

NUREG-0936
Vol. 9, No. 4

NRC Regulatory Agenda

Quarterly Report
October-December 1990

U.S. Nuclear Regulatory Commission

Office of Administration



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None

Preface

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

Organization of the Agenda

The agenda consists of two sections that have been updated through December 31, 1990. Section I, "Rules," includes (A) rules on which final action has been taken since September 28, 1990, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since September 28, 1990; (B) petitions for which a notice of denial has been prepared and is scheduled to be published in the Federal Register next quarter; (C) petitions incorporated into proposed rules; (D) petitions pending staff review, and (E) petitions with deferred action.

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

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

The dates listed under the heading "Timetable" for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This

Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

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

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

Public Participation in Rulemaking

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

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

Additional Rulemaking Information

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

(A) Rules on Which Final Action Has Been Taken
Since September 28, 1990

A

TITLE: *Statement of Organization and General Information; Minor Amendments

RIN: 3150-AD74

CFR CITATION:
10 CFR 0; 10 CFR 1

ABSTRACT:
The final rule amends the Commission's regulations to reflect the establishment of the Office of Inspector General (OIG) by formally removing references to the Office of Inspector and Auditor (OIA) from its regulations. The authority and responsibility for OIA functions have been transferred to the OIG.

TIMETABLE:
Final Action Published 11/15/90 55 FR 47740
Final Action Effective 11/15/90

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Donnie Grinsley
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-7211

TITLE:

*Interim Procedures for Agency Appellate Review

RIN:

3150-AD77

CFR CITATION:

10 CFR 2

ABSTRACT:

The final rule amends the Commission's regulations by putting into place a transition plan to handle all appeals from initial decisions of presiding officers in all formal and informal agency adjudications, and certain other appellate and related matters, which are filed from October 25, 1990, until the effective date of a final rule to be issued pursuant to the Commission's ongoing rulemaking proceeding for establishing procedures for direct agency appellate review by the Commission. A notice of proposed rulemaking in that proceeding was published on October 24, 1990 (55 FR 42947). The transition plan implemented by this final rule provides that, with certain exceptions, the Commission, rather than an appeal board, will provide agency appellate review for appellate matters filed in the interim period between October 25, 1990, and the effective date of the final appellate review rule. The Commission review, in this interim period, will follow existing procedures. Specific appellate matters which are pending before appeal boards on the date of this final rule will be decided by the appeal boards.

TIMETABLE:

Final Action Published 10/24/90 55 FR 42944

Final Action Effective 10/25/90

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

E. Neil Jensen
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:

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

RIN:

3150-AC64

CFR CITATION:

10 CFR 4

ABSTRACT:

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

TIMETABLE:

Final Action Published 12/19/90 55 FR 52136

Final Action Effective 01/18/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Custody and Long-Term Care of Uranium and Thorium Mill Tailings
Disposal Sites

RIN:

3150-AC56

CFR CITATION:

10 CFR 40

ABSTRACT:

The final rule amends the Commission's regulations to include a procedure for licensing a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). This amendment establishes a general license for custody and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable.

TIMETABLE:

Final Action Published 10/30/90 55 FR 45591

Final Action Effective 11/29/90

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Submitting Applications for the Licensing of Test and Research
Reactor Operators Directly to Headquarters

RIN:

3150-AD75

CFR CITATION:

10 CFR 55

ABSTRACT:

The final rule amends the Commission's regulations to require that test and research reactor facility applications for operator and senior reactor operator licenses be submitted to the responsible Headquarters office. This amendment improves efficiency and consistency of examination and licensing of test and research reactor operators by having a central office monitor the issuance and renewal of licenses.

TIMETABLE:

Final Action Published 10/11/90 55 FR 41334

Final Action Effective 11/13/90

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

David J. Lange
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-1031

(B) Proposed Rules

B

TITLE:

Procedures Involving the Equal Access to Justice Act:
Implementation

RIN:

3150-AA01

CFR CITATION:

10 CFR 1; 10 CFR 2

ABSTRACT:

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

Additionally, in August 1985, the President signed into law, Pub. L. No. 99-80, an enactment renewing and revising the EAJA after its expiration under a statutory sunset requirement. The rule is being reevaluated to determine the agency adjudications that fall within the EAJA's coverage.

TIMETABLE:

Proposed Action Published 10/28/81 46 FR 53189
Proposed Action Comment Period Ends 12/28/81
Next Action Undetermined

LEGAL AUTHORITY:

5 USC 504

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John Cho
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1585

TITLE:
*Options and Procedures for Direct Commission Review of Licensing
Board Decisions

RIN:
3150-AD73

CFR CITATION:
10 CFR 2

ABSTRACT:
The proposed rule would amend the Commission's regulations to provide rules of procedure for direct Commission review of the initial decisions of presiding officers in all formal and informal adjudicatory proceedings. These regulatory changes are necessitated by the Commission's decision to abolish the Atomic Safety and Licensing Appeal Panel which now provides an intermediate level of review of initial decisions of presiding officers in Commission adjudications. The Commissioners, themselves, will not review initial decisions. The two broad alternatives for a new agency appellate review system are mandatory review, in which the Commission will review initial decisions on the merits on the appeal of a party (as appeal boards presently do) or discretionary review, in which the Commission will consider petitions for review and, in its discretion, take or reject review (as the Commission presently does with respect to appeal board decisions).

TIMETABLE:
Proposed Action Published 10/24/90 55 FR 42947
Proposed Action Comment Period Ends 12/10/90
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Neil Jensen
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:

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

RIN:

3150-AD27

CFR CITATION:

10 CFR 2

ABSTRACT:

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

TIMETABLE:

Proposed Action Published 09/26/89 54 FR 39387
Proposed Action Comment Period Ends 11/27/89
Final Action Published 02/00/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Kathryn Winsberg
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1637

TITLE:
Revisions to Procedures to Issue Orders

RIN:
3150-AD53

CFR CITATION:
10 CFR 2

ABSTRACT:
The proposed rule would amend the Commission's procedures for issuing orders to include persons not licensed by the Commission but who are otherwise subject to the Commission's jurisdiction. The proposed revisions would more accurately reflect the Commission's existing statutory authority to issue orders than is presently the case. The proposed revision also would identify the types of Commission orders to which hearing rights attach.

TIMETABLE:
Proposed Action Published 04/03/90 55 FR 12370
Proposed Action Comment Period Ends 06/18/90
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Mary E. Wagner
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1683

TITLE:

Revisions to Procedures to Issue Orders: Challenges to Orders
that are Made Immediately Effective

RIN:

3150-AD60

CFR CITATION:

10 CFR 2

ABSTRACT:

The proposed rule would amend the Commission's regulations governing orders to provide for the expeditious consideration of challenges to orders that are made immediately effective. The proposed amendments specifically allow challenges to the immediate effectiveness of an order to be made at the outset of a proceeding and provide procedures for the expedited consideration and disposition of these challenges. The proposed amendments would also require that challenges to the merits of an immediately effective order be heard expeditiously, except where good cause exists for delay.

TIMETABLE:

Proposed Action Published 07/05/90 55 FR 27645
Proposed Action Comment Period Ends 09/04/90
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John Cho
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1585

TITLE:
Material Control and Accounting Requirements for Uranium
Enrichment Plants

RIN:
3150-AD56

CFR CITATION:
10 CFR 2; 10 CFR 40; 10 CFR 70; 10 CFR 74

ABSTRACT:
The proposed rule would amend the Commission's regulations to establish material control and accounting requirements for special nuclear material of low strategic significance at uranium enrichment plants, including requirements to detect and prevent enrichment above a specified maximum. There appears to be serious commercial interest in the construction and operation of a gas centrifuge plant that would produce low-enriched uranium for the commercial market. Such a plant would be licensed chiefly under Parts 40 and 70. Although the plant would be authorized to produce only low-enriched uranium, the interest of the common defense and security demands that the NRC regulate the plant so as to assure with highest confidence that no centrifuge machine is used to produce uranium in an enrichment higher than that authorized. This is a new and unique problem never before faced by the NRC. Accordingly, no NRC regulation is explicitly designed to deal with the problem.

A new § 74.33, Nuclear Material Control and Accounting for Special Nuclear Material of Low Strategic Significance at Uranium Enrichment Plants, will be developed. The new § 74.33 will include material control and accountability requirements similar to those now required under § 74.31, together with new requirements to assure that no enrichment facility is used to enrich uranium above a specified limit.

TIMETABLE:
Proposed Action to EDO 07/30/90
Proposed Action to Commission (SECY-90-277) 08/09/90
Proposed Action Published 12/17/90 55 FR 51726
Proposed Action Comment Period Ends 03/04/91
Final Action Published 09/27/91

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Material Control and Accounting Requirements for Uranium
Enrichment Plants

AGENCY CONTACT:

G. Gundersen
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3803

TITLE:
Nuclear Power Plant License Renewal

RIN:
3150-AD04

CFR CITATION:
10 CFR 2; 10 CFR 50; 10 CFR 54

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

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

TIMETABLE:
ANPRM Published 08/29/88 53 FR 32919
ANPRM Comment Period Ends 10/28/88
Proposed Action Published 07/17/90 55 FR 29043
Proposed Action Comment Period Ends 10/15/90
Final Action to ACRS/CRGR 03/04/91
Final Action to EDO 05/01/91
Final Action to Commission 05/15/91
Final Action Published 06/28/91

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
George Sege
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3917

TITLE:
Operator's Licenses

RIN:
3150-AD55

CFR CITATION:
10 CFR 2; 10 CFR 55

ABSTRACT:
The proposed rule would amend the Commission's regulations to require that compliance with the conditions and cut off levels of fitness-for-duty programs (10 CFR Part 26) be a condition of an operator license or a senior-operator license. The proposed rule would also make a conforming modification to the Commission's enforcement policy, Appendix C to 10 CFR Part 2. This proposed rule, initiated in response to a staff requirements memorandum dated March 22, 1989, would give operators full notice of the gravity of any violation of the cutoff levels for substances described in Part 26 and would reflect enforcement sanctions for operators who violate these cutoff levels.

TIMETABLE:
Proposed Rule Published 04/17/90 55 FR 14288
Proposed Action Comment Period Ends 07/02/90
Complete Analysis of Comments 01/11/91
Final Rule to EDO 02/28/91
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
David J. Lange
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-3172

TITLE:
Program Fraud Civil Remedies Act

RIN:
3150-AD71

CFR CITATION:
10 CFR 13

ABSTRACT:
The proposed rule would amend the Commission's regulations to implement the Program Fraud Civil Remedies Act of 1986. The Act authorizes certain Federal agencies, including the Nuclear Regulatory Commission, to impose, through administrative adjudication, civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the agency. These regulations would establish the procedure the Commission would follow in implementing the provisions of the Act and specifies the hearing and appeal rights of persons subject to penalties and assessments under the Act.

TIMETABLE:
Proposed Action Published 09/25/90 55 FR 39158
Proposed Action Comment Period Ends 11/24/90
Final Action to Commission (SECY-90-403) 12/14/90
Final Action Published 02/00/91

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
John Cho
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-7535

TITLE:

Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government

RIN:

3150-AD44

CFR CITATION:

10 CFR 16

ABSTRACT:

The proposed rule would amend the Commission's regulations to establish collection procedures enabling the NRC to recover certain debts (by deductions from pay) which are owed by Federal employees to the NRC and other Federal agencies. The proposed rule is necessary to conform NRC regulations to the Debt Collection Act of 1982 which requires each agency to establish a salary offset program for the collection of these debts. The proposed action is intended to allow the NRC to improve its collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. The proposed rule has no impact on the public and negligible impact on NRC resources to implement.

TIMETABLE:

Staff Review Completed 05/30/90
Submitted to OPM for Review 05/30/90
OPM Review Completed 07/18/90
Proposed Action Published 09/26/90 55 FR 39285
Proposed Action Comment Period Ends 10/26/90
Final Action Published 03/00/91

LEGAL AUTHORITY:

5 USC 5514; 31 USC 3711; 31 USC 3716; 31 USC 3717; 31 USC 3718;
42 USC 2201; 42 USC 5841;

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:
Standards for Protection Against Radiation

RIN:
3150-AA38

CFR CITATION:
10 CFR 20

ABSTRACT:

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

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

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

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

TITLE:
Standards for Protection Against Radiation

TIMETABLE:
ANPRM 03/20/80 45 FR 18023
ANPRM Comment Period Ends 06/18/80 45 FR 18023
Proposed Action Published 12/20/85 50 FR 51992
Proposed Action Comment Period Ends 05/12/86 51 FR 1092
Proposed Action Comment Period Extended to 10/31/86
Final Action for Division Review 02/15/88
Final Action to Offices for Concurrence 06/30/88
Final Action Package to EDO 09/27/88
Final Action to Commission (SECY-88-315) 11/03/88
Revised Final Action to Commission (SECY-89-267) 08/29/89
Revised Backfit Analysis to EDO 03/01/90
Revisions to Commission (SECY-90-237) 07/05/90
Final Action to EDO 11/16/90
Final Action to Commission (SECY-90-387) 11/26/90
Commission Vote 12/13/90
Final Action Published 02/00/91

LEGAL AUTHORITY:
42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133;
42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

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

TITLE:

Disposal of Waste Oil by Incineration from Nuclear Power Plants

RIN:

3150-AC14

CFR CITATION:

10 CFR 20

ABSTRACT:

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

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

Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis.

TIMETABLE:

Proposed Action to EDO 06/21/88
Proposed Action Published 08/29/88 53 FR 32914
Proposed Action Comment Period Ends 10/28/88
Final Action to Offices for Concurrence 12/15/89
Final Action to EDO 01/25/91
Final Action to Commission 02/25/91
Final Action Published 03/25/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2167; 42 USC 2073

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Disposal of Waste Oil by Incineration from Nuclear Power Plants

AGENCY CONTACT:

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

TITLE:

Notifications of Incidents

RIN:

3150-AC91

CFR CITATION:

10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 70

ABSTRACT:

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

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

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

TIMETABLE:

Proposed Action to Offices for Concurrence 09/13/89
Proposed Action to EDO 03/16/90
Proposed Action Published 05/14/90 55 FR 19890
Proposed Action Comment Period Ends 07/30/90
Final Action to EDO 02/28/91
Final Action Published 04/29/91

TITLE
Notifications of Incidents

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMA'L BUSINESS AND OTHER ENTITIES: No

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

TITLE:

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

RIN:

3150-AA68

CFR CITATION:

10 CFR 21; 10 CFR 50

ABSTRACT:

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

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

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

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

Current annual costs of reporting under Part 21 and §50.55(e) are estimated at approximately \$6 million dollars for industry and

TITLE:

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

ABSTRACT: (CONT)

\$680,000 for NRC evaluations. It is anticipated that the annual industry reporting burden should be reduced by approximately \$1 million while the NRC burden will be slightly reduced.

TIMETABLE:

Proposed Initial Action to Commission 12/16/85
Commission Rejected Proposed Action 10/20/86
Proposed Action to Commission (SECY-88-72) 03/12/88
Proposed Action to Commission (SECY-88-258) 09/12/88
Revised Proposed Action Published 11/04/88 53 FR 44594
Public Comment Period Ends 01/03/89
Final Draft Rule Office Concurrence Complete 06/39
Final Draft Rule CRGR Review Complete 07/12/89
Final Draft Rule to Commission (SECY-89-246) 08/14/89
Redraft of Final Rule to EDO 09/28/90
Redraft of Final Rule to Commission To be determined by results of OGC, EDO, Commission action
Final Action Published To be determined by the Commission

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:
Fitness-for-Duty Programs: Nuclear Power Plant Personnel

RIN:
3150-AD61

CFR CITATION:
10 CFR 26

ABSTRACT:
The proposed rule would amend the Commission's regulations to clarify the Commission's intent concerning the unacceptability of taking action against an individual based solely on preliminary drug test results. The proposed rule would inform licensee management that preliminary test results cannot be used as a basis for management action absent corroborative evidence of impairment or safety hazard.

TIMETABLE:
Proposed Action Published 08/31/90 55 FR 35648
Proposed Action Comment Period Ends 10/30/90
Complete Analysis of Comments 12/31/90
Final Rule to EDO 01/10/91
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Loren Bush
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-0944

TITLE:
Willful Misconduct by Unlicensed Persons

RIN:
3150-AD38

CFR CITATION:
10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70;
10 CFR 72; 10 CFR 110; 10 CFR 150

ABSTRACT:
The proposed rule would amend the Commission's regulations to put unlicensed persons on notice that they may be held accountable for willfully causing violations of the Commission's requirements or for other willful misconduct that arises out of activities within the Commission's jurisdiction and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the public health and safety. The proposed rule would subject a person who violates the substantive prohibition to enforcement action under existing regulations. The proposed rule will enable the Commission to better address willful misconduct that undermines, or calls into question, adequate protection of the public health and safety.

TIMETABLE:
Proposed Action Published 04/03/90 55 FR 12374
Proposed Action Comment Period Ends 06/18/90
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:
ASNT Certification of Industrial Radiographers (Phase I)

RIN:
3150-AD35

CFR CITATION:
10 CFR 34

ABSTRACT:

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

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

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

The ASNT program will offer certification for both isotope and x-ray users. Certification would be valid for 3 years, with retesting required for renewal. The staff expects that use of a certification program by licensees will not affect licensee training costs since the ASNT eligibility requirements include documented

TITLE:

ASNT Certification of Industrial Radiographers (Phase I)

ABSTRACT: (CONT)

training. Some small reduction in cost will be associated with the application process because, if a radiography licensee applicant elects to have his or her staff certified, he or she will not have to submit a detailed description of a planned radiation safety training and testing program. It is currently estimated that as many as 7,000 radiographers could be involved in certification at an average cost of \$350 per radiographer. The cost to the industry would be approximately \$250,000 per year.

TIMETABLE:

Proposed Action to EDO 09/15/89
Proposed Action Published 11/09/89 54 FR 47089
Proposed Action Comment Period Ends 02/17/90
Final Action to EDO 12/31/90
Final Action Published 01/31/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Basic Quality Assurance Program, Records and Reports of
Misadministrations or Events Relating to the Medical Use of
Byproduct Material

RIN:

3150-AC65

CFR CITATION:

10 CFR 35

ABSTRACT:

The proposed rule would amend the Commission's regulations concerning the administration of byproduct material for diagnostic and therapeutic procedures. The proposed amendments would require Part 35 licensees to establish and implement a written basic quality assurance program to prevent, detect, and correct the cause of errors in the administration of byproduct material. The proposed action is necessary to provide for adequate patient safety. The proposed amendment, which is intended to prevent errors in medical use, would primarily affect hospitals and clinics. Modification of reporting and recordkeeping requirements for both diagnostic and therapy events or misadministrations are also proposed in this rulemaking. This amendment would be a matter of compatibility for Agreement States.

TIMETABLE:

Proposed Action Published 10/02/87 52 FR 36942
Proposed Action Comment Period Ends 12/01/87
Options Paper to Office for Concurrence 05/13/88
Options Paper on QA Rulemaking to EDO 05/26/88
Revised Options Paper on QA Rulemaking to EDO 05/31/88
Option Paper to Commission (SECY-88-156) 06/03/88
SRM Issued Directing Re-Proposal of Basic QA Rule 07/12/88
Proposed Action for Division Review 12/05/88
Workshop on Basic QA Rule and Draft Regulatory Guide 01/30-31/89
Proposed Action to Offices for Concurrence 03/29/89
Proposed Action to EDO 06/01/89
Proposed Action to Commission (SECY-89-171) 06/07/89
Revised Proposed Action to EDO 08/11/89
Revised Proposed Action to Commission (SECY-89-269) 08/30/89
Proposed Action Published 01/16/90 55 FR 1439
Correction to Proposed Action Published 02/06/90 55 FR 4049
Proposed Action Comment Period Ends 04/12/90
Final Action to EDO 03/01/91
Final Action to Commission 03/15/91
Final Action Published 05/16/91

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 5841

TITLE:

Basic Quality Assurance Program Records and Reports of
Misadministrations or Events Relating to the Medical Use of
Byproduct Material

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Licenses and Radiation Safety Requirements for Large Irradiators

RIN:

3150-AC98

CFR CITATION:

10 CFR 36

ABSTRACT:

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

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

TIMETABLE:

Proposed Action to ACRS 01/18/89
Office Concurrence on Proposed Action Completed 03/06/89
Proposed Action to EDO 07/19/89
Proposed Action to Commission (SECY-89-249) 08/15/89
Revised Proposed Action to Commission (SECY-90-211) 06/14/90
Proposed Action Published 12/04/90 55 FR 50008
Proposed Action Comment Period Ends 03/04/91
Public Meeting 02/12-13/91
Final Action Published 11/01/91

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE:

Ensuring the Effectiveness of Maintenance Programs for Nuclear Power Plants

RIN:

3150-AD00

CFR CITATION:

10 CFR 50

ABSTRACT:

The final rule, if adopted, would provide requirements for the maintenance of nuclear power plants. The final rule would apply to all components, systems, and structures important to safety for nuclear power plants and would be applicable to existing and future plants. The final rule would also require each licensee to develop, implement, and maintain a maintenance program. The Commission has further directed the staff by memorandum dated May 23, 1990, to prepare two separate rulemaking packages. Should the Commission determine that a rule is necessary, two options will be available for their consideration.

The scope of maintenance activities addressed in either version of the final rule will be within the framework of the Commission's Policy Statement on Maintenance of Nuclear Power Plants, issued on March 23, 1988 (53 FR 9430) and revised on December 8, 1989 (54 FR 50611). Programmatic guidance will be included in the first rulemaking package. The second rulemaking package will be similar to the first, but it will not contain any programmatic guidance.

TIMETABLE:

Proposed Action to Offices for Concurrence 09/06/88
Proposed Action to EDO 09/26/88
Proposed Action to Commission (SECY-88-277) 09/30/88
Proposed Action Published 11/28/88 53 FR 47822
Proposed Action Comment Period Ends 01/27/89
Proposed Action Public Comment Period Extended to 02/27/89
53 FR 52716
Final Action to Offices for Concurrence 04/10/89
Final Action to EDO 04/21/89
Final Action to Commission (SECY-89-143) 04/28/89
Revised Policy Statement Published 12/08/89 54 FR 50611
Final Action to ACRS 03/25/91
Final Action to CRGR 03/29/91
Final Action to EDO 05/31/91
Final Action to Commission 06/08/91
Final Action Published 06/28/91

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Ensuring the Effectiveness of Maintenance Programs for Nuclear
Power Plants

AGENCY CONTACT:

Robert Riggs
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3732

TITLE:

Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events

RIN:

315G-AD01

CFR CITATION:

10 CFR 50

ABSTRACT:

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

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

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

TITLE:

Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events

ABSTRACT: (CONT)

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

TIMETABLE:

Proposed Action to EDO 11/28/89
Proposed Action Published 12/26/89 54 FR 52946
Proposed Action Public Comment Period Ends 03/12/90
Final Action to CRGR 10/24/90
Final Action to EDO 12/21/90
Final Action Published 02/21/91

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS OF SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Allen L. Hiser, Jr.
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3988

TITLE:
Emergency Response Data System

RIN:
3150-AD32

CFR CITATION:
10 CFR 50

ABSTRACT:

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

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

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

TITLE:

Emergency Response Data System

TIMETABLE:

Proposed Action to CRGR 06/06/90
Proposed Action to ACRS 06/08/90
Proposed Action to EDO 07/09/90
Proposed Action to Commission (SECY-90-256) 07/19/90
Proposed Action Published 10/09/90 55 FR 41905
Proposed Action Public Comment Period Ends 12/24/90
Final Action Published 07/30/91

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

RIN:

3150-AA86

CFR CITATION:

10 CFR 50; Appendix J

ABSTRACT:

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

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

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

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

TIMETABLE:

Proposed Action Published 10/29/86 51 FR 39538
Proposed Action Comment Period Extended 04/24/87 52 FR 2416
Final Action - CRGE/ACRS 09/26/90
Final Action - 0 05/15/91
Final Action to Commission 06/14/91
Final Action Published 07/15/91

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 5841

TITLE:

Primary Reactor Containment Leakage Testing for Water-Cooled Power
Reactors

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

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

RIN:

3150-AA31

CFR CITATION:

10 CFR 51

ABSTRACT:

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

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

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

TITLE:

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

TIMETABLE:

Proposed Action Published 03/04/81 46 FR 15154
Proposed Action Comment Period Ends 05/04/81
Proposed Action for Division Review 05/27/88
Proposed Action to EDO Undetermined
Proposed Action Published Undetermined

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Elimination of Inconsistencies Between NRC Regulations and EPA
HLW Standards

RIN:

3150-AC03

CFR CITATION:

10 CFR 60

ABSTRACT:

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

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

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

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

The proposed rule entitled, "Amendments to Part 60 to Delineate Anticipated Processes and Events and Unanticipated Processes and Events," was incorporated into this proposed rule on June 19, 1990. The objective of the rulemaking is to improve the licensing process for the geologic repository program.

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Elimination of Inconsistencies Between NRC Regulations and EPA
HLW Standards

AGENCY CONTACT:

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

TITLE:

Minor Amendments to the Physical Protection Requirements

RIN:

3150-AD03

CFR CITATION:

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

ABSTRACT:

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

The alternative to rulemaking would be to allow the status quo to continue. These minor amendments affect the public, industry and the NRC only in so far as they make the regulations easier to understand, implement, and enforce.

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

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

RIN:
3150-AC41

CFR CITATION:
10 CFR 71

ABSTRACT:

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

TIMETABLE:

Proposed Action Published 06/08/88 53 FR 21550
Proposed Action Comment Period Extended to 03/06/89 53 FR 51281
Proposed Action Comment Period Extended to 60 days after
publication of DOT proposed rule 04/04/89 54 FR 13528
DOT Proposed Rule Published 11/14/89 54 FR 47454
Proposed Action Comment Period Ends 02/09/90
Final Action to EDO Undetermined
Final Action to Commission Undetermined
Final Action Published Undetermined

TITLE:

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

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:
Criteria for an Extraordinary Nuclear Occurrence

RIN:
3150-AB01

CFR CITATION:
10 CFR 140

ABSTRACT:

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

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

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

TIMETABLE:

Proposed Action Published 04/09/85 50 FR 13978
Proposed Action Comment Period Ends 05/06/85
Final Action For Division Review 02/17/87
Office Concurrence on Final Action Completed 11/25/87
Final Action to EDO Undetermined
Final Action to Commission Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Harold Peterson
Nuclear Regulatory Commission
Office of Nuclear Regulator, Research
Washington, DC 20555
301 472-3640

TITLE:

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

RIN:

3150-AC57

CFR CITATION:

10 CFR 150

ABSTRACT:

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

TIMETABLE:

Proposed Action to EDO 06/10/88
Proposed Action Published 08/22/88 53 FR 31880
Proposed Action Comment Period ends 10/21/88
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2021; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Harry S. Tovmassian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3634

TITLE:
NRC Acquisition Regulation (NRCAR)

RIN:
3150-AC01

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

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

TIMETABLE:
Proposed Action Published 10/2/89 54 FR 40420
Proposed Action Comment Period Ends 12/01/89
Final Action Published Undetermined

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

(C) Advance Notices of Proposed Rulemaking

10101

C

TITLE:

Radioactive Waste Below Regulatory Concern; Generic Rulemaking

RIN:

3150-AC35

CFR CITATION:

10 CFR 2; 10 CFR 20

ABSTRACT:

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

TIMETABLE:

ANPRM 12/02/86 51 FR 43367

ANPRM Comment Period Ends 03/02/87 51 FR 43367

Proposed Action Published Undetermined

Final Action Published Undetermined

LEGAL AUTHORITY:

Pub. L. 99-240

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Robert Meck

Nuclear Regulatory Commission

Office of Nuclear Regulatory Research

Washington, DC 20555

301 492-3737

TITLE:

Comprehensive Quality Assurance in Medical Use and a Standard of Care

RIN:

3150-AC42

CFR CITATION:

10 CFR 35

ABSTRACT:

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

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Medical Use of Byproduct Material: Training and Experience Criteria

RIN:

3150-AC99

CFR CITATION:

10 CFR 35

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) discussed amending Commission regulations concerning training and experience criteria for individuals involved in the medical use of byproduct material. Rulemaking may be needed to reduce the chance of misadministration. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its regulations or recognize medical specialty certificates. The Commission requested cost/benefit comments in the ANPRM, published May 25, 1988. The contractor study of training, accreditation, and certification programs that are now in place has been completed. The NRC staff has analyzed the comments received in response to the ANPRM and the contractor report. The staff analysis and proposed course of action were provided to the Advisory Committee on Medical Uses of Isotopes (ACMUI) as an agenda item at their meeting on July 10, 1990. The ACMUI responded that the information which the staff had gathered does not support the premise that training and experience is a factor in misadministrations. The ACMUI suggested that additional information be gathered which includes the training and experience of the person committing the violation. The staff will modify its collection parameters, and continue to collect data. The staff is currently preparing a Commission Paper recommending that NRC not proceed with rulemaking on this issue at this time.

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Medical Use of Byproduct Material: Training and Experience Criteria

AGENCY CONTACT:

Larry Camper
Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 492-3417

TITLE:

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

RIN:

3150-AD10

CFR CITATION:

10 CFR 50

ABSTRACT:

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

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Phil Cota
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-1280

TITLE:

License Renewal for Nuclear Power Plants; Scope of Environmental Effects

RIN:

3150-AD63

CFR CITATION:

10 CFR 51

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations to add provisions concerning the scope of environmental effects which would be addressed by the Commission in conjunction with applications for license renewal for nuclear power plants. Changes to Part 51 will be based on the findings of a generic environmental impact statement (GEIS). The NRC is soliciting comments on the scope of environmental issues to be covered in the rulemaking and GEIS and on the ways the results of the GEIS would be incorporated into the rulemaking on Part 51.

NRC believes that a generic Part 51 rulemaking could address potential environmental impacts from the relicensing and extended operation of nuclear power plants. This rulemaking would define the potential environmental impacts which need to be reviewed as part of the relicensing of individual nuclear power plants. The NRC is, therefore, undertaking a study to assess which environmental impacts may occur, under what circumstances, and their possible level of significance.

TIMETABLE:

ANPRM to EDO 5/30/90
ANPRM to Commission (SECY-90-208) 06/08/90
ANPRM Published 07/23/90 55 FR 29964
ANPRM Comment Period Ends 10/22/90
Proposed Action to CRGR 03/04/91
Proposed Action to EDO 04/01/91
Proposed Action to Commission 04/15/91
Proposed Action Published 05/24/91
Final Action Published 04/18/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Donald P. Cleary
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3936

TITLE:
Import and Export of Radioactive Wastes

RIN:
3150-AD36

CFR CITATION:
10 CFR 110

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

TIMETABLE:
ANPRM Action Published 02/07/90 55 FR 4181
ANPRM Public Comment Period Extended to 04/24/90 03/23/90
55 FR 10786
Proposed Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

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

(D) Unpublished Rules

D

TITLE:

Revised Rules of Practice for Domestic Licensing Proceedings

RIN:

3150-AB66

CFR CITATION:

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

ABSTRACT:

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

TIMETABLE:

Proposed Action Published 03/00/91
Final Action Published 06/00/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Lee S. Dewey
Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, DC 20555
301 492-7787

TITLE:
Availability of Official Records

RIN:
3150-AC07

CFR CITATION:
10 CFR 2

ABSTRACT:

The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790(c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of two additional circumstances where information will not be returned to the applicant, i.e., information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

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

A proposal is being prepared to submit to agency staff for comment.

TITLE:
Availability of Official Records

TIMETABLE:
Proposed Action Published 02/28/91

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:
Discrimination on the Basis of Sex

RIN:
3150-AD50

CFR CITATION:
10 CFR 2; 10 CFR 19

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

TIMETABLE:
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:
Revision of Definition of Meeting

RIN:
3150-AC78

CFR CITATION:
10 CFR 9

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

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:
*Revision of Specific Exemptions

RIN:
3150-AD83

CFR CITATION:
10 CFR 9

ABSTRACT:
The final rule would amend the Commission's regulations pertaining to specific exemptions cited in the NRC's Privacy Act Systems of Records. This final rule would reflect the addition of the Privacy Act (j)(2) exemption to two NRC Systems of Records and to the regulations that describe these exempt systems of records. These amendments are necessary so that the regulations clearly link each system of records to the specific exemption(s) of the Privacy Act under which the system is exempt.

TIMETABLE:
Proposed Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Sarah Wigginton
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-7752

TITLE:

*Access Authorization Fee Schedule for Licensee Personnel

RIN:

3150-AD76

CFR CITATION:

10 CFR 11; 10 CFR 25

ABSTRACT:

The final rule would amend the Commission's regulations by changing the rate charged to licensees by the NRC for conducting access authorization background investigations. On October 1, 1990, OPM increased the rate they charge the NRC for conducting background investigations. The enabling legislation authorizing clearances for licensee personnel under 10 CFR Parts 11 and 25 requires licensees to reimburse the NRC for the costs of such clearances. Appropriated funds may not be used for this purpose. NRC must increase the rates charged licensees to cover its increased costs. There is no alternative to rulemaking that will accomplish this objective. The final rule would affect only the approximately 29 licensee or license related facilities who have personnel cleared for access to Special Nuclear Material or classified information. It will have negligible effect on the general public. Since NRC is already conducting these clearance activities, the final rule will not affect the amount of NRC resources allocated to the program.

TIMETABLE:

Final Action for Division Review 12/7/90
Office Concurrence on Final Action Completed 12/28/90
Final Action to EDO 1/4/91
Final Action Published 2/00/91

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Duane G. Kidd
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-4127

TITLE:

Clarification of Statutory Authority for Purposes of Criminal Enforcement

RIN:

3150-AD62

CFR CITATION:

10 CFR 19, 10 CFR 20, 10 CFR 21, 10 CFR 25, 10 CFR 30, 10 CFR 31,
10 CFR 32, 10 CFR 33, 10 CFR 34, 10 CFR 35, 10 CFR 39, 10 CFR 40,
10 CFR 50, 10 CFR 55, 10 CFR 61, 10 CFR 70, 10 CFR 71, 10 CFR 72,
10 CFR 73, 10 CFR 74, 10 CFR 75, 10 CFR 95, 10 CFR 110, 10 CFR 150

ABSTRACT:

The proposed rule would amend the Commission's regulations by revising the authority citations accompanying some of the regulations to more clearly identify those violations which, if willfully violated, may subject the violator to potential criminal penalties. The NRC has been unable to refer some cases to the Department of Justice (DOJ) or the DOJ has had difficulty in prosecuting cases as a result of the gaps and inconsistencies in the existing authority citations. The proposed rule would create no new potential liabilities. The proposed rule would specify which regulations were issued under subparagraph "b", "i", or "o" of Section 161 of the Atomic Energy Act. These amendments would ensure that persons subject to the Commission's regulations are put on notice as to which regulations, if willfully violated, may subject them to criminal sanctions pursuant to Section 223 of the Atomic Energy Act.

TIMETABLE:

Proposed Action to Commission 03/01/91
Proposed Action Published 06/01/91
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Residual Radioactivity Criteria for Unrestricted Release of Lands and Structures

RIN:

3150-AD65

CFR CITATION:

10 CFR 20

ABSTRACT:

The proposed rule would amend the Commission's regulations to codify the basic principles and criteria which would allow residually contaminated lands and structures to be released for unrestricted public use. The rule would reflect Commission views as defined in the Below Regulatory Concern Policy Statement which was published in the Federal Register on July 3, 1990 (55 FR 27522). For example, lands and structures would be considered suitable for release for unrestricted use if the licensee demonstrates that the action will comply with the exemption policy's individual and collective dose criteria and other policy conditions. In the final rule on General Requirements for Decommissioning Nuclear Facilities (53 FR 24018) dated June 27, 1988, the need and urgency for guidance with respect to residual contamination criteria was expressed. At that time, it was anticipated that an interagency working group organized by the Environmental Protection Agency would develop necessary Federal guidance. However, in the absence of significant progress by the interagency working group, the Commission has directed that the NRC expedite a residual radioactivity rulemaking because the requirements, once final, will provide licensees with an incentive to complete site decommissionings.

The rule would codify the basic principles and criteria expressed in the Below Regulatory Concern Policy Statement. Measurables, in the form of surface and volume radioactivity concentrations and site radioactivity inventory values, would be provided in supporting regulatory guidance. These combined activities should benefit the public industry and the NRC by providing a risk-based framework upon which decommissioning activities and license terminations can be accomplished. The framework will assure adequate protection of public health and safety and identify residual radioactivity criteria upon which licensees can confidently develop reasonable and responsible decommissioning plans.

TIMETABLE:

Proposed Action to EDO 04/30/92
Proposed Action to Commission 05/31/92
Proposed Action Published 06/30/92
Final Action Published 06/30/93

TITLE:
Residual Radioactivity Criteria for Unrestricted Release of Lands
and Structures

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

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

TITLE:

*Operations Center Phone Number Change

RIN:

3150-AD79

CFR CITATION:

10 CFR 20; 10 CFR 50

ABSTRACT:

The final rule would amend the Commission's regulations to change the current commercial area code telephone number at the NRC Operations Center from (202) to (301). This action is necessary to implement a change initiated by the C&P Telephone Company to accommodate the increasing demand for telephone numbers in the metropolitan Washington, DC area. The amendment will provide the correct commercial telephone number for licensees to contact the NRC Operations Center.

TIMETABLE:

Final Action to EDO 12/31/90
Final Action Published 01/10/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Low-Level Waste Manifest Information and Reporting

RIN:

3150-AD33

CFR CITATION:

10 CFR 20; 10 CFR 61

ABSTRACT:

The proposed rule would amend the Commission's regulations to: (1) improve information contained in manifests accompanying shipments of waste to low-level waste (LLW) disposal facilities licensed under Part 61; (2) develop a uniform manifest for national use; (3) require that operators of these disposal facilities store portions of this manifest information in onsite computer recordkeeping systems; and (4) require that operators periodically submit, in an electronic format, reports of shipment manifest information.

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

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

A rulemaking that upgrades shipment manifests, provides for a uniform manifest, and requires disposal site computer recordkeeping systems will assure that technical information on LLW is available and in a form which can be used for performance assessments, technical analyses, and other activities and would reduce confusion resulting from multiple manifest forms. A requirement to report electronic manifest information will ensure that the regulatory staff, as well as the site operators, have the ability to perform safety and environmental assessments, and to monitor compliance with regulations and license conditions.

TITLE:

Low-Level Waste Manifest Information and Reporting

ABSTRACT: (CONT)

The rulemaking will help ensure the availability of a complete, detailed national LLW computer data base, operated by DOE or the NRC if necessary, that contains information about waste disposed in all LLW sites, those regulated by NRC as well as by Agreement States. The rulemaking, through development of a uniform manifest, would also improve safe and expeditious movement of LLW from generators through processors or collectors to disposal facilities. Emergency accident procedures would be enhanced through use of a single uniform manifest.

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

TIMETABLE:

Proposed Action to EDO 05/15/91
Proposed Action to Commission 06/03/91
Proposed Action Published 07/19/91
Final Action Published 07/31/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE: Fitness-for-Duty Programs for Category I Fuel Facilities and Shipments

RIN: 3150-AD68

CFR CITATION: 10 CFR 26

ABSTRACT: The proposed rule would amend the Commission's regulations to include Category I fuel facilities and Category I shipments in the fitness-for-duty programs. This action is necessary to ensure fitness for duty of employees: (1) who have direct access to large quantities of special nuclear material (SNM); (2) who are responsible for the protection of the material; and (3) who transport the material. The proposed rule is expected to lead to compatibility with equivalent DOE programs.

The central issue for Category I-type facilities and shipments is the risk of theft or diversion of high-enriched SNM due to drug-related causes which, in turn, could pose a significant risk to the health, safety, or security of a large population. Current regulations only cover nuclear power plants and need to be expanded to include Category I facilities and shipments with requirements reflecting the differences between the nuclear power plants and the Category I facilities and shipments. There is no alternative to rulemaking which would accomplish the objectives of the rulemaking.

The rulemaking will address the fitness-for-duty programs as they pertain to the type of facility or mode of shipment. The rulemaking will address the following aspects of the fitness for duty programs-- general performance objectives, program elements and procedures, records and reports, audits, and enforcement.

The impact of the rule on the NRC licensing, inspection, and enforcement program will be approximately 1 FTE per year. The NRC resources required to develop the rulemaking are estimated to be 0.5 FTE per year for 2 years. The cost to industry will include chemical testing and operating costs.

TIMETABLE:
Proposed Action to EDO 05/24/91
Proposed Action to Commission 06/07/91
Proposed Action Published 08/19/91
Final Action Published 06/30/92

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE: Fitness-for-Duty Programs for Category I Fuel Facilities and Shipments

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

TITLE:

Timeliness in Conduct of Decommissioning of Material Facilities

RIN:

3150-AD66

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 70; 10 CFR 72

ABSTRACT:

The proposed rule would amend the Commission's regulations to require decontamination and decommissioning of material facilities within a fixed period of time after cessation of operations.

Current regulations allow material licensees considerable discretion as to the timing of decontamination and decommissioning. This has allowed some licensees to remain inactive without decommissioning on the basis that operations may resume sometime in the future. Similarly, licensees are not required to decontaminate promptly, in step-by-step fashion, portions of their facilities that become inactive as their operations evolve. This allows licensees to postpone heavy decommissioning costs by simply continuing sufficient controls, monitoring, and surveillance to meet minimal safety requirements.

The proposed rule would require decontamination and decommissioning of materials facilities within a fixed period of time (e.g., 2-3 years) after cessation of operations. This requirement would be accompanied by a provision for the licensee to seek a variance if completion of decontamination or decommissioning within the required times is not technically achievable or if delaying decontamination or decommissioning would reduce risk to public health and safety or the environment.

The rulemaking will result in publication of specific criteria for timeliness in the decontamination and decommissioning of material facilities. This rulemaking will provide a more substantial planning base for the industry and result in timely decontamination and decommissioning of material facilities. The resulting timely decontamination and decommissioning of materials facilities will reduce the potential radiological risk to the public and the environment from contaminated materials sites. The rulemaking is not expected to substantially affect licensee costs.

TIMETABLE:

Proposed Action to EDO 02/28/91
Proposed Action to Commission 03/29/91
Proposed Action Published 04/30/91
Final Action Published 04/30/92

TITLE:

Timeliness in Conduct of Decommissioning of Material Facilities

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

James Malaro
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3764

TITLE:

Decommissioning Regulations: Recordkeeping and Termination for
Decommissioning, Documentation Additions

RIN:

3150-AD67

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 70; 10 CFR

ABSTRACT:

The proposed rule, in conjunction with the decommissioning rule published on June 27, 1988 (53 FR 24018), would modify the Commission's decommissioning regulations to make them more specific and more easily implemented. Current regulations require recordkeeping provisions as well as termination plans or their equivalent to be filed with the Commission at cessation of operations. However, no explicit requirements are specified in current rules pertaining to a listing of the land, structures, and equipment of the licensed facility; nor are any explicit requirements specified pertaining to submittal of an operating history at the time of submittal of final plans as well as prior to license termination. This type of information is important to ensure that all features and aspects of the facility and its attendant activities that could have potential for resulting in radioactive contamination have been dealt with in the decommissioning process and that a record exists that can be stored for future reference which contains the relevant features of the license termination process requirements.

There does not appear to be any reasonable alternative to rulemaking action. However, it is expected that most of the information explicitly required in the proposed amendments will already, or with minimal effort, be available (based on the existing rule recordkeeping requirements). While proposed amendments will affect all licensees, it is anticipated that the requirements will place minimal burden on them. Moreover, ensuring that the information is explicitly available should help expedite NRC approval of licensee decommissioning activities and may reduce the overall licensee and NRC efforts required to terminate a license.

Proposed changes to the regulations will be issued for public comment.

TIMETABLE:

Proposed Action to ACRS 05/30/91
Proposed Action to CRGR 05/30/91
Proposed Action to EDO 07/30/91
Proposed Action to Commission 08/30/91
Proposed Action Published 09/30/91
Final Action Published 09/30/92

TITLE:
Decommissioning Regulations: Recordkeeping and Termination for
Decommissioning, Documentation Additions

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:
Carl Feldman
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 92-3883

TITLE:

Requirements for Possession of Industrial Devices

RIN:

3150-AD34

CFR CITATION:

10 CFR 31

ABSTRACT:

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

TIMETABLE:

Proposed Action to EDO 06/01/90
Revised Proposed Action to EDO 01/31/91
Proposed Action Published 03/29/91
Final Action Published 01/31/92

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2114; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE:

*Restrict Maximum Air Gap Between the Device and the Product for
General Licensed Devices

RIN:

3150-ADB2

CFR CITATION:

10 CFR 32

ABSTRACT:

The final rule would amend the Commission's regulations to prevent unnecessary personnel radiation exposure from gauging devices containing radioactive sources. These devices are routinely used for measuring material density, level, weight, moisture, and thickness. Devices with unacceptable air gaps would be controlled under specific licenses. This would require licensees to provide more stringent controls over these devices and make licensees subject to routine inspections. To achieve this goal, § 32.51, and possibly § 31.5, would be amended to require specific design criteria or other prescribed methods to prevent personnel access to a radiation field in excess of 10 CFR 20 limits for unrestricted areas.

TIMETABLE:

Final Action to EDO 08/01/91
Final Action to Commission 09/02/91
Final Action Published 11/01/91

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Harvey Scott
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3632

TITLE: Use of Radiopharmaceuticals for Medical Research, Use of Biologics Containing Byproduct Material, and Compounding Radiopharmaceuticals

RIN: 3150-AD69

CFR CITATION: 10 CFR 35

ABSTRACT: The proposed rule would examine the Commission's regulations related to the compounding of radiopharmaceuticals, the use of biologics containing byproduct material, and the medical research uses of radiopharmaceuticals. The NRC's response to the petition for rulemaking submitted by the American College of Nuclear Physicians and the Society of Nuclear Medicine (PRM-35-9) could result in denial or proposed rulemaking for all or part of the petition. This task is expected to consume about 2 staff-years of effort.

TIMETABLE: Proposed Action Published Undetermined

LEGAL AUTHORITY: 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:
Iridium-192 Wire for Interstitial Treatment of Cancer

RIN:
3150-AD46

CFR CITATION:
10 CFR 35

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

TIMETABLE:
Proposed Action to Offices for Concurrence 03/16/90
Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:
Emergency Planning Regulations for Part 52 Licensing

RIN:
3150-AD48

CFR CITATION:
10 CFR 50

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

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

TIMETABLE:
Proposed Action to EDO 03/07/90
Proposed Action to Commission (SECY-90-103) 03/20/90
Proposed Action Published 01/18/91
Final Action Published 09/30/91

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: No

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

TITLE:

Clarification of Emergency Preparedness Regulations

RIN:

3150-AD40

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations by clarifying the linkage between the need for "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" indicated in § 50.47(a) and 16 planning standards outlined in § 50.47(b). In addition, the rulemaking will clarify the term "range of protective" actions. Other issues to be clarified include monitoring of evacuees, actions for recovery and reentry, notification of the public, evacuation time estimates, and exercise frequency.

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

TIMETABLE:

Proposed Action to CRGR/ACRS 04/03/91
Proposed Action to EDO 06/25/91
Proposed Action to Commission 07/03/91
Proposed Action Published 09/30/91
Final Action Published 05/15/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:
Emergency Telecommunications System Upgrade

RIN:
3150-AD39

CFR CITATION:
10 CFR 50

ABSTRACT:

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

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

TIMETABLE:
Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:

Safety Related and Important to Safety in 10 CFR Part 50

RIN:

3150-AB88

CFR CITATION:

10 CFR 50

ABSTRACT:

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

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

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

Since the proposed rule is only clarifying existing requirements, there is no impact on the public or the industry as a result of this rulemaking.

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Owen Gormley
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3743

TITLE:

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

RIN:

3150-AC93

CFR CITATION:

10 CFR 50

ABSTRACT:

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

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

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

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

TITLE:

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

TIMETABLE:

Proposed Action to CRGR 06/13/89
Proposed Action to EDO Undetermined
Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

*Selection, Training and Qualification of Nuclear Power Plant Personnel

RIN:

3150-AD80

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations to require each applicant and holder of a license to operate a nuclear power plant to establish and use a systems approach in developing training programs for management, supervisory, professional, and technical workers who have an impact on the health and safety of the public. Licensees and applicants would also be required to establish selection and qualification requirements for those personnel. The objectives of the proposed rule are to codify existing industry practices related to personnel selection, training and qualification, and to meet the directives contained in Section 306 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The task is expected to require approximately 2 staff-years of effort.

TIMETABLE:

Proposed Action to CRGR 02/01/91
Proposed Action to ACRS 02/01/91
Proposed Action to EDO 04/01/91
Proposed Action to Commission 04/16/91
Proposed Action Published 07/01/91
Final Action Published 06/30/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Mary Louise Roe
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3745

TITLE:

Fracture Toughness and Reactor Vessel Material Surveillance Requirements

RIN:

3150-AD57

CFR CITATION:

10 CFR 50, Appendices G and H

ABSTRACT:

The proposed rule would amend 10 CFR Part 50 of the Commission's regulations. Appendix G, Fracture Toughness Requirements, provides the basis for calculating the pressure-temperature limits that appear in the Technical Specifications for every plant. By coincidence, the ASME Boiler and Pressure Vessel Code Appendix that is incorporated by reference is also Appendix G. The additional requirements given in 10 CFR Part 50, Appendix G, are principally those needed to include the effects of neutron radiation embrittlement in the estimates of fracture toughness of the reactor vessel belline as the vessel ages and accumulates neutron fluence. To monitor the latter, Appendix H contains requirements for a reactor vessel material surveillance program. It incorporates ASTM Standard Practice E 185 by reference.

The proposed rule would update the list of editions of E 185 that are incorporated to include the 1990 edition, which is now in the final balloting stages. Another purpose is to change the ASME Code Appendix that is referenced in Appendix G, 10 CFR Part 50, from Appendix G of Section III, the construction code, to Appendix G in the 1989 Edition of Section XI, the inservice inspection code. At present the two appendices are identical. The reason for adding an Appendix G in the 1989 Edition of Section XI was to put it under the jurisdiction of a working group whose members were taking an active interest in fracture issues as a consequence of working with the problems of operating plants. Updating is expected to include advances in fracture analysis, because the original Appendix G of Section III has been in use since 1972.

The pacing item in the list of proposed amendments is to clarify the NRC's position on pressure testing as agreed by the CRGR at their meeting on November 29, 1989. This requires that some words be deleted from paragraph IV.A.5 of Appendix G, 10 CFR Part 50, and a sentence added to require that the pressure tests required by the ASME Code, Section XI, be performed before the reactor is taken critical following a shutdown and to require that the primary coolant system be essentially water solid during the test.

The proposed rule would also delete paragraph IV.B of Appendix G, which requires that reactor vessels be designed to permit annealing if they are predicted to undergo embrittlement to

TITLE:

Fracture Toughness and Reactor Vessel Material Surveillance Requirements

ABSTRACT: (CONT)

specified levels. This action is needed to conform to the Commission's position as stated in the Supplementary Information for the PTS rule published in 1985.

Finally, an amendment is proposed that will delete a general requirement from Appendix G regarding the treatment of low upper-shelf energy and put in a specific requirement for acceptance criteria by reference to a new addition to the ASME Code, Section XI.

The added costs to licensees to implement these changes in requirements will be minimal--even a cost savings in many cases. No significant increase in staff time to implement the changes introduced by these proposed amendments is anticipated. It is estimated that 0.5 staff years of effort over 2 years will be required for the rulemaking.

TIMETABLE:

Proposed Action to EDO Undetermined
Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Allen L. Hiser, Jr.
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3988

TITLE:

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

RIN:

3150-AD05

CFR CITATION:

10 CFR 50

ABSTRACT:

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

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

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

TIMETABLE:

Proposed Action Submitted for Division Review 09/27/88
Proposed Action to CRGR 10/09/90
Proposed Action to EDO 12/24/90
Proposed Action Published 01/31/91
Final Action Published 12/30/91

TITLE:

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

LEGAL AUTHORITY:

42 USC 2201, 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Gilbert C. [unclear]
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3848

TITLE:
Repository Operations Criteria

RIN:
3150-AD51

CFR CITATION:
10 CFR 60

ABSTRACT:

The proposed rule would amend the Commission's regulations concerning additional preclosure regulatory requirements for high-level waste geologic repositories. Several issues associated with preclosure regulatory requirements have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. These involve: (a) the lack of clearly prescribed requirements for the establishment of a controlled-use area intended to protect public health and safety in the event of a postulated radionuclide release and (b) the definition of structures, systems, and components important to safety for which certain design and quality assurance criteria apply. In order to meet the milestones mandated by the Nuclear Waste Policy Act of 1982, as amended, and milestones pertaining to DOE's production schedule in the Mission Plan amendments, guidance is needed from NRC on these matters to enable DOE to proceed with the siting of a geologic repository.

The proposed amendments would require the establishment of a controlled-use area, based on radiation dose criteria, for the siting of geologic repositories. In addition, a new definition of structures, systems, and components important to safety would be added that would be similar to one in 10 CFR Part 72.

TIMETABLE:

Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

Public Law 97-425, 42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:
Personnel Access Authorization Program

RIN:
3150-AA90

CFR CITATION:
10 CFR 73

ABSTRACT:

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

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

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

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

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

TIMETABLE:

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

TITLE:

Personnel Access Authorization Program

TIMETABLE: (CONT)

Options Paper to EDO (SECY-89-98) 03/22/89
Revised Final Action to CRGR 12/5/89
Revised Final Action to ACRS 12/14/89
Final Action to EDO 06/18/90
Revised Final Action to EDO 01/17/91
Final Action to Commission 01/31/91
Final Action Published 03/29/91

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Night Firing Qualifications for Security Guards at Nuclear Power Plants

RIN:

3150-AC88

CFR CITATION:

10 CFR 73

ABSTRACT:

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

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

TIMETABLE:

Proposed Action Published Undetermined
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Sher Bahadur
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3775

TITLE:

Reinvestigation of Individuals Granted Unescorted Access to Nuclear Power Plants

RIN:

3150-AD49

CFR CITATION:

10 CFR 73

ABSTRACT:

The proposed rule would amend the Commission's regulations to require periodic updates of FBI fingerprint checks for reinvestigation of individuals granted unescorted access to nuclear power plants or access to safeguards information. The current regulations require each licensee who is authorized to operate a nuclear power plant under Part 50 to submit fingerprint cards to the NRC for those individuals who are permitted unescorted access to a nuclear power facility or to safeguards information and who are not exempted under 10 CFR 73.57(b)(2). Fingerprints are used to secure a review of the individual's criminal history record by the FBI. Information received from the FBI is reviewed by the licensee in order to determine whether further unescorted access to the facility or to safeguards information should continue to be granted or denied. The current regulations do not include a reinvestigation element.

In order to address the question of periodic reinvestigation, 10 CFR 73.57, "Requirements for Criminal History Checks of Individuals Granted Unescorted Access to a Nuclear Power Facility or Access to Safeguards Information by Power Reactor Licensees," would be amended. The amendment would require that licensees who operate a nuclear power plant submit fingerprint cards for applicable personnel to the NRC for criminal history checks every 5 years. Authorization for unescorted access would be retained by an individual pending results of the criminal history check on that individual's fingerprints. The alternative is to allow the status quo to continue, with no reinvestigation of utility personnel required.

This rulemaking will have a minimal impact on the NRC because of the NRC's limited participation in processing the reinvestigations. The impact on industry will include the cost of fingerprinting and submitting fingerprint cards through the NRC to the FBI for criminal history checks. The current regulation requires payment of \$21 per investigation, payable by the industry. It is expected that this rate would also apply for each reinvestigation and would constitute full reimbursement to the government.

TIMETABLE:

Proposed Action Published Undetermined

Final Action Published Undetermined

TITLE:

Reinvestigation of Individuals Granted Unescorted Access to
Nuclear Power Plants

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

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

RIN:

3150-AD30

CFR CITATION:

10 CFR 73, Appendix H

ABSTRACT:

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

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

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

TITLE:

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

TIMETABLE:

Proposed Action to EDO 03/30/91
Proposed Action to Commission 04/30/91
Proposed Action Published 05/31/91
Final Action Published 08/31/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

H. Tovmassian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3634

TITLE:

Import and Export of Nuclear Equipment and Material

RIN:

3150-AD64

CFR CITATION:

10 CFR 110

ABSTRACT:

The proposed rule would amend the Commission's regulations governing the import and export of nuclear equipment and material. Miscellaneous changes are proposed in several areas of 10 CFR Part 110. The Commission has reviewed its processing of nuclear export license applications and has determined that (1) license applications for the export of any quantity of heavy water to Canada do not raise issues that require Commission review, and (2) license applications for the export of low-enriched uranium to EURATOM and to Japan for enrichment to no more than 5% U-235. The Executive Branch agencies also reviewed their processing of nuclear export license applications and have determined that for these license applications Executive Branch review will not be required.

In addition, the NRC has identified several other areas where minor changes are warranted. These proposed changes would: (1) permit the expedited import and export of certain nuclear material where no significant proliferation risks are involved, (2) clarify the wording of the coverage of some nuclear commodities, (3) streamline the procedures for public participation in NRC's licensing process, (4) delete from the list of restricted destinations those countries that recently have signed the Non-Proliferation Treaty, (5) add Namibia to the general license for the import into the United States of Namibian origin uranium in any form, (6) add definitions for terms not currently defined, and (7) make other minor changes. There is no acceptable alternative to rulemaking because the amendments to the regulations are necessary to ensure the orderly and efficient administration of NRC's import and export responsibilities without incurring any national security or proliferation risks. The rule should benefit the NRC, industry, and the public by making the regulations easier to understand, implement, and enforce and by expediting the review process for certain kinds of applications.

TIMETABLE:

Rulemaking Initiation Date (Division Review) 06/22/90
Proposed Action to Offices for Concurrence 02/10/91
Proposed Action Published 04/01/91
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

TITLE:

Import and Export of Nuclear Equipment and Material

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:
*Fee Schedules for Facilities and Materials Licenses and Annual Fees
for Operating Power Reactor Licenses

RIN:
3150-AD81

CFR CITATION:
10 CFR 170; 10 CFR 171

ABSTRACT:
The Omnibus Budget Reconciliation Act of 1990 requires the NRC to collect approximately 100 percent of its budget authority through fees for the next five fiscal years (FY 1991-1995). The law specifies that annual fees shall be established by rule to recover the portion of the NRC budget that is not recovered from appropriations received from the Nuclear Waste Fund and monies recovered through fees assessed under Part 170 for licensing and revised in FY 1991. This rulemaking effort is required to comply with Pub. L. 101-508. There is no suitable alternative to rulemaking for this action.

TIMETABLE:
Policy Paper to EDO 01/18/91
Proposed Action Published 04/15/91
Final Action Published 08/15/91

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; Pub. L. 101-508

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
C. James Holloway, Jr.
Nuclear Regulatory Commission
Office of the Controller
Washington, DC 20555
301 492-4301

IR
PETITIONS

(a) Petitions Incorporated into Final Rules or
Petitions Denied Since September 28, 1990

NONE

A

(B) Petitions for Which a Notice of Denial Has Been
Prepared and is Scheduled to be Published in the
Federal Register Next Quarter

B

PETITION DOCKET NUMBER: PRM-50-50

PETITIONER: Charles Young

PART: 50

OTHER AFFECTED PARTS: None

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

SUBJECT: Technical Specifications

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

TIMETABLE: The staff plans to publish a notice of denial of this petition for rulemaking in the Federal Register in January 1991.

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

(C) Petitions Incorporated into Proposed Rules

NONE

C

(D) Petitions Pending Staff Review

D

PETITION DOCKET NUMBER: PRM-20-17

PETITIONER: The Rockefeller University

PART: 20

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: October 21, 1978 (53 FR 41342)
Correction published November 1, 1988
(53 FR 44014)

SUBJECT: Disposal of Animal Tissue Containing Small Amounts of
Radioactivity

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

TIMETABLE: Resolution of the petition is scheduled for September 1991.

CONTACT: S. Klementowicz
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3793

PETITION DOCKET NUMBER: PRM-20-18

PETITIONER: The Rockefeller University

PART: 20

OTHER AFFECTED PARTS: None

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

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

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

TIMETABLE: Resolution of the petition is scheduled for September 1991.

CONTACT: S. Klementowicz
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3793

PETITION DOCKET NUMBER: PRM-20-19

PETITIONER: GE Stockholders' Alliance

PART: 20

OTHER AFFECTED PARTS: 50

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

SUBJECT: Injection of Detectable Odor in Emissions of Nuclear Power Plants and Other Nuclear Processes

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

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

TIMETABLE: Resolution of the petition is scheduled for September 1991.

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

PETITION DOCKET NO: PRM-35-8

PETITIONER: Amersham Corporation

PART: 35

OTHER AFFECTED PARTS: None

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

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

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

TIMETABLE: A proposed rule entitled, "Iridium-192 Wire for Interstitial Treatment of Cancer (RIN 3150-AD46)," has been developed to address this petition. Action on the proposed rule is expected in the near future pending final resolution of potential safety issues.

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

PETITION DOCKET NUMBER: PRM-35-9

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

PART: 35

OTHER AFFECTED PARTS: 30, 33

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

SUBJECT: Use of Radiopharmaceuticals

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

TIMETABLE: An interim final rule was published in the Federal Register on August 23, 1990 (55 FR 34513), as a partial resolution of the petition (see rulemaking, "Authorization to Prepare Radiopharmaceutical Reagent Kits and Elute Radiopharmaceutical Generators; Use of Radiopharmaceuticals for Therapy" (RIN 3150-AD43) (Part 35)). The staff is working to resolve the remaining issues of the petition (see rulemaking, "Use of Radiopharmaceuticals for Medical Research, Use of Biologics Containing Byproduct Material, and Containing Radiopharmaceuticals" (RIN 3150-AD69) (Part 35)).

PETITION DOCKET NUMBER: PRM-35-9

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

PETITION DOCKET NUMBER: PRM-50-20

PETITIONER: Free Environment, Inc., et al.

PART: 50

OTHER AFFECTED PARTS: 100

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

SUBJECT: Reactor Safety Measures

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

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

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

TIMETABLE: The staff is planning to prepare a Federal Register notice which will contain a denial for the remaining issue (Item 4) in this petition. The notice of denial is expected to be submitted to the EDO in March 1991.

CONTACT: H. Tovmassian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3634

PETITION DOCKET NUMBER: PRM-50-53

PETITIONER: The Ohio Citizens for Responsible Energy

PART: 50

OTHER AFFECTED PARTS: None

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

SUBJECT: Request for Reopening of ATWS Rulemaking Proceeding

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

In a letter from the BWR Owner's Group (BWROG), dated September 18, 1989, which transmitted report NEDO-31709, "Average Core Power During Large Core Thermal Hydraulic Oscillations in a BWR" the BWROG concluded that previous ATWS evaluations are valid and that existing ATWS provisions and actions are appropriate. The staff review of NEDO-31709 concluded that the NEDO analyses, and other analyses performed by the BWROG contractors, were not sufficient to support their conclusions.

NRC Staff and contractors studies of ATWS scenarios were performed to determine if the potential power oscillations could be significant enough to warrant an ATWS rule change, modification of operator actions, or possible equipment/systems changes. Several of the ATWS scenarios revealed the need for more detailed studies of the automatic responses and emergency procedures guidelines (EPG's) used by plant operators.

PETITION DOCKET NUMBER: PRM-50-53

SUMMARY:

The staff requested that the BWROG address the questions raised by the staff relative to operator actions and instrumentation adequacy for an ATWS with oscillations and the timing of the boron injection and water level reduction as effective means to control such transients. The BWROG studies are expected to be completed in January 1991. The staff will review the BWROG analysis and determine the adequacy of the results.

Therefore, the staff considers it prudent to hold in abeyance, pending their review of the BWROG analysis and information discussed above, a response to the petitioners request to reopen the ATWS rulemaking proceedings.

TIMETABLE: Resolution of the petition is scheduled for June 1991.

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

PETITION DOCKET NUMBER: PRM-50-54

PETITIONER: Public Citizen

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: March 12, 1990 (55 FR 9137)

SUBJECT: Regulation of Independent Power Producers

SUMMARY: The petitioner requests that the Commission promulgate rules governing the licensing of independent power producers (IPPs) to construct or operate commercial nuclear power reactors. The petitioner also requests that these rules include specific criteria for financial qualifications for an IPP seeking a construction permit or an operating license for a commercial nuclear power reactor. The petitioner believes that there is a growing movement towards non-utility IPPs owning, constructing, and/or operating nuclear reactors.

TIMETABLE: Resolution of the petition is on hold pending availability of resources.

CONTACT: Joseph Mate
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3795

PETITION DOCKET NUMBER: PRM-50-55

PETITIONER: Yankee Atomic Electric Company

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: May 3, 1990 (55 FR 18608)

SUBJECT: Scheduling Final Safety Analysis Report Updates

SUMMARY: The petitioner requests that the NRC change the requirement that nuclear power plant licensees file revisions to the final safety analysis report not less than once a year. The petitioner also requests that the regulations require that revisions be filed no later than six months after completion of each planned refueling outage for a licensee's facility.

TIMETABLE: Resolution of the petition is scheduled for May 1991.

CONTACT: Stanley Turel
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3739

PETITION DOCKET NUMBER: PRM-60-3

PETITIONER: Department of Energy

PART: 60

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: July 13, 1990 (55 FR 28771)
August 10, 1990 (55 FR 32639)

SUBJECT: Disposal of High-Level Radioactive Waste

SUMMARY: The petitioner requests that the Commission amend its regulations pertaining to the disposal of high-level radioactive wastes in geologic repositories to include a specific dose criterion for design basis accidents. The petitioner believes this would facilitate the development and licensing of a geologic repository for high-level radioactive waste.

TIMETABLE: Resolution of the petition is scheduled for November 1991.

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

PETITION DOCKET NUMBER: *PRM-60-4

PETITIONER: States of Washington and Oregon

PART: 60

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: December 17, 1990 (55 FR 51732)

SUBJECT: Definition of the Term "High-Level Radioactive Waste"

SUMMARY: The petitioner requests the Commission to amend its regulations to revise the definition of the term "high-level radioactive waste" so as to establish a procedural framework and substantive standards by which the Commission will determine whether reprocessing waste, including in particular certain waste stored at the U.S. Department of Energy's site at Hanford, Washington, is high-level radioactive waste and therefore subject to the Commission's licensing authority.

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

CONTACT: Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3884

PETITION DOCKET NUMBER: PRM-61-1

PETITIONER: Sierra Club, North Carolina Chapter

PART: 61

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: April 12, 1990 (55 FR 13797);
June 7, 1990 (55 FR 23206)

SUBJECT: Design and Construction of Zero-Release Low-Level
Radioactive Waste Disposal Facility

SUMMARY: The petitioner requests the Commission to adopt a regulation to permit the design and construction of a zero-release low-level radioactive waste disposal facility in a saturated zone. The petitioner states that the regulation is necessary in order for the General Assembly of North Carolina to consider a waiver of a North Carolina statute which requests that the bottom of a low-level waste facility be at least seven feet from above the seasonal high water table.

TIMETABLE: Resolution of the petition is scheduled for June 1991.

CONTACT: Mark Haisfield
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301 492-3877

(E) Petitions with Deferred Action

NONE

BIBLIOGRAPHIC DATA SHEET

(See instructions on the reverse)

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October - December 1990

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9. SPONSORING ORGANIZATION - NAME AND ADDRESS (If NRC, type "Same as above"; if contractor, provide NRC Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address.)

Same as item 8. above.

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11. ABSTRACT (200 words or less)

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

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C

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Rulemaking**

D

Unpublished Rules

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in the Federal Register**

C

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D

Petitions - Pending

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Petitions - Deferred Action