on the air transport of plutonium. This NRC rulemaking, published as a proposed rule in the Federal Register on November 13, 1981 (46 FR 55992, see Agenda Item No. 44) considers, among other things whether under Pub. L. 94-79 the Commission may authorize air shipments of small quantities of plutonium in a package other than an approved container, and if so, what regulatory requirements should apply to these shipments.

TIMETABLE: Commission action on the petition is unscheduled. Action on the petition will follow action on the final rulemaking implementing Pub. L. 94-79, which is to be included in the Part 71 rule making U.S. transport regulations consistent with those of IAEA. That rule is scheduled for review in October 1982.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
(301) 443-5825

PETITION DOCKET NUMBER: PRM-71-6

PETITIONER: CRITICAL MASS ENERGY PROJECT, et al.

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 1, 1977 (42 FR 61089)

SUBJECT: Emergency Planning and Response for Transportation Accidents
Involving Radioactive Materials

SUMMARY: Description. The petitioners request the Commission to require licensees who transport radioactive materials to (1) use special routes to avoid densely populated areas and mountainous terrain; (2) adopt emergency plans involving their cargo, including the organization of emergency response units to carry out the plan and semi-annual drills with state and local law enforcement officials; (3) assume financial responsibility for any shipping accident that involves the dispersal of their radioactive cargo; and (4) develop a plan for informing the drivers of the vehicles about the nature of the material they are shipping and emergency actions they should undertake in the event of an accident. The petitioners state that NRC regulations should also require that all licensees be in compliance with these regulations within 60 days of their promulgation and that each licensee be required to demonstrate to the Commission within 60 days after the effective date of the regulation that the licensee possesses the capability to deploy emergency response units promptly to an accident scene.

Objective. To improve the emergency response capability of licensees and the shippers who transport radioactive material to respond to accidents.

Background. The comment period closed January 30, 1978. Forty comments were received, the majority of which oppose the petition. On June 7, 1978, the NRC informed the petitioners that the NRC was delaying action on the petition until a request by Congressman Wirth for a special joint study by the NRC and DOT on Package Requirements and Emergency Response was completed. The final report on this study, NUREG-0535, was published in July 1980. A staff response to the petition has been prepared and forwarded to the Commission for action. The staff paper has been subsequently withdrawn pending resolution of the New York lawsuit on the DOT's highway routing rule and the proposed rider on DOT FY82 Authorization Bill which would require DOT to analyze comparative risks and costs for transporting a large quantity of radioactive materials by highway, rail, and barge or vessel. Resolution of these issues could materially affect the Commission findings on the petition.

TIMETABLE: Commission action on the petition is unscheduled.

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PETITION DOCKET NUMBER: PRM-73-2

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 15, 1977 (42 FR 46431)

SUBJECT: Elimination of "Pat Down" Physical Searches of Individuals at Nuclear Power Plants.

SUMMARY: Description. The petitioners request elimination of the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary in that comparable highly sensitive facilities such as those used to store nuclear weapons do not have such a requirement. The petitioners state that their petition would permit "pat down" searches and that individuals entering a protected area would be put on notice that they are subject to these searches. Existing requirements for the use of detection equipment would not be affected. The petition includes proposed amendatory text to Part 73. The petitioners also have submitted a memorandum in support of the petition.

Objective. To eliminate the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant.

Background. The comment period closed October 17, 1977. Approximately 100 comments were received, of which 80 were from utilities and supported the petition. The other 20 disagreed with the petition. Currently effective regulations require, in part, that physical "pat down" searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, NRC has extended to licensees relief from this requirement while a proposed rulemaking proceeding in physical searches is conducted. The most recent notice granting a continuation of this relief was published in the Federal Register on December 1, 1980 (45 FR 79410, see Agenda Item No. 47). The Commission notified the petitioner that action on the petition has been delayed pending resolution of the rulemaking proceeding to modify requirements for physical searches at nuclear power plants.

TIMETABLE: Commission action on the petition for rulemaking is pending issuance of the proposed rule on personnel access authorization (see Agenda Item No.105).

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PETITION DOCKET NUMBER: PRM-73-3

PETITIONER: KMC, Inc., et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 10, 1978 (43 FR 29635)

SUBJECT: Physical Security Requirements at Nuclear Power Plants

SUMMARY: Description. The petitioner requests amendment of §73.55 to include a statement that, if a nuclear power reactor licensee meets the specific requirements for physical protection against an insider threat, as provided for in the Commission's regulations, a licensee will also meet the general performance requirements for physical protection provided in §73.55. The petitioner contends that while §73.55(a) permits licensees to suggest alternative measures which would achieve equivalent levels of physical protection, experience has shown that these proposed alternatives have not been accepted by the NRC staff. The petitioner states that the NRC has required additional features, beyond the requirements in §73.55, to meet the general performance requirements for physical security protection. Specifically, the petitioner requests amendment of paragraph (a)(2) of §73.55 which provides requirements for protection against "insider" threat (that is, a threat from an individual inside a plant, including an employee of the utility). The requested change would state that a utility which meets the specific requirements in paragraphs (b) through (h) of §73.55 would satisfy the general performance requirements for physical security in §73.55. The petitioner provides specific amendatory language in its petition and also has submitted a memorandum in support of the petition.

Objective. To limit NRC staff from imposing on utilities additional requirements for physical security protection above those requirements in §73.55 by stating that a utility, when it satisfies the specific requirements for physical protection against an insider threat (as provided in the Commission's regulations), the utility will also meet the general performance requirements for physical protection against an insider threat.

Background. The comment period closed September 8, 1978. Four comments on the petition were received. On November 11, 1978, the NRC notified the petitioner that action on the petition would be delayed because the currently effective physical security requirements in §73.55 were under review. The NRC has extended to licensees partial relief from the physical security requirements in §73.55. The most recent notice extending this relief was published in the Federal Register on December 1, 1980 (45 FR 79410). The NRC published a proposed rule in the Federal Register on December 1, 1980 (45 FR 79492) which would modify the physical security requirements in §73.55. Action on the petition is delayed pending resolution of policy questions raised by the petition.

TIMETABLE: Commission action on the petition for rulemaking is
scheduled for August 1982.

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PETITION DOCKET NUMBER: PRM-100-2

PETITIONER: Public Interest Research Group, et al.

PART: 100

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 1, 1976 (41 FR 27141)

SUBJECT: Population Density Criteria Near Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission amend its regulations to prohibit the construction of nuclear reactors where the population in the surrounding area exceeds or will exceed specified numerical limits. The petitioners' proposed criteria would limit permissible population density to 400 people per square mile within a 40-mile perimeter. The petitioners state that they regard these proposed criteria as interim standards to be used until the Commission is able to generate its own numerical standards on population density.

Objective. To restrict utilities from building nuclear reactors too close to metropolitan areas.

Background. The comment period closed August 30, 1976. Twelve comments were received. An NRC staff paper (SECY-78-624) was submitted to the Commission on December 4, 1978. In a memorandum to the Executive Director for Operations dated February 15, 1979, the Commission deferred action on the population density siting criteria issue pending submission of the Siting Policy Task Force report. The petitioners were notified of this deferral by letter dated March 9, 1979. The petitioners were notified by letter (in July 1980) that the petition would be considered in the context of the rulemaking on siting criteria (see Agenda Item No. 61). Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983, to await safety goal implementation and source term reevaluation.

TIMETABLE: Commission action on the petition is scheduled for winter 1983 in the context of consideration of a proposed rule on siting criteria.

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NRC FORM 335 <small>(11-81)</small>		U.S. NUCLEAR REGULATORY COMMISSION BIBLIOGRAPHIC DATA SHEET		1. REPORT NUMBER (Assigned by DDC) NUREG-0936, Vol. 1, No. 2	
4. TITLE AND SUBTITLE (Add Volume No., if appropriate) NRC Regulatory Agenda Quarterly Report April - June 1982			2. (Leave blank)		
7. AUTHOR(S)			3. RECIPIENT'S ACCESSION NO.		
9. PERFORMING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code) Division of Rules and Records Office of Administration U. S. Nuclear Regulatory Commission Washington, D. C. 20555			5. DATE REPORT COMPLETED MONTH YEAR July 1982		
12. SPONSORING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code) Same as 9.			DATE REPORT ISSUED MONTH YEAR July 1982		
			6. (Leave blank)		
			8. (Leave blank)		
			10. PROJECT/TASK/WORK UNIT NO.		
			11. FIN NO.		
13. TYPE OF REPORT A quarterly report which updates the status of NRC's rules and Petitions.		PERIOD COVERED (Inclusive dates) April 9 through June 30, 1982			
15. SUPPLEMENTARY NOTES			14. (Leave blank)		
16. ABSTRACT (200 words or less) <p>The NRC Regulatory Agenda is a compilation of all rules on which the NRC has proposed or is considering action and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued each quarter. The Agendas for April and October are published in its entirety in the Federal Register while a notice of availability is published in the Federal Register for the January and July Agendas.</p>					
17. KEY WORDS AND DOCUMENT ANALYSIS			17a. DESCRIPTORS		
17b. IDENTIFIERS OPEN ENDED TERMS					
18. AVAILABILITY STATEMENT Unlimited			19. SECURITY CLASS (This report) Unclassified		21. NO. OF PAGES
			20. SECURITY CLASS (This page) Unclassified		22. PRICE \$

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

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