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# NRC Regulatory Agenda

Quarterly Report  
July-September 17, 1982

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**U.S. Nuclear Regulatory  
Commission**

Office of Administration



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July-September 1982

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Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
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## Preface

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

### Organization of the Agenda

The agenda consist of two sections. Section I, "Rules," includes:

(A) Rules on which final action has been taken since June 30, the cutoff date of the last Regulatory Agenda; (B) Rules published previously as proposed rules and on which the Commission has not taken final action, (C) Rules published as advance notices of proposed rulemaking and for which neither a proposed nor final rule has been issued; and (D) Unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes: (A) Petitions incorporated into final rules or petitions denied since the cutoff date of the last Regulatory Agenda, (B) Petitions incorporated into proposed rules, (C) Petitions pending staff review, and (D) Petitions with deferred action.

In Section I of the Agenda, the rules are ordered from lowest to highest of Title 10 Code of Federal Regulations (10 CFR) part. If more than one rule appears under the same part, the rules are arranged within the part by date of most recent publication. If a rule amends multiple parts, the

rule is listed under the lowest affected part. In Section II of the Agenda, the petitions are ordered from lowest to highest Part of 10 CFR 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 the Part of 10 CFR.

The status and information included in Sections I and II of this agenda have been updated through September 17, 1982. 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 increased notice and public participation in the rulemaking proceedings included on the Agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) was enacted to encourage Federal agencies to consider, consistent with their enabling legislation, regulatory and informational requirements appropriate to the sizes of the businesses, organizations, and governmental jurisdictions subject to regulations. The Act requires that NRC consider modifying or tiering those rules which have a significant economic impact upon a substantial number of small entities in a way which considers the particular needs of small

businesses or other small entities, while at the same time assuring that the public health and safety and the common defense and security are adequately protected. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact upon a substantial number of small entities. If the rule will not have this impact, the head of the agency must certify in the rule that the analysis need not be prepared.

### Symbols

Rules that appear on the agenda for the first time are identified by the symbols " " at the end of the title. Rules that may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96-354), are identified by an asterisk (\*). This agenda contains no major rules as defined in Section 1(b) of Executive Order 12291.

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



The agenda and any comments received on any rule listed on the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Single copies of this agenda may be purchased from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555 at a cost of \$7.50, payable in advance. Beginning with the January 1983 issue, annual subscriptions to the Agenda (4 issues) will be available for \$16.00 from the same address.

#### Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7086, persons outside the Washington, DC metropolitan area may call toll-free: 800-368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "contact" for that rule.





SECTION I - RULES

(A) - Action Completed Rules

TITLE: Commission Review Procedures for Power Reactor  
Construction Permits and Operating Licenses; Immediate  
Effectiveness Rule.

AGENCY CONTACT: Richard A. Parrish  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-3224

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not  
expected to have a significant economic impact on a substantial  
number of small entities.

CFR CITATION: 10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: This final rule clarifies the weight of authority to be given a  
Commission decision on "immediate effectiveness" by Licensing  
and Appeal Boards when they conduct a review after a Commission  
review of a decision that authorizes the issuance of a construction  
permit or an operating license. The final rule directs that,  
without express instructions to the contrary, no statement  
made in the course of the Commission's effectiveness determinations  
is to be given any weight by the Licensing or Appeal Boards in  
their reviews of stay requests or the merits of the license or  
permit applications.

TIMETABLE: Final Rule Published: September 15, 1982 (47 FR 40535).

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

AGENCY CONTACT: Raymond J. Brady  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4472

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 10  
10 CFR 11  
10 CFR 25  
10 CFR 95

LEGAL AUTHORITY: 42 U.S.C. 2165  
42 U.S.C. 2201  
42 U.S.C. 5841

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

TIMETABLE: Proposed Rule Published: May 7, 1982 (47 FR 19703).  
Final Rule Published: September 2, 1982 (47 FR 38675).

TITLE: Protection of Employees Who Provide Information.

AGENCY CONTACT: Anthony DiPalo  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 19  
10 CFR 30  
10 CFR 40  
10 CFR 50  
10 CFR 60  
10 CFR 70  
10 CFR 72  
10 CFR 150

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 2236  
42 U.S.C. 2282  
42 U.S.C. 5851

ABSTRACT: The final rule provides greater protection for employees of licensees, permittees, applicants, and their contractors and subcontractors who provide information to the NRC. This rule is in response to section 10 of Public Law 95-601 (42 U.S.C. 5851), which amended the Energy Reorganization Act of 1974 by adding a new section 210, "Employee Protection." This new section identifies specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in these activities, provides the Department of Labor with new authority (29 CFR Part 24) to investigate an alleged act of discrimination, and provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor. The final rule (1) changes the types of information to include not only information on radiological working conditions but also information on antitrust, safeguards, safety, and security matters, (2) makes the employee protection provisions applicable not only to licensees but also to permittees, applicants, and their contractors and subcontractors, (3) makes employers aware that discrimination against employees who provide this information to the NRC is prohibited, (4) makes employees aware that if this discrimination is believed to have occurred, a recourse for remedy is available through the Department of Labor, and (5) requires posting on premises of licensees, permittees, and applicants of explanatory material relating to the prohibition and remedy. The new authority of the Department of Labor does not in any way abridge the Commission's preexisting authority under section 161 of the Atomic Energy Act to investigate any alleged discrimination and take appropriate action, for example, withholding of a license, suspension of a license, or imposing a civil penalty.



TIMETABLE:      Proposed Rule Published: March 10, 1980 (45 FR 15184).  
                  Final Rule Published: July 14, 1982 (47 FR 30452).

TITLE: Institutional Radiation Safety Committee.

AGENCY CONTACT: Elizabeth G. Rodenbeck  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4580

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 35

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The final rule replaces the existing requirements for medical institutional licensees to appoint a Medical Isotopes Committee with a new requirement that medical institution licensees appoint a Radiation Safety Committee. The final rule simplifies committee membership requirements and focuses committee activity on coordinating the use of byproduct material throughout the institution and monitoring the institution's radiation safety program. The membership of the Radiation Safety Committee would include an authorized user for each type of use permitted by the license, a representative of the nursing staff, a representative of hospital management and the Radiation Safety Officer. The new membership requirements should make it easier for smaller hospitals to recruit a committee.

TIMETABLE: Proposed Rule Published: April 9, 1979 (44 FR 21023).  
Final Rule Published: September 13, 1982 (47 FR 40149).

TITLE: Emergency Planning and Preparedness.

AGENCY CONTACT: Michael T. Jamgochian  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5942

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY:	(1)	42 U.S.C. 2133	(2)	42 U.S.C. 2133
		42 U.S.C. 2134		42 U.S.C. 2134
		42 U.S.C. 2201		42 U.S.C. 2201
		42 U.S.C. 2232		42 U.S.C. 2232
		42 U.S.C. 2233		42 U.S.C. 2233
		42 U.S.C. 2239		42 U.S.C. 2239
		42 U.S.C. 5842		
		42 U.S.C. 5846		

ABSTRACT: The final rule clarifies (1) that emergency preparedness exercises are part of the preoperational inspection and thus required prior to operation above 5% of rated power, but not for a Licensing Board, Appeal Board, or Commission licensing decision; and (2) that for issuance of operating licenses authorizing only fuel loading and low power operation (up to 5% of rated power), no NRC or Federal Emergency Management Agency (FEMA) review, findings, and determinations concerning the state or adequacy of offsite emergency preparedness shall be necessary. The final rule is a composite of two proposed rules, on which the Commission received numerous comments. The Commission evaluated all public comments, and also fully considered the risks of operating a nuclear power reactor at low power. The risks of operating a power reactor at low power are significantly lower than the risks of operating at full power, because (1) the fission product inventory is much less, (2) there is a significant reduction in the required capacity of systems designed to mitigate the consequences of accidents, and (3) the time available for taking actions to identify accident causes and mitigate accident consequences is much longer than at full power. On balance, the Commission has concluded that the rule changes are technically justifiable and will enhance the efficiency of the licensing process, without adversely affecting the public health and safety.

TIMETABLE: Proposed Rule Published: (1) December 15, 1981 (46 FR 61134).  
(2) December 15, 1981 (46 FR 61132).  
Final Rule Published: July 13, 1982 (47 FR 30232).

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

AGENCY CONTACT: Edward Baker  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5894

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The final rule incorporates by reference the Summer 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The final rule includes the most recent changes made to the ASME Boiler and Pressure Vessel Code and permits the use of improved methods for construction and inservice inspection of nuclear power plants.

TIMETABLE: Proposed Rule Published: February 3, 1982 (47 FR 5011).  
Final Rule Published: July 14, 1982 (47 FR 30459).

TITLE: Communications Procedures, Clarifying Amendment.

AGENCY CONTACT: Steve Scott  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8585

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The final rule requires applicants and licensees to obtain specifications and copy requirements from the NRC, prior to submitting any communications in microform. The final rule is the result of a recommendation to clarify the requirements for submission of documents by licensees to allow and encourage use of microform. The use of microform would result in the reducing of the volume of paper copies submitted to the NRC as well as relieving the burden of the licensees having to submit large numbers of paper copies.

TIMETABLE: Final Rule Published: July 22, 1982 (47 FR 31674).

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

AGENCY CONTACT: Donovan A. Smith  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 71

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The final rule modifies the recordkeeping requirements for general licenses issued under §71.12. This general license authorizes use of a package that the Commission has previously evaluated and specifically authorized another licensee to use. Currently §71.12 requires the general licensee to possess copies of all documents referred to in the Commission's specific authorization. The final rule requires the general licensee to possess only those drawings and other documents relating to the use and maintenance of the packaging and the actions to be taken prior to shipment. The proposed rule would reduce the recordkeeping burden on licensees by approximately 50 percent.

Timetable: Proposed Rule Published: May 18, 1982 (47 FR 21269).  
Final Rule Published: August 12, 1982 (47 FR 34970).

B



(B) - Proposed Rules

TITLE: Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions.

AGENCY CONTACT: Paul Bollwerk  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
(202) 634-3224

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 0  
10 CFR 2

LEGAL AUTHORITY: 5 U.S.C. 555, 557

ABSTRACT: The proposed rule would (1) codify the practices regarding ex parte communications the Commission now employs in its adjudicatory proceedings and (2) adapt the Commission's rules to the terminology of the Government in the Sunshine Act (Pub. L. 94-409). An ex parte communication is one in which one party to a contested hearing communicates with the presiding officer(s) regarding the issue under contention, and this communication is made in the absence of, and without notice to, the other party and the communication is not made part of the proceeding's record. The proposed rule applies to all "Commission adjudicatory employees," which is a new term introduced in this rule. The designation of certain employees as "adjudicatory employees" represents a principle embodied in currently effective regulations. The term includes all of those employees who participate in the making of the Commission's (or the subordinate adjudicatory panel's) decisions in adjudicatory proceedings. The term does not include those persons whose participation in the decision-making process is limited to appearance as

witnesses or counsel. The proposed rule is designed to prevent Commission adjudicatory employees from being subordinate to non-adjudicatory employees so that no situations can arise in which the independence of the Commission's adjudications may be suspect. The proposed rule would prevent Commission staff personnel who have appeared as parties in adjudications from participation in making decisions in those or factually related adjudications. The proposed rule also includes operative provisions of the ex parte rule, and an explanation of how proceedings to impose sanctions for violation of the ex parte rule should be commenced. The proposed rule also defines the term "interested person" as that term is defined in the legislative history of the Sunshine Act, H.R. Rep. 94-880, Part I, 94th Cong., 2nd Sess, at 19-20, 1976. A draft final rule was sent to the Commission in October 1979, but Commission action has been suspended pending a broad review of the Commission's ex parte and separation of function rules. The Commission is presently reviewing proposals for a new rulemaking proceeding and the relationship between rule changes and its Task Force on Licensing Reform.

TIMETABLE: Proposed Rule Published: March 7, 1979 (44 FR 12428).  
Next Scheduled Action: Final rule, Unscheduled.

TITLE: Procedures Involving the Equal Access to  
Justice Act: Implementation.

AGENCY CONTACT: Paul Bollwerk  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-3224

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to  
have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 1  
10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 504

ABSTRACT: The proposed rule would add new provisions designed to implement  
the Equal Access to Justice Act (EAJA) which provides for the award of  
fees and expenses to certain eligible individuals and businesses  
that prevail in agency adjudications in which the agency's position  
is determined not to have been substantially justified. The basis  
for these proposed regulations is a set of model rules issued by  
the Administrative Conference of the United States (ACUS) which  
have been modified to conform to NRC's established rules of practice.  
The proposed rule would further the EAJA's intent by ensuring the  
development of "uniform" agency regulations government wide, and  
by providing NRC procedures and requirements for the filing and  
disposition of EAJA applications. A final draft rule was sent to  
the Commission in June 1982, but Commission action has been suspended  
pending a decision by the Comptroller General on the availability of  
funds to pay awards to intervenor parties.

TIMETABLE: Proposed Rule Published: October 28, 1981 (46 FR 53189).  
Next Scheduled Action: Final rule, Unscheduled.

TITLE: Environmental Protection Regulations for Domestic  
Licensing and Related Regulatory Functions.

AGENCY CONTACT: Jane R. Mapes  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8695

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 30  
10 CFR 40  
10 CFR 50  
10 CFR 51  
10 CFR 70  
10 CFR 110

LEGAL AUTHORITY: 42 U.S.C. 2021  
42 U.S.C. 2201  
42 U.S.C. 4332  
42 U.S.C. 4334  
42 U.S.C. 4335

ABSTRACT: The proposed rule would revise the Commission's environmental protection regulations in a manner consistent with NRC's domestic licensing and regulatory authority. The proposed rule would reflect Commission policy to take account of the Environmental Quality Council's (CEQ) Regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) subject to certain conditions. The proposed rule would implement each section 102(2) NEPA provision, thereby making all Commission actions that are not totally excluded from environmental review or do not fall under a categorical exclusion contained in the regulation, subject to the NRC-NEPA review process. The proposed rule would bring, to the extent possible, NRC's environmental review requirements into conformance with the CEQ procedural regulations, ensure that environmental aspects are considered as part of the NRC decision-making process, and make environmental information available to the public.

TIMETABLE: Proposed Rule Published: March 3, 1980 (45 FR 13739).  
Next Scheduled Action: Unscheduled.

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

AGENCY CONTACT: William Ott  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4078

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected  
to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 50  
10 CFR 51

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 4332  
42 U.S.C. 5841

ABSTRACT: The proposed rule would provide procedures and performance  
criteria for reviewing alternative sites for nuclear power  
plants under the National Environmental Policy Act of  
1969 (NEPA). The proposal is intended to stabilize  
alternative site reviews of a license application by codification  
of the lessons learned in past and recent reviews of  
nuclear power plant sites into an environmentally sensitive  
rule. The proposed rule would focus on six major issues  
associated with alternative site selection: (1) information  
requirements, (2) timing, (3) region of interest, (4) selection  
of candidate sites, (5) comparison of the proposed site  
with alternative sites, and (6) reopening of the alternative  
site decision. The proposed rule would develop understandable  
written NRC review and decision-making criteria that provide  
necessary protection of important environmental qualities while  
reasonably restricting the consideration of alternatives to permit  
a rational and timely decision concerning the sufficiency of  
the alternative site analysis. After considering the comments  
on the proposed rule, the Commission published a final rule on  
May 28, 1981 (46 FR 28630), addressing the sixth issue,  
reopening the alternative site question after a favorable  
decision at construction permit or early site review stages  
insofar as it relates to operating license proceedings.  
The staff is addressing the other issues in the development  
of this rule.

TIMETABLE: Proposed Rule Published: April 9, 1980 (45 FR 24168).  
Next Scheduled Action: Final rule, December 1982.

TITLE: Possible Amendments to "Immediate Effectiveness" Rules.

AGENCY CONTACT: Richard A. Parrish  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-3224

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the "immediate effectiveness" rule, construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. This proposed rule would help to determine whether NRC should permit construction on a nuclear power plant to begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review within the Commission.

TIMETABLE: Proposed Rule Published: May 22, 1980 (45 FR 34279).  
Next Scheduled Action: Unscheduled.

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

AGENCY CONTACT: Trip Rothschild  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-1465

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected  
to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 2239

ABSTRACT: The proposed rule would expedite conduct of NRC  
adjudicatory proceedings by requiring intervenors in  
formal NRC hearings to set forth the facts on which  
contentions are based and the sources or documents used  
to establish those facts and limit the number of interrogatories  
that a party may file in an NRC proceeding. The proposed  
rule would expedite the hearing process by, among other  
things, requiring intervenors to set forth at the outset  
the facts upon which their contention is based and the  
supporting documentation to give other parties early notice  
of intervenor's case so as to afford opportunity for early  
dismissal of contentions where there is no factual dispute.

TIMETABLE: Proposed Rule Published: June 8, 1981 (46 FR 30349).  
Next Scheduled Action: Final rule, early 1983.



TITLE: Age Discrimination.

AGENCY CONTACT: Hudson B. Ragan  
Office of Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8252

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 4

LEGAL AUTHORITY: The Age Discrimination Act of 1975, as amended,  
Pub. L. 94-135, Pub. L. 95-478.

ABSTRACT: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR Part 90. On November 23, 1981, a copy of the proposed final regulations was transmitted to the Office of General Counsel of the Civil Rights Division, HHS, for review to comply with the requirement that final agency regulations not be published until the Secretary of HHS approves them.

TIMETABLE: Proposed Rule Published: September 21, 1981 (46 FR 46582).  
Next Scheduled Action: Final rule, action cannot be scheduled until the regulation is approved by the Secretary of HHS, as required by law.

TITLE: Lower Radiation Exposure Levels for Fertile Women.

AGENCY CONTACT: Walter Cool  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4579

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 19  
10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201

ABSTRACT: The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements (NCRP) in Report No. 39 that the radiation exposure to an embryo or fetus be minimized. It would help provide assurance that radiation exposures of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involving radiation and radioactive material. The proposed rule would amend NRC regulations to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP.

TIMETABLE: Proposed Rule Published: January 3, 1975 (40 FR 799).  
Next Scheduled Action: Incorporation into the comprehensive revision of Part 20 to be issued as a proposed rule in December 1982.

TITLE: Changes in Radiation Dose-Limiting Standards.

AGENCY CONTACT: Walter S. Cool  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4579

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 19  
10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201

ABSTRACT: The proposed rule was published because of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection for controlling radiation dose. In preparing the proposed rule, the Commission has also taken into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards as well as petitions for rulemaking to lower dose standards, PRM-20-6 and PRM-20-6A. The proposed rule would eliminate the accumulated dose averaging formula and the associated Form NRC-4, Exposure History, and impose annual dose-limiting standards while retaining quarterly standards. In addition to the imposition of annual dose-limiting standards, the proposed rule contains provisions that would express, in terms of new annual standards, the standard for dose to minors, the requirement for control of total dose to all workers including transient and moonlighting workers. The changes contained in the proposed rule are intended to benefit workers by increasing radiation protection for them and to encourage some NRC licensees to take further action to reduce occupational radiation doses.

TIMETABLE: Proposed Rule Published: February 20, 1979 (44 FR 10388).  
Next Scheduled Action: Incorporation into the comprehensive revision of Part 20 to be issued as a proposed rule in December 1982.

TITLE: Transuranic Waste Disposal.

AGENCY CONTACT: Paul H. Lohaus  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)427-4500

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20  
10 CFR 150

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2273  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would prohibit the disposal by burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority over disposal of transuranic contaminated wastes (TRU) exceeding this concentration in Agreement States. The proposed rule has been incorporated into a new proposed rule, that would establish a new 10 CFR Part 61. A notice withdrawing the earlier proposed rule on TRU and an amendment to the Commission's Part 150 Agreement States rule will be issued following publication of the final rule 10 CFR Part 61 which is currently before the Commission.

TIMETABLE: Proposed Rule Published: September 12, 1974 (39 FR 32921).  
Next Scheduled Action: Withdrawal of proposed rule.

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

AGENCY CONTACT: H. J. Bicehouse  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 30  
10 CFR 32  
10 CFR 70  
10 CFR 150

LEGAL AUTHORITY: 42 U.S.C. 2021  
42 U.S.C. 2073  
42 U.S.C. 2077  
42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request.

TIMETABLE: Proposed Rule Published: October 27, 1980 (45 FR 70874).  
Next Scheduled Action: Final Rule, Fall 1983.

TITLE: Irretrievable Well-Logging Sources.

AGENCY CONTACT: Henry J. Bicehouse  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 30  
10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would establish requirements a licensee must follow in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. The proposed rule would codify the requirements that were previously imposed on individual licensees as a license condition. The proposed rule would give reasonable assurance that there is no damage to the source through subsequent drilling operations which might result in dispersal of the radioactive material to the biosphere.

TIMETABLE: Proposed Rule Published: September 28, 1978 (43 FR 44547).  
Next Scheduled Action: Final rule, December 1982.

TITLE: Patient Dosage Measurement.

AGENCY CONTACT: Elizabeth G. Rodenbeck  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4580

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 35

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would require specific category medical licensees to (1) measure the total activity of each radiopharmaceutical dosage, except those containing a pure beta-emitting radio-nuclide, before it is administered to a patient; (2) measure doses with activity less than ten microcuries to verify that activity did not exceed ten microcuries; and (3) keep a record of each measurement. Currently, each of NRC's approximately 2000 specific medical licensees are individually required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The proposed rule would simplify licensing by replacing a condition that appears in all specific medical licenses with one regulation and enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

TIMETABLE: Proposed Rule Published: September 1, 1981 (46 FR 43840).  
Next Scheduled Action: Final rule, January 1983.



TITLE: Physician's Use of Radioactive Drugs.

AGENCY CONTACT: Deborah Bozik  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4566

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 35

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 5841

ABSTRACT: The proposed rule would establish the first exception to the NRC's requirement that a physician follow FDA approved labeling for (1) chemical and physical form, (2) route of administration, and (3) dosage range when the physician uses an approved drug for an unapproved use. The proposed rule would allow a physician to use Tc-99m pentetate sodium aerosol for lung function studies without regard to restrictions concerning FDA labeling. The proposed rule would also establish the process by which other radiopharmaceuticals and uses could be exempted from the requirement to follow FDA labeling after the NRC makes a determination of radiation safety.

TIMETABLE: Proposed Rule Published: April 13, 1982 (47 FR 15798).  
Next Scheduled Action: Final Rule, November 1982.



TITLE: Teletherapy Room Radiation Monitors.

AGENCY CONTACT: Alan K. Roecklein  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5970

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 35

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 5841

ABSTRACT: The proposed rule would codify existing licensing orders and conditions that require installation of radiation monitors in licensed teletherapy rooms, the use of portable survey meters when monitors are inoperable, and the performance of inspection and servicing of safety related teletherapy components. The proposed rule would provide warning of potential teletherapy unit malfunctions and resultant patient/operator overexposures. Further, the proposed rule would replace repetitive individual license conditions with a single regulation. Finally, inspection and servicing requirements would be required of teletherapy licensees. The NRC became aware of several teletherapy unit malfunctions that had the potential of causing serious overexposures through reports from the Bureau of Radiological Health and voluntary reports from licensees. In May 1980, the NRC issued an order amending all teletherapy licenses to require the installation of radiation monitors.

TIMETABLE: Proposed Rule Published: April 28, 1982 (47 FR 18131).  
Next Scheduled Action: Final Rule, September 1982.

TITLE: General Design Criteria for Fuel Reprocessing Plants.

AGENCY CONTACT: Charles W. Nilsen  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5910

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233

ABSTRACT: The proposed rule would establish general criteria for designing fuel reprocessing plants in order to provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public. The general criteria contains the minimum requirements that an applicant must use in the selection of principal design criteria for a fuel reprocessing plant. The principal criteria would establish design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to the safety of the facility. This proposed rule was indefinitely deferred based on the Carter administration's policy that commercial reactor fuel will not be reprocessed.

TIMETABLE: Proposed Rule Published: July 18, 1974 (39 FR 26293).  
Next Scheduled Action: Unscheduled.

TITLE: Fracture Toughness Requirements for Nuclear Power Reactors.

AGENCY CONTACT: Neil Randall  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5904

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would update existing fracture toughness requirements for the reactor coolant pressure boundary of light-water nuclear power reactors. The proposed rule is needed to (1) clarify the applicability of the fracture toughness requirements to old and new plants, (2) modify certain requirements of Appendices G and H to 10 CFR Part 50, and (3) simplify these regulations by replacing technical detail with references to appropriate ASME Boiler and Pressure Vessel Code provisions.

TIMETABLE: Proposed Rule Published: November 14, 1980 (45 FR 75536).  
Next Scheduled Action: Final rule is pending before the Commission.

TITLE: TMI-Related Licensing Requirements for Pending Operating License Applications.

AGENCY CONTACT: David M. Verrelli  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8434

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would add new requirements to power reactor safety regulations applicable only to operating license applications. The proposed rule, as part of NRC's efforts to apply the lessons learned from the accident at Three Mile Island to power plant licensing, would codify into the Commission's regulations the basic requirements contained in NUREG-0737, which address the problems of design deficiencies, equipment failure, and human error. The proposed rule advised the public that the Commission was considering the issuance of a similar rule that would incorporate NUREG-0737 requirements into its regulations applicable to operating reactors. However, at a meeting held August 12, 1981, the Commission determined that a proposed rule for operating reactors should not be issued, and requested instead an approach with a substantially reduced scope that would increase flexibility and permit more detailed consideration. The staff is preparing a Commission Paper recommending that the rule for operating license applicants should also not be issued. Recent litigation experience shows that there is no need for the rule, and the rule would limit flexibility.

TIMETABLE: Proposed Rule Published: May 13, 1981 (46 FR 26491).  
Next Scheduled Action: Commission Paper, October 1982.

TITLE: Reporting of Changes to the Quality Assurance Program.

AGENCY CONTACT: William Belke  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5942

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 5841

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

TIMETABLE: Proposed Rule Published: July 2, 1981 (46 FR 34595)  
Next Scheduled Action: Final rule, November 1982.

TITLE: Anticipated Transients Without Scram (ATWS).

AGENCY CONTACT: David Pyatt  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5960

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule presents two of three alternative regulatory programs designed to reduce the risk posed by accidents involving anticipated transients without scram (ATWS) events under consideration by the Commission. The third alternative is set out in a petition for rulemaking filed by twenty utilities (Electric Utilities Petition, PRM-50-29, published November 4, 1980; 45 FR 73080, and a supplement to the petition published February 3, 1981; 46 FR 10501). An ATWS event occurs when a nuclear reactor's shut down ("scram") system fails to function following a fault (transient event) in the reactor's normal heat dissipation function. A possible outcome of some ATWS accident sequences is the development of a mismatch between the power generated in the reactor and the controlled dissipation of that power. This power mismatch can threaten the integrity of the barriers that confine the fission products. A core meltdown accident, in some cases accompanied by a failure of containment and a very large release of radioactivity, is a possible outcome of some ATWS accident scenarios. Thus, the Commission has determined that the consequences of some postulated ATWS accidents are unacceptable and has developed this proposed rule to address this important safety issue through rulemaking.

The Commission believes that the likelihood of severe consequences arising from a ATWS event during the two to four year period required to implement a rule is acceptably small. The implementation schedule contained in the proposed rule balances the need for careful analysis and plant modifications with the desire to carry out the objectives of the rule as soon as possible.

TIMETABLE: Proposed Rule Published: November 24, 1981 (46 FR 57521).  
Next Scheduled Action: Final rule, Fall 1983.

TITLE: Immediate Notification Requirement for Operating Nuclear Reactors.

AGENCY CONTACT: William R. Mills  
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Washington, DC 20555  
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Michael J. Jamgochian  
Office of Nuclear Regulatory Research  
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(301) 443-5942

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2239  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would require that every operating license for a nuclear power reactor contain a condition that would require the licensee to notify the Commission as soon as possible, and in all cases within one hour, of any significant event; that is, an event that could pose a threat to public health and safety. The current regulations require licensees to notify NRC of certain "significant events." The proposed rule would clarify the list of reportable significant events contained in the regulations. The proposed rule also responds to the intent of Congress, expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96-295), that the Commission establish specific guidelines for identifying accidents which could result in an unplanned release of radioactivity in excess of allowable limits and require immediate notification of these incidents. On August 19, 1980 (45 FR 55402), NRC published a final rule on emergency planning that required, among other things, procedures for immediate notification of NRC, state, and local emergency response personnel in certain situations. These situations were discussed in Revision 1 to NUREG-0654/FEMA-REP-1 issued November 1980. NRC experience and 15 comments on the rule establishing the events that must be reported (issued February 29, 1980; 45 FR 13435) indicate that the



notification rule requires clarification. The proposed rule provides the needed clarification. The proposed requirements would provide increased confidence that the public health and safety would be protected in a radiological emergency.

TIMETABLE: Proposed Rule Published: December 21, 1981 (46 FR 61894).  
Next Scheduled Action: Final rule, December 1982.

TITLE: Interim Requirements Related to Hydrogen Control.

AGENCY CONTACT: Morton R. Fleishman  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY:	42 U.S.C. 2133	42 U.S.C. 2236
	42 U.S.C. 2134	42 U.S.C. 2239
	42 U.S.C. 2152	42 U.S.C. 2273
	42 U.S.C. 2201	42 U.S.C. 5841
	42 U.S.C. 2232	42 U.S.C. 5842
	42 U.S.C. 2233	42 U.S.C. 5846
	42 U.S.C. 2234	

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

TIMETABLE: Proposed Rule Published: December 23, 1981 (46 FR 62281).  
Next Scheduled Action: Final rule, October 1982.

TITLE: Technical Specifications for Nuclear Power Reactors.

AGENCY CONTACT: Donald J. Skovholt  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
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(301) 492-4446

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval. The changes are needed because of disagreements among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant. The proposed rule would improve the safety of nuclear power plant operation by reducing the volume of technical specifications, place more emphasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources. The NRC staff has estimated that each of the affected 21 licensees should utilize the proposed method for changing supplemental specifications approximately twice a year. The total additional yearly burden to resubmit a revoked change for all 21 affected licensees would be approximately 101 manhours.

TIMETABLE: ANPRM Published: July 8, 1980 (45 FR 45916).  
Proposed Rule Published: March 30, 1982 (47 FR 13369).  
Next Scheduled Action: Final rule, March 1983.

TITLE: Codes and Standards for Nuclear Power Plants.

AGENCY CONTACT: Alfred Taboada  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5903

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would reference additional provisions of the ASME Boiler and Pressure Vessel Code, including sections that provide rules for the construction of certain safety systems, and it would clarify existing regulations by removing obsolete provisions. The ASME Code sections proposed for incorporation by reference include the requirements for Class 2 Components, which are found in Subsections NC and NCA of the Code, and the requirements for Class 3 Components, which are found in Subsections ND and NCA of the Code. Experience has shown that these additional parts of Section III of the ASME Boiler and Pressure Vessel Code are adequate for use on a general basis. The proposed rule would establish enforceable requirements to replace previous guidance criteria and ensure the proper application of referenced ASME Codes to eliminate any possible misunderstandings concerning NRC requirements to be addressed in an application for a license for a nuclear power plant.

TIMETABLE: Proposed Rule Published: April 13, 1982 (47 FR 15801).  
Next Scheduled Action: Unscheduled.

TITLE: Licensee Event Report System.

AGENCY CONTACT: Frederick Hebdon  
Office of Analysis and Evaluation of Operational Data  
U.S. Nuclear Regulatory Commission  
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(301) 492-4489

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

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

TIMETABLE: ANPRM Published: January 30, 1980 (44 FR 6793).  
ANPRM Published: January 15, 1981 (45 FR 3541).  
ANPRM Published: October 6, 1981 (46 FR 49134).  
Proposed Rule Published: May 6, 1982 (47 FR 19543).  
Next Scheduled Action: Final rule, December 1982.

TITLE: Environmental Qualification of Electric Equipment  
for Nuclear Power Plants.

AGENCY CONTACT: Satish K. Aggarwal  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5946

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233

ABSTRACT: The proposed rule would clarify and strengthen the criteria for environmental qualification of electric equipment used in nuclear power plants. The applicable qualification methods currently contained in national standards, NRC regulatory guides, and certain NRC publications for equipment qualification are subject to different interpretations and have not had the legal force of an agency regulation. The proposed rule would codify the current NRC practice and apply the same uniform performance criteria with respect to environmental qualification to all operating nuclear power plants and plants for which application has been made for a construction permit or an operating license. Included are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. The scope of the proposed rule does not include all electric equipment important to safety. It includes that portion of electric equipment important to safety commonly referred to as safety-related electric equipment, and nonsafety-related electric equipment whose failure could prevent the satisfactory accomplishment of required safety functional by safety-related equipment. Also requirements for certain post accident monitoring equipment are included in this rule.

TIME TABLE: Proposed Rule Published: January 20, 1982 (47 FR 2876).  
Interim Final Rule Published: June 30, 1982 (47 FR 28363).  
Next Scheduled Action: Final rule, October 1982.

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

AGENCY CONTACT: Edward Baker  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5894

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 5841

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

TIMETABLE: Proposed Rule Published: July 29, 1982 (47 FR 32725).  
Next Scheduled Action: Final rule, December 1982.

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

AGENCY CONTACT: Thomas Ryan  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5942

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not  
expected to have a significant economic impact on a substantial  
number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2236  
42 U.S.C. 2237

ABSTRACT: The proposed rule would require licensees to establish and  
implement controls to assure that personnel with unescorted  
access to vital or protected areas are fit for duty. The  
Commission initiated the proposed rule in response to concern  
by members of the public that nuclear power plant operators,  
like airline pilots, should not be permitted to perform  
activities that could impair the public health and safety  
while unfit for duty as a result of actions such as the  
consumption of alcoholic beverages. The result of the  
proposed rule would be the further protection of the public  
health and safety by requiring personnel with unescorted  
access to vital or protected areas be fit for duty.

TIME TABLE: Proposed Rule Published: August 5, 1982 (47 FR 33980).  
Next Scheduled Action: Final rule, April 1983.



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

AGENCY CONTACT: Charles M. Trammell  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7389

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2239  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would add a specific provision to the Commission's regulations to clarify that licensee technical specifications are not intended to restrict or prohibit the licensee from undertaking any action necessary to protect public health and safety during the course of unanticipated emergency conditions. Technical specifications contain a wide range of operating limitations and specifications concerning actions required to respond to certain systems failures and to other specified operating events. Technical specifications also require the employment of a wide range of operating procedures to be taken in the course of operation to maintain facility safety. The rule would clarify the responsibility of licensees to take actions necessary to protect public health and safety during emergencies even though the action necessary may not be in full accord with certain provisions of the technical specifications. The staff believes that in emergency situations it is very important to assure that licensees have the ability to respond promptly using their best engineering judgment. The impact of this reporting requirement on licensees would be negligible.

TIMETABLE: Proposed Rule Published: August 18, 1982 (47 FR 35996).  
Next Scheduled Action: Final Rule, December 1982.

TITLE: Shift Staffing at Nuclear Power Plants.

AGENCY CONTACT: Clare Goodman  
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U.S. Nuclear Regulatory Commission  
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(301) 443-5943

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5846

ABSTRACT: The proposed rule would provide minimum shift staffing requirements for licensed operators at nuclear power plants. Shift staffing requirements would be based upon a power plant's configuration (e.g., power plant may have two units and one control room, or three units and two control rooms) and the status of each unit (i.e. operating or cold shutdown). The proposed rule, in accordance with the requirement in Task I.A.1.4. of the TMI Action Plan would upgrade shift staffing requirements at nuclear power plants to ensure that a sufficient number of licensed personnel are on duty at any given time. The comment period closes September 27, 1982. The impact on the industry would be the cost of training and maintaining the required number of licensed operators on shift. Preliminary assessment of the licensees indicates that over half will meet these proposed staffing levels for licensed operators by July 1, 1982. There may be a need to grant extensions of the implementation date to some licensees based on the time required to train individuals to become senior reactor operators. The impact of training additional senior reactor operators may be particularly acute for those licensees who have had a higher than anticipated attrition rate. For those licensees who have already implemented Item I.A.1.3 of NUREG-0737, "Clarification of TMI Action Plan Requirements," the impact would be negligible.

TIMETABLE: Proposed Rule Published: August 30, 1982 (47 FR 38135).  
Next Scheduled Action: Final rule, November 1982.

TITLE: Safeguards Requirements for Nonpower Reactor Facilities  
Possessing Formula Quantities of Strategic Special Nuclear Material.

AGENCY CONTACT: Carl J. Whithee  
Office of Nuclear Materials Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4040

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50  
10 CFR 70  
10 CFR 73

LEGAL AUTHORITY: 42 U.S.C. 2071  
42 U.S.C. 2073  
42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2152  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2236  
42 U.S.C. 2239  
42 U.S.C. 2273  
42 U.S.C. 5841  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would establish permanent physical security requirements for nonpower reactor licensees who possess five formula kilograms or more of strategic special nuclear material (SSNM), primarily uranium-235 contained in high-enriched uranium (HEU). These physical security requirements would provide protection for nonpower reactor licensees authorized to possess formula quantities of SSNM against an insider threat and would require the licensee to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity of SSNM. The staff is considering a performance oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. The proposed amendments would replace the currently effective interim requirements in §73.60 which were published in the Federal Register on November 28, 1979 (44 FR 68199).

TIMETABLE: Proposed Rule Published: September 18, 1981 (46 FR 46333).  
Next Scheduled Action: Revised Proposed rule, December 1982.

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

AGENCY CONTACT: Glenn A. Terry  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4211

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 51

LEGAL AUTHORITY: 42 U.S.C. 2011  
42 U.S.C. 4321

ABSTRACT: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3 and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts such as environmental dose commitments, health effects, socioeconomic impacts, and cumulative impacts where these factors are eligible for generic treatment. The proposed rule would clarify the significance of the uranium fuel cycle environmental data contained in Table S-3 and address important environmental fuel cycle impacts that may be handled generically thereby removing those impacts from consideration in individual licensing proceedings. A U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S-3 rule. While this decision is being appealed to the Supreme Court, the proposed rule to provide a narrative explanation for Table S-3 is being held in abeyance.

TIMETABLE: Proposed Rule Published: March 4, 1981 (46 FR 15154).  
D.C. Circuit Court decision invalidating Table S-3 Rule:  
April 27, 1982.  
Petition for Rehearing in D.C. Circuit Court Denied:  
June 30, 1982.  
Appeal to Supreme Court to be filed: September 1982.  
Next Scheduled Action on Proposed Rule: Late 1983.

TITLE: Disposal of High-Level Radioactive Wastes in  
Geologic Repositories.

AGENCY CONTACT: Edward O'Donnell  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
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(301) 427-4639

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 60

LEGAL AUTHORITY: 42 U.S.C. 2021  
42 U.S.C. 2071  
42 U.S.C. 2073  
42 U.S.C. 2092  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 4332  
42 U.S.C. 5842  
42 U.S.C. 5846

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

TIMETABLE: ANPRM Published: May 13, 1980 (45 FR 31393).  
Proposed Rule Published: July 8, 1981 (46 FR 35280).  
Next Scheduled Action: Final rule, October 1982.

TITLE: Licensing Requirements for Land Disposal of Radioactive Waste

AGENCY CONTACT: Paul Lohaus  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4500

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 61

LEGAL AUTHORITY: 42 U.S.C. 2021a  
42 U.S.C. 2073  
42 U.S.C. 2077  
42 U.S.C. 2092  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2273  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would specify (1) performance objectives and general requirements for land disposal of radioactive waste, (2) technical requirements for disposal of radioactive waste to near-surface disposal facilities, (3) requirements for submitting applications for licenses authorizing these activities and procedures which the Commission will follow in the issuance of these licenses, (4) provisions for consultation and participation in license reviews by state governments and Indian tribes, and (5) procedures governing the transfer of licensed material for disposal. Specific requirements for licensing facilities for the disposal of radioactive wastes by alternative land disposal methods will be proposed for Part 61 in subsequent rulemaking. The proposed rule does not deal with the disposal by individual licensees of their own wastes by burial. Disposal of radioactive wastes by an individual licensee will continue to be governed by requirements in Part 20 of 10 CFR.

TIMETABLE: Proposed Rule Published: July 24, 1981 (46 FR 38081).  
Next Scheduled Action: Final rule is pending before the  
Commission.

TITLE: Transportation of Radioactive Material - Compatibility  
with IAEA Regulations.

AGENCY CONTACT: Donald R. Hopkins  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 71

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2093  
42 U.S.C. 2111  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2273  
42 U.S.C. 5842

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

TIMETABLE: Proposed Rule Published: August 17, 1979 (44 FR 48234).  
Next Scheduled Action: Final rule, January 1983.



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

AGENCY CONTACT: Donald R. Hopkins  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected  
to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 71

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2201  
42 U.S.C. 5841

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

TIMETABLE: Proposed Rule Published: November 13, 1981 (46 FR 55992).  
Next Scheduled Action: Final rule, January 1983.



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

AGENCY CONTACT: Tom R. Allen  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)427-4010

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 73

LEGAL AUTHORITY: 42 U.S.C. 2101  
42 U.S.C. 5841

ABSTRACT: The proposed rule would require in Nuclear Power Plants (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, and (4) revised requirements for key and lock controls and revised searches of handcarried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas." Initial development on the final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This revised proposed rule will provide a balanced safeguards approach providing for a level of protection equivalent to that of the present requirements.

TIMETABLE: Proposed Rule Published: March 12, 1980 (45 FR 15937).  
Next Scheduled Action: Revised proposed rule, November 1982.

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

AGENCY CONTACT: Tom R. Allen  
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U.S. Nuclear Regulatory Commission  
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EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 73

LEGAL AUTHORITY: 42 U.S.C. 2201  
43 U.S.C. 5841

ABSTRACT: The proposed rule would require nuclear power plant licensees to conduct searches of individuals at the entry portals to protected areas of power reactor facilities. The currently effective regulations require, in part, that physical ("pat-down") searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, the NRC has extended relief to licensees from the requirement to conduct the physical search of regular employees of power reactor facilities while this rulemaking is proceeding. The most recent notice granting a continuation of this relief was published on December 1, 1980 (45 FR 79410). This proposed rule would require searches similar to those used on an interim basis at power reactors prior to November 1, 1980. The searches would include the mandatory use of search equipment for all persons and the use of pat-down searches of visitors. Pat-down searches of employees would be required in certain situations. The staff is considering changes to the proposed rule which would require utility employees and contractors who have been successfully screened in accordance with the requirements included in the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published on March 12, 1980 (45 FR 15937), to be subject only to random searches using search equipment. All unscreened individuals will be required to be searched using search equipment. Physical ("pat-down") searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material.

TIMETABLE: Proposed Rule Published: December 1, 1980 (45 FR 79492).  
Next Scheduled Action: Revised proposed rule, November 1982.

TITLE: Financial Protection Requirements and Indemnity Agreements.

AGENCY CONTACT: Eric E. Jake1  
Office of Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8691

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 140

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 2210

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

TIMETABLE: Proposed Rule Published: July 23, 1982 (47 FR 31887).  
Next Scheduled Action: Final rule, October 1982.



(C) - Advance Notices of Proposed Rulemaking

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TITLE: Standards for Protection Against Radiation.\*

AGENCY CONTACT: Robert E. Baker  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4387

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2273  
42 U.S.C. 5841  
42 U.S.C. 5842

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

TIMETABLE: ANPRM Rule Published: March 20, 1980 (45 FR 18023).  
Next Scheduled Action: Proposed rule, December 1982.

TITLE: Performance Testing of Personnel Dosimetry.

AGENCY CONTACT: Nancy A. Dennis  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5970

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2273  
42 U.S.C. 5841  
42 U.S.C. 5842

ABSTRACT: The advance notice of rulemaking sought comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is certified by an NRC approved or specified testing laboratory. The ANPRM summarized the results of the pilot study of dosimetry processors against a draft HPSSC/ANSI standard on performance testing of dosimetry processors, and outlined alternatives for the operation of a testing laboratory. As described in the ANRPM, this program would involve amendments to 10 CFR Part 20 that would establish a program of this type. The performance standard to be used in this testing program would be the final HPSSC/ANSI standard. The competency of any proficiency testing laboratory (PTL) would be monitored by the National Bureau of Standards (NBS). During the comment period, a method for PTL operation was identified under procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) of NBS, which is part of the Department of Commerce (DOC). This method would allow NBS through NVLAP to contract the services of a PTL to administer proficiency testing for processors at the contractor's facility in accordance with the HPSSC/ANSI standard. The NRC staff, in a letter dated December 23, 1980, requested a joint project between DOC and NRC to establish a Laboratory Accreditation Program (LAP) for personnel

dosimetry processors. The DOC, in accordance with NVLAP procedures and authority, published NRC's request for the development of such a LAP in the Federal Register (46 FR 9698) and requested public comment. NRC sent a copy of DOC's FRN and a description of the NVLAP method to all known dosimetry processors, licensees, and known interested persons. On July 17, 1981, the NRC and NBS signed an Interagency Agreement (revised on June 18, 1982) for the establishment of a LAP for Personnel Dosimetry Processors.

TIMETABLE: ANPRM Published: March 28, 1980 (45 FR 20493).  
Next Scheduled Action: Proposed rule, October 1982.



TITLE: Decommissioning Criteria for Nuclear Facilities.\*

AGENCY CONTACT: Keith G. Steyer  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5910

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 30  
10 CFR 40  
10 CFR 50  
10 CFR 70  
10 CFR 72

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The advance notice of proposed rulemaking seeks comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning.

TIMETABLE: ANPRM Published: March 13, 1978 (43 FR 10370).  
Next Scheduled Action: Proposed rule, February 1983.

TITLE: Upgraded Emergency Preparedness Procedures for  
Certain Fuel Cycle and Materials Licensees. \*

AGENCY CONTACT: Michael Jamgochian  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5942

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is expected to  
have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 30  
10 CFR 40  
10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The advance notice of proposed rulemaking seeks comments on a proposal  
that would strengthen emergency preparedness requirements for fuel  
cycle and materials licensees with the potential for accidents involving  
radioactive materials harmful to public health and safety. This is  
necessary to ensure that emergency preparedness planning and coordination  
is sufficient to minimize the danger to public health and safety following  
an accident involving radioactive materials held by certain fuel cycle  
and materials licensees. One of the lessons learned from the accident  
at Three Mile Island was that improvements in emergency preparedness  
planning and coordination for some NRC licensed activities was necessary.

TIMETABLE: ANPRM Published: June 3, 1981 (46 FR 29712).  
Next Scheduled Action: Proposed rule, February 1983.

TITLE: Design of Industrial Radiographic Exposure Devices.

AGENCY CONTACT: Donovan A. Smith  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 34

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The advance notice of proposed rulemaking seeks comment on NRC's undertaking the development of safety design requirements for industrial radiation exposure devices. The proposed amendments would establish safety requirements for radiographic equipment. The proposed amendments are intended to reduce routine radiation exposures to radiographers and to reduce the number of overexposures to radiography operators and others caused by equipment failure. This action will be reassessed in light of parallel efforts aimed at radiographer training and certification and the issuance of an industry standard (ANSI N432).

TIMETABLE: ANPRM Published: March 27, 1978 (43 FR 12718).  
Next Scheduled Action: Proposed rule, March 1983.

TITLE: Certification of Industrial Radiographers.

AGENCY CONTACT: James A. Jones  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5970

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 34

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

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

TIMETABLE: ANPRM Published: May 4, 1982 (47 FR 19152).  
Next Scheduled Action: Proposed rule, December 1982.

TITLE: Acceptance Criteria for Emergency Core Cooling Systems  
for Light-Water-Cooled Nuclear Power Plants.

AGENCY CONTACT: Morton Fleishman  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233

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

TIMETABLE: ANPRM Published: December 6, 1978 (43 FR 57157)  
Next Scheduled Action: Proposed rule, November 1982.

TITLE: Severe Accident Design Criteria.

AGENCY CONTACT: Morton R. Fleishman  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The advance notice of proposed rulemaking was published to provide the nuclear industry and the public an opportunity to submit advice and recommendations to the Commission on what should be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the costs of the design improvements compared to expected benefits. It is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analysis are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melt events, both inside and outside historical design envelopes. In addition, the Commission will consider whether to require more coherent consideration of this range of core damage events in the design of both normal operating systems and engineered safety features.

TIMETABLE: ANPRM Published: October 2, 1980 (45 FR 65474)  
Next Scheduled Action: Policy Statement 1982.

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

AGENCY CONTACT: Tony DiPalo  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The advance notice of proposed rulemaking was published to seek comments on a proposal that would make the procedure for facility licensing more predictable by (1) defining more clearly the limitations on what changes a construction permit holder may make to a facility during construction and (2) controlling the ways a construction permit holder implements NRC criteria. The proposal is intended to improve the present licensing process and to develop specific descriptions of essential facility features to which a construction permit holder is bound.

TIMETABLE: ANPRM Published: December 11, 1980 (45 FR 81602).  
Next Scheduled Action: Proposed rule, December 1982.

TITLE: Mandatory Property Insurance for Decontamination of Nuclear Facilities.

AGENCY CONTACT: Robert S. Wood  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-9885

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The advance notice of proposed rulemaking requests comments on the Long Report (NUREG-0891) entitled "Nuclear Property Insurance: Status and Outlook," in order to determine the adequacy of the NRC's property insurance requirements. This report, prepared by Dr. John D. Long, Professor of Insurance at Indiana University, was written as an outgrowth of the Three Mile Island-2 accident after it became apparent that nuclear utilities may need more property insurance than has previously been required. The NRC staff asked Dr. Long to write the report, in part, to answer six pertinent questions regarding nuclear property insurance. The Commission seeks comments on the issues raised by the Long Report and other issues relating to property insurance for nuclear facilities, including the feasibility of NRC participation in the regulation of replacement power insurance programs. Since this is an ANPRM, alternatives have not been evaluated.

TIMETABLE: ANPRM Published: June 24, 1982 (47 FR 27371).  
Next Scheduled Action: Proposed rule, February 1983.



TITLE: Storage and Disposal of Nuclear Waste.

AGENCY CONTACT: Leo Slaggie  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-3224

Sheldon Trubatch  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-3224

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50  
10 CFR 51

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233

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

TIMETABLE: ANPRM Published: October 25, 1979 (44 FR 61372)  
Next Scheduled Action: Proposed rule, October 1982.

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

AGENCY CONTACT: William R. Ott  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4078

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50  
10 CFR 51  
10 CFR 100

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 5842

ABSTRACT: The advance notice of proposed rulemaking was published to seek comment on a proposal that would replace the existing reactor site criteria applicable to the licensing of nuclear power reactors with demographic and other siting criteria. The proposed rule would establish siting requirements that are independent of design differences between nuclear power plants. The proposed rule is intended to reflect the experience gained by the Commission since the original regulations on siting were published on April 12, 1962 (27 FR 3509). The proposed rule would ensure that Commission practices on nuclear power reactor siting afford sufficient protection to the public health and safety. The ANPRM also sought public comment on seven of the nine recommendations contained in NUREG-0625, "Report of the Siting Policy Task Force."

TIMETABLE: ANPRM Published: July 29, 1980 (45 FR 50350).  
Next Scheduled Action: Proposed rule, December 1983.

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

AGENCY CONTACT: Robert J. Dube  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)427-4040

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The advance notice of proposed rulemaking would revise the material control and accounting (MC&A) regulations that apply to both existing and new fuel processing and fabrication facilities possessing formula quantities of strategic special nuclear material (SSNM). The amendments would permit (1) timely detection of the possible loss of strategic quantities of weapons grade nuclear material, (2) rapid determination of whether an actual loss of strategic quantities occurred, (3) facilitated recovery of the lost material by providing evidence regarding the source of the loss, if an actual loss occurred, and (4) long-term assurance that no significant loss has occurred. These proposed regulations are currently being considered for application to future spent fuel reprocessing plants, but would not apply to waste disposal operations, nuclear reactors, or to users of nuclear material as sealed sources. Five basic options are presented in the advance notice of proposed rulemaking. These include two that emphasize existing inventory control requirements, and three that require material controls with a more timely frequency for detection and resolution of possible material losses. The latter three options also reduce a number of the existing requirements which the staff believes may not be cost-effective.

TIMETABLE: ANPRM Published: September 10, 1981 (46 FR 45144).  
Next Scheduled Action: Proposed rule, April 1983.

TITLE: Seismic and Geologic Siting Criteria for Nuclear Power  
Plants.

AGENCY CONTACT: Leon L. Beratan  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4370

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 100

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 5842

ABSTRACT: The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM-50-20 and PRM-100-2 will be addressed as part of this rulemaking.

TIMETABLE: ANPRM Published: January 19, 1978 (43 FR 2729).  
Next Scheduled Action: Proposed rule, 1986.



(D) - Unpublished Rules

TITLE: Minor Clarifying Amendments.†

AGENCY CONTACT: John Philips  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7086

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 1

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The final rule would codify nomenclature changes required by reorganization of NRC staff activities; indicate the reassignment of the responsibility for the implementation of the Paperwork Reduction Act and the preparation of the monthly Nuclear Regulatory Commission Issuances; indicate the change in the commercial telephone number for the NRC's Region IV Office; and announce that the NRC Region IV Uranium Recovery Field Office, located in Denver, Colorado, will become operational on October 4, 1982.

TIMETABLE: Next Scheduled Action: Final rule, September 1982.

TITLE: Jurisdiction of Adjudicatory Boards.

AGENCY CONTACT: William M. Shields  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8693

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 1  
10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 2241

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

TIMETABLE: Next Scheduled Action: Final rule is pending before the Commission.



TITLE: Management of Discovery.

AGENCY CONTACT: Trip Rothschild  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7814

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 2231  
42 U.S.C. 2241  
42 U.S.C. 5841

ABSTRACT: The final rule would expand the authority for the presiding officer in an NRC adjudicatory proceeding to act on his or her own initiative to control discovery by setting guidelines for its use and imposing sanctions for its abuse. The rule would be intended to reduce unnecessary discovery and eliminate undue burdens on limited NRC staff resources. This rule is a part of the Commission's continuing efforts to expedite the NRC hearing process with due regard for the rights of the parties and is currently being reviewed by the Regulatory Reform Task Force.

TIMETABLE: Next Scheduled Action: Final rule, Unscheduled.

TITLE: Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule.

AGENCY CONTACT: Richard A. Parrish  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-3224

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic and Safety Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance. This proposed rule does not preclude further action on five alternatives for amending the "Immediate Effectiveness" rule presented in an earlier notice on May 22, 1980 (45 FR 34279).

TIMETABLE: Next Scheduled Action: Proposed rule, September 1982.

TITLE: Authority to Issue Notices of Violation to Non-Licensees  
and Delegation of Authority to Regional Administrators.

AGENCY CONTACT: Tom Brockett  
Office of Inspection and Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-4923

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected  
to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 2077  
42 U.S.C. 2021  
42 U.S.C. 2201  
42 U.S.C. 4332  
42 U.S.C. 4334  
42 U.S.C. 4335  
42 U.S.C. 5841  
42 U.S.C. 5842

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

TIMETABLE: Next Scheduled Action: Proposed rule, September 1982.

TITLE: Appeals of Prehearing and Special Prehearing Conference Orders Granting or Denying Intervention.

AGENCY CONTACT: Bruce A. Berson  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7678

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: Since publication of the July 1982 NRC Regulatory Agenda the scope of the proposed rule has been expanded to clarify the appropriate procedure for appealing both a special prehearing §2.751a(d) and a prehearing §2.714(a) conference order granting or denying a petition for leave to intervene in a nuclear power reactor licensing proceeding. For questions falling within the ambit of §2.742(a), the proposed rule would retain the right of a person to take an immediate appeal to the Atomic Safety and Licensing Appeal Board of a conference order that wholly denies an intervention petition or that grants a petition that another person believes should have been wholly denied. The proposed rule would eliminate the opportunity for a person to file objections to intervention rulings in a conference order with the presiding officer conducting the hearing.

TIMETABLE: Next Scheduled Action: Proposed rule, September 1982.

TITLE: Executive Order 12356, "National Security Information",  
Implementation. †

AGENCY CONTACT: Raymond J. Brady  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4472

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected  
to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 9

LEGAL AUTHORITY: 42 U.S.C. 2165  
42 U.S.C. 2201  
42 U.S.C. 5841  
E.O. 12365

ABSTRACT: The final rule would amend NRC regulations to incorporate  
the new Executive Order, 12356, "National Security  
Information," and Implementing Directive. E.O. 12356  
replaces E.O. 12065 and modifies the procedures to be  
followed wherever a Freedom of Information Act request is  
made for a classified document. In addition, the rule  
makes minor changes to some definitions contained in these  
parts. This final rule would bring NRC regulations into  
compliance with the latest Executive Order, E.O. 12356,  
that prescribes a uniform system for classifying/  
declassifying, and safeguarding National Security  
Information.

TIMETABLE: Next Scheduled Action: Final rule, November 1982.

TITLE: Backfitting. †

AGENCY CONTACT: James Tourtellotte  
Regulatory Reform Task Force  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(202) 634-3300

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 50

LEGAL AUTHORITY:	42 U.S.C. 2021	42 U.S.C. 4334
	42 U.S.C. 2133	42 U.S.C. 4335
	42 U.S.C. 2134	42 U.S.C. 5841
	42 U.S.C. 2201	42 U.S.C. 5842
	42 U.S.C. 2232	42 U.S.C. 5846
	42 U.S.C. 2233	
	42 U.S.C. 2239	
	42 U.S.C. 4332	

ABSTRACT: The proposed rule would modify current NRC regulations governing the "backfitting" of production and utilization facilities. "Backfitting" is the term used to describe modifications made to the design of a facility under operating license review or to an operating facility to meet upgraded requirements imposed in response to advances in knowledge concerning reactor design and reactor safety. The proposed changes would revise the Commission's standard for determining whether backfitting is required and are being considered as part of a larger effort to review the NRC's internal processes and procedures associated with the licensing of nuclear power reactors. The specific purposes for development of the proposed rule are as follows: (1) To improve the quality of the backfitting decision-making process; (2) To address the concern that the pace and nature of regulatory actions have created a potential safety problem which deserves further attention by the agency; and (3) To reduce the level of regulatory uncertainty and ensure better understanding and improve analysis of the costs and safety benefits likely to result from NRC-imposed changes before they are placed in effect.

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.

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

AGENCY CONTACT: Thomas F. Dorian  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8690

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201  
Pub. L. 97-xxx

ABSTRACT: The final rule would implement pending legislation specifying standards for determining whether amendments to operating licenses for certain facilities involve no significant hazards consideration. The Commission has incorporated provisions into the final rule which are substantially identical to those in the proposed rule published in Federal Register March 28, 1980 (45 FR 20491).

TIMETABLE: Next Scheduled Action: Final rule to follow Congressional action on conference committee report on NRC FY-82/83 Authorization Bills (S.1207 and H.R. 4255) October 1982.

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

AGENCY CONTACT: Thomas F. Dorian  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8690

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected  
to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201  
Pub. L. 97-xxx

ABSTRACT: The proposed rule would implement pending legislation by  
specifying criteria and procedures for providing or  
dispensing with prior notice and public comment on  
determinations about whether amendments to operating  
licenses for certain facilities involve no significant  
hazards consideration. In addition, the proposed rule would  
specify procedures for consultation on these determinations  
with the State in which the facility of the licensee requesting  
the amendment is located. The proposed rule would permit  
the Commission to act expeditiously, if circumstances  
surrounding a request for amendment require a prompt response  
and to issue an amendment before holding any required hearing,  
unless a significant hazards consideration is involved.

TIMETABLE: Next Scheduled Action: Proposed rule to follow Congressional  
action on Conference Committee report on NRC FY-82/83  
Authorization Bills (S.1207 and H.R.4255) October 1982.



TITLE: Temporary Operating Licenses.

AGENCY CONTACT: Thomas F. Dorian  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8690

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 2  
10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201  
Pub. L. 97-xxx

ABSTRACT: The proposed rule would implement pending legislation by permitting the Commission to issue a temporary operating license for a nuclear power plant authorizing fuel loading, low-power operation, and testing. This temporary operating license would be issued in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license. This rule would speed the licensing process by authorizing utilities that have built and applied for licenses to operate nuclear power plants to load fuel and conduct low-power operation and testing on the basis of previously submitted and approved safety and environmental evaluations. Before enactment of pending Pub. L. 97-xxx, the Commission lacked the authority to authorize fuel loading and low power operation and testing on the basis of safety and environmental evaluations; instead, this authorization was possible only after the hearing process was complete. Estimates of the cost to utilities and their customers for this type of licensing delay, even if limited to the cost of replacement power, range to tens of millions of dollars per month for each completed plant.

TIMETABLE: Next Scheduled Action: Proposed rule to follow Congressional action on Conference Committee report on NRC FY-82/83 Authorization Bills (S.1207 and H.R. 2330).

TITLE: Clarification of Inspection Procedures.

AGENCY CONTACT: Jerry D. Ennis  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5976

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 19  
10 CFR 21  
10 CFR 30  
10 CFR 40  
10 CFR 50  
10 CFR 70  
10 CFR 71  
10 CFR 73  
10 CFR 110

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2207

ABSTRACT: The proposed rule would specify more clearly the authority of NRC inspectors to (1) perform tests on safeguards-related equipment and procedures at licensee facilities, (2) copy and take away copies of licensee records, and (3) specify the retention period for licensee physical security records. The proposed rule would clarify the authority of NRC inspectors to inspect and evaluate a licensee's safeguards program.

TIMETABLE: Next Scheduled Action: Proposed rule, September 1982.

TITLE: Reports of Theft or Loss of Licensed Material.

AGENCY CONTACT: Donald Nellis  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 2073

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

TIMETABLE: Next Scheduled Action: Proposed rule, November 1982.

TITLE: Performance Testing for Health Physics Survey Instruments.\*

AGENCY CONTACT: James A. Jones  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5970

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2093  
42 U.S.C. 2095  
42 U.S.C. 2111  
42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2273  
42 U.S.C. 5841  
42 U.S.C. 5842

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

TIMETABLE: Next Scheduled Action: Advance notice of proposed rulemaking December 1982.

TITLE: Monitoring of Packages Containing Radioactive  
Materials Upon Receipt by Licensees.

AGENCY CONTACT: Steven Bernstein  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5842

ABSTRACT: The proposed rule would (1) extend current requirements for the receipt and external radiation monitoring by licensees of packages containing an excess of Type A quantities of nuclear material to include additionally those packages (not transported by exclusive use vehicles) containing more than one-third of a Type A quantity of nuclear material (a quantity of nuclear material, the total radioactivity of which does not exceed the values specified in §71.14(q)), which, if damaged, could pose a direct radiation hazard; (2) remove the existing requirement to report excessive external radiation levels at the package surface to avoid increased occupational radiation exposure to the worker; and (3) add a general package monitoring under existing NRC regulations in §20.205. The proposed rule is in response to a May 1979 General Accounting Office (GAO) report entitled "Federal Actions are Needed to Improve Safety and Security of Nuclear Material Transportation" (EMD-79-18), which recommended that the NRC modify §20.205 to broaden its requirements for the monitoring of external radiation levels of packages not covered by the existing regulations. The effect of the proposed rule would be to provide increased radiological protection for transportation workers and the general public by broadening the requirements for monitoring packages used to transport radioactive material.

TIMETABLE: Next Scheduled Action: Proposed rule, February 1983.

TITLE: Performance Testing for Bioassay Labs.

AGENCY CONTACT: Allen Brodsky  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5970

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 20

LEGAL AUTHORITY: 42 U.S.C. 5841

ABSTRACT: The proposed rule would require licensees who provide bioassay services for individuals to assess internal radiation exposure to use accredited laboratories after the NRC establishes an accreditation program. The proposed rule would reduce unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories analyzing materials for radioactivity, thus improving the accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material. An expert committee of the Health Physics Society has written a draft standard. The draft standard will be revised within the next two months to take into account early comments from industry solicited by the NRC. The NRC in cooperation with the DOE has established a performance testing study to test the standard and provide the information necessary to complete the standard and to design and set up an accreditation program.

TIMETABLE: Next Scheduled Action: Proposed rule, April 1984.

TITLE: Reporting of Defects and Noncompliance. \*

AGENCY CONTACT: Francis X. Cameron  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 21

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5846

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

TIMETABLE: Next Scheduled Action: Proposed, March 1983.

TITLE: Access to and Protection of National Security Information  
and Restricted Data.

AGENCY CONTACT: Raymond J. Brady  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4472

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 25  
10 CFR 95

LEGAL AUTHORITY: 42 U.S.C. 2165  
42 U.S.C. 2201  
42 U.S.C. 5841

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

TIMETABLE: Next Scheduled Action: Proposed rule, September 1982.



TITLE: Periodic and Systematic Reevaluation of Parts 30 and 32.

AGENCY CONTACT: James J. Henry  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 30  
10 CFR 32

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2234  
42 U.S.C. 5846

ABSTRACT: The proposed rule would be an editorial revision of the regulations governing the domestic licensing of byproduct material and the exemptions from domestic licensing requirements. The proposed rule would reflect the application of good regulatory drafting practices. The proposed rule would simplify and clarify the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them.

TIMETABLE: Next Scheduled Action: Proposed rule, January 1983.

TITLE: Clarified Requirements for Terminating a License.

AGENCY CONTACT: William R. Pearson  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5910

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 30  
10 CFR 40  
10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2092  
42 U.S.C. 2093  
42 U.S.C. 2111  
42 U.S.C. 2112  
42 U.S.C. 2113  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2236  
42 U.S.C. 2282  
42 U.S.C. 5842

ABSTRACT: The proposed regulation would clarify a licensee's authority and responsibility for nuclear materials and specify procedures that would allow for orderly license termination. Current regulations are not specific concerning licensee responsibility for nuclear materials. A licensee could dispose of nuclear materials, notify the Commission of its intent to discontinue operations, and vacate the premises before the NRC staff could verify residual radioactive contamination levels. This situation has the potential for adverse public health and safety effects. The proposed rule is necessary to protect public health and safety by establishing clear procedures for the termination of a license. These procedures would ensure that licensed materials are properly disposed of and facilities and sites are properly decontaminated before a licensee's responsibility is terminated. Each licensee who decides to discontinue operations permanently would be required to submit form NRC-314. This form contains information describing the disposal of nuclear materials. Except for licensees with only sealed sources, each licensee would submit a final radiation survey report. If there is no residual radioactive contamination above background, the Commission may terminate the license. If there is residual radioactive contamination, the licensee would be required to decontaminate the nuclear facility before the Commission would terminate the licensee's responsibility under its license.

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.

TITLE: Consumer Products Containing Small Quantities of Radioactive Material; Modified Approval Transfer Reporting Requirements.

AGENCY CONTACT: Donovan A. Smith  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5825

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 32

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 5841

ABSTRACT: The proposed rule would modify the annual reporting requirements imposed on persons specifically licensed to distribute products containing small quantities of byproduct material. The regulations require licensees distributing products containing exempt quantities of radioactive material to submit annual reports on the type and number of products distributed. A negative report was required if nothing was distributed during a reporting period. NRC uses these reports to estimate exposure of the general public to widely used consumer radioactive products. A licensee's questions concerning the significance of the reports has led to a review of the reporting requirement. The proposed rule is intended to reduce the administrative and paperwork burden for the licensee and the NRC without significantly changing the value of the reports to the regulatory program monitoring the use of radioactive materials in consumer products.

TIMETABLE: Next Scheduled Action: Proposed rule, November 1982.

TITLE: Medical Licenses for Human Use of Byproduct Material.

AGENCY CONTACT: William J. Walker  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4232

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 35

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233

ABSTRACT: The proposed rule would completely revise Part 35. This part contains the requirements and procedures applicable to a physician or medical institution that seeks to obtain a license authorizing the human use of byproduct material. The proposed rule would simplify the medical licensing process by adopting a "performance standard" approach to medical licensing. The proposed rule would simplify the medical licensing process and reduce the administrative burden on the licensee and the NRC by (1) including in the regulations all the requirements a medical licensee must meet; (2) eliminating or modifying administrative requirements not essential to safety; (3) simplifying the application form which, together with an automated licensing system, will create a more efficient licensing process; and (4) reducing the paperwork burden for the licensee and the NRC. The proposed rule would be consistent with regulatory reform objectives while maintaining the current level of protection to the health and safety of the medical worker and the general public. An earlier rule on which the NRC was considering action that would clarify the responsibilities of various echelons of nuclear medicine personnel has been incorporated into this proposed revision of Part 35. The economic impact of this rule on small business is difficult to quantify, however, the public will be invited to specifically comment on the impact when this rule is published in the Federal Register.

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.

TITLE: Misadministration of Radioactive Material;  
Proposed Removal of Reporting Requirements.

AGENCY CONTACT: Lidia A. Roche  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4211

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have any unfavorable economic impact on small or large licensees.

CFR CITATION: 10 CFR 35

LEGAL AUTHORITY: 42 U.S.C. 2111  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 5841

ABSTRACT: The proposed rule would remove the requirement that NRC's medical licensees report certain misadministrations of radioactive material to the NRC, to the patient's referring physician, and with certain safeguards, to the patient. On May 14, 1980 (45 FR 31701) the Commission published the final rule requiring NRC's medical licensees to report misadministrations of radioactive material. The rule was intended to detect common conditions that lead to misadministrations. The Commission would then correct these conditions through regulations and license conditions. At the time the rule was issued, the Commission indicated that it would reevaluate the merits of continuing the regulation after three years. In a memorandum dated June 30, 1981, the Commission directed the staff to conduct an analysis of the first year's reports. The NRC is considering the removal of the misadministration reporting requirements because an analysis of the first year's reports has not revealed errors that can be corrected through regulations and because of the continued controversy raised by the requirements in the medical community. This action would reduce the regulatory burden on medical licensees and the administrative burden on NRC staff by removing a reporting requirement that, in the opinion of the staff, has largely achieved its primary purpose. The record-keeping requirement will be maintained as a source of information subject to inspection or data collection.

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.

TITLE: Regional Licensing Program; Fort St. Vrain Nuclear Generating Station.†

AGENCY CONTACT: Darrell G. Eisenhut  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7672

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The final rule furthers the implementation of NRC's regional licensing program by specifying the categories of nuclear reactor licensing actions for which full responsibility has been delegated to the Regional Administration of Region IV. These licensing actions pertain only to the Fort St. Vrain Nuclear Generating Station, which is the first nuclear reactor for which selected licensing activities are transferred to a region.

TIMETABLE: Next Scheduled Action: Final rule, September 1982.

TITLE: Laboratory Accreditation Program.

AGENCY CONTACT: Frederick Forscher  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5942

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The proposed rule requires that certain equipment qualification testing be performed in laboratories that have been accredited in accordance with procedures administered by the Institute of Electrical and Electronics Engineers (IEEE). The proposed rule would uniformly and equitably improve the reliability and accuracy of qualification testing performed by accredited laboratories and provide greater assurance of protecting the public health and safety.

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.



TITLE: Filing of Controlled Copies of Emergency Plans.

AGENCY CONTACT: Kenneth E. Perkins, Jr.  
Office of Inspection and Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7361

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2239  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would require certain licensees to submit a specified number of controlled copies of emergency plans and implementing procedures along with changes to these plans and procedures to the appropriate NRC regional office and to NRC headquarters. Each of the controlled copies delivered to NRC would have a receipt attached that would be signed and returned to the licensee by the NRC employee who is responsible for receiving and maintaining the controlled copies. The NRC employee would certify that the plan was received and filed or that the changes were received and incorporated into the appropriate emergency plan. Adoption of the proposed rule would ensure that the NRC has the latest updated plan to use in the event of a radiological incident or accident. The proposed rule would also reduce the number of copies that a licensee must submit to the NRC from 13 to 3 thus lessening the regulatory burden on affected licensees.

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.



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

AGENCY CONTACT: Edward Baker  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5894

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would incorporate by reference the Summer 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction of nuclear power plants.

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.

TITLE: Applicability of Appendix B to Appendix A

AGENCY CONTACT: William L. Belke  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-7741

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2233

ABSTRACT: The proposed rule would clarify the quality assurance program requirements for those structures, systems and components of nuclear power plants that are important to safety. The proposed rule would also eliminate any possible confusion over the definition of the terms "important to safety" and "safety-related" and provide a clear statement in the Commission's regulations concerning the applicability of the quality assurance criteria in 10 CFR Part 50 of Appendix B to the structures, systems, and components covered in Appendix A. In the aftermath of the Three Mile Island-2 accident, a number of studies concluded that the scope of the items to which the quality assurance criteria of Appendix B to 10 CFR Part 50 apply needs to be broadened to include the full range of safety matters as was originally intended. Typical examples of structures, systems, and components for which the Appendix B quality assurance program criteria may not have been fully implemented are in-core instrumentation, reactor coolant pump motors, reactor coolant pump power cables, and radioactive waste system pumps, valves, and storage tanks. The proposed rule is intended to clarify the Commission's original intent by revising Criterion 1 of Appendix A to state specifically that the criteria to be used for the quality assurance program required in Appendix A are those criteria contained in Appendix B. Additionally, in order to eliminate confusion over definition of the terms "important to safety" as used in Appendix A and "safety-related" as used in Appendix B, the proposed rule would, in Appendix B, delete the term "safety-related". The proposed rule could expand the extent of the review applied to nuclear power plant structures, systems, and components, and thus, it could help ensure the appropriate application of quality assurance program requirements during the construction of nuclear power plants.

TIMETABLE: Next Scheduled Action: Proposed rule, November 1982.

TITLE: Extension of Criminal Penalties.

AGENCY CONTACT: Frank Swanberg  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4364

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes, in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

TIMETABLE: Next Scheduled Action: Proposed rule, December 1982.

TITLE: Occupational ALARA Rule.

AGENCY CONTACT: Jack M. Bell  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5970

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would require NRC commercial nuclear power plant operating licensees to develop and use means, that are subject to NRC inspection and enforcement, to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring, perform bioassays, or to measure concentrations of radioactivity in the air. The proposed rule was developed in order to promulgate a regulation which would express the Commission's belief that radiation doses received by workers in licensed activities can and should be reduced and to strengthen efforts to maintain occupational doses of ionizing radiation ALARA. The Commission believes that a reduction in the occupational collective (man-rem) dose received in connection with NRC licensed activities at nuclear power plants can be effected without unreasonable costs to licensees. Further, the Commission believes that this reduction can be achieved through the implementation of amendments to NRC regulations that would place greater emphasis on the ALARA concept as applied to workers in restricted areas, with the objective of elevating the radiation protection performance of less safety conscious licensees and applicants to the level currently achieved by the better performers. With this objective, it is feasible to adopt as performance criteria radiation protection techniques which have been shown by experience to be both effective and practical.

TIMETABLE: Next Scheduled Action: Proposed rule, December 1982.

TITLE: Reporting of Significant Design and Construction Deficiencies.

AGENCY CONTACT: Francis X. Cameron  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5981

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The proposed rule, initiated in response to TMI Action Plan Task II.J.4, would clarify the description of a significant design or construction deficiency in a nuclear power plant. The proposed rule would require the holder of a construction permit to provide the Commission with more timely information regarding potential construction or design deficiencies.

TIMETABLE: Next Scheduled Action: Proposed rule, March 1983.

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

AGENCY CONTACT: Edward Baker  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5894

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 5841

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

TIMETABLE: Next Scheduled Action: Proposed rule, April 1983.

TITLE: Emergency Preparedness Reporting Requirements.

AGENCY CONTACT: Kenneth E. Perkins  
Office of Inspection and Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7361

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 2239  
42 U.S.C. 5842  
42 U.S.C. 5846

ABSTRACT: The proposed rule would add a specific provision to the Commission's regulations which would require nuclear power plant licensees to report to the Commission if the level of emergency preparedness is adversely affected. The proposed reporting requirements would focus on the more important aspects of emergency preparedness such as communications capabilities and accident assessment capabilities, while placing less emphasis on items such as recovery operations and updating and distribution of copies of the emergency preparedness plan. The purpose of the proposed rule is to ensure that an adequate level of emergency preparedness is maintained by nuclear power plant licensees. The proposed rule would provide an enforceable basis for requiring that the affected licensees report to the NRC concerning deficiencies in the status of their emergency preparedness capabilities.

TIMETABLE: Next Scheduled Action: Proposed rule, June 1983.



TITLE: Fire Protection for Future Plants.

AGENCY CONTACT: David P. Notley  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5946

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would provide more comprehensive fire protection requirements for future nuclear power plants by consolidating the NRC fire protection guidelines and requirements for nuclear power plants into one enforceable document. The present requirements for fire protection at nuclear power plants are limited in that these requirements apply only to plants licensed prior to January 1, 1979. At the time when these effective regulations were approved, the Commission directed the staff to proceed with development of a comprehensive rule for plants licensed in the future.

The Commission has approved a staff recommendation that preparation of the proposed comprehensive fire protection rule for new nuclear power plants be postponed until June 1984. This postponement will allow the staff to concentrate on processing the many Appendix R exemption requests. The results of relevant research and the exemption request resolution decisions will then be available to assure proper technical bases for the rule.

In addition, the Commission requested a report from the staff by June 30, 1983, which will describe the types of exemptions requested and the safety significance of those requests. The report is also to provide a summary of research results obtained and a discussion of the impact those results have on the staff's review of fire protection requirements, including the need for revision to present fire protection requirements. The Commission may reevaluate the issue of whether or not to proceed with a comprehensive fire protection rule for future plants following receipt of the report.

TIMETABLE: Next Scheduled Action: Report to the Commission, June 30, 1983.



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

AGENCY CONTACT: Gunter Arndt  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5860

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50

LEGAL AUTHORITY: 42 U.S.C. 2133  
42 U.S.C. 2134  
42 U.S.C. 5841

ABSTRACT: The proposed rule would revise the criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. The current regulation specifies the criteria that leakage testing must meet and how the testing must be performed. The proposed rule would implicitly recognize national standard (ANSI/ANS 56.8) that specifies approved procedures for conducting the test and thus permit the NRC staff to focus its attention on the performance standard and design criteria aspects of the regulation. The proposed rule would eliminate ambiguities, increase the flexibility of the regulation, and emphasize the testing criteria aspects of the regulation while reducing the mechanistic aspects of the testing procedure. It would also reduce the paperwork burden on NRC and the compliance burden on licensees by reducing the number of exemption requests licensees are required to submit.

TIMETABLE: Next Scheduled Action: Proposed rule, September 1983.

TITLE: Radon Emissions Estimate for Table S-3.

AGENCY CONTACT: William E. Thompson  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4211

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50  
10 CFR 51

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841  
42 U.S.C. 5842

ABSTRACT: In a Federal Register notice published on April 14, 1979 (43 FR 15613) the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated; the Commission stated that upon issuance of the Generic Environmental Impact Statement (GEIS) on uranium milling and the evaluation of data from several ongoing research programs, it would determine whether to initiate rulemaking to provide a new estimate for radon-222 in Table S-3. Meanwhile, the environmental effects of radon-222 would be subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual nuclear power plant licensing proceedings. The GEIS on uranium milling and the reports of research on radon releases in uranium mining were published in 1979 and 1980. Based on these documents, the staff developed new estimates of radon emissions from the entire fuel cycle. These new estimates were introduced into the public record at the February 1980 hearing on radon before the Atomic Safety and Licensing Appeal Board in Harrisburg, PA. The Appeal Board decision of May 13, 1981 (ALAB-640), upheld the staff's new estimates of radon releases and deferred for later consideration the questions of health effects. Rulemaking to add the new value for radon 222 in Table S-3 is being held in abeyance until the Appeal Board completes its decision, which is expected in September 1982.

In a separate action, the D.C. Circuit Court of Appeals decision of April 27, 1982, invalidated the entire Table S-3 rule. The Nuclear Regulatory Commission is appealing this decision to the Supreme Court. Pending the outcome of this appeal, the rulemaking to add a new estimate for radon-222 to Table S-3 is being held in abeyance.

TIMETABLE: NRC Atomic Safety and Licensing Appeal Board Decision on Health Effects of Radon-222: September 1982 (estimated).  
Supreme Court Decision on Entire S-3 rule: Spring-Summer 1983.  
Next Scheduled Action on Rulemaking: After the Supreme Court Decision, probably late in 1983 or early in 1984.

TITLE: Operator Qualification and Licensing.

AGENCY CONTACT: Ellis Merschhoff  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5942

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50  
10 CFR 55

LEGAL AUTHORITY: 42 U.S.C. 2137  
42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would strengthen the criteria for issuing licenses to operators of nuclear power plants. The rule will focus on improvements in requirements for operator education, operator simulator training, operator understanding of the theory behind the operation of a facility, maintaining operator proficiency, and requalification examinations. The proposed rule would improve operator performance, help minimize the possibility of accidents, and enhance the ability of operators to deal with a potential accident.

TIMETABLE: Next Scheduled Action: Proposed rule, March 1984.

TITLE: Regional Licensing Reviews.

AGENCY CONTACT: Martin Levy  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 497-4024

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CF. 50  
10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The NRC is amending its regulations to require licensees to submit reports of planned changes which do not decrease safeguards effectiveness. This action is being taken as part of the implementation of the NRC regional licensing program under which full responsibility for certain categories of actions is being delegated to Regional Administrators. The amendments are to inform current or prospective licensees of current NRC practice and organization.

TIMETABLE: Next Scheduled Action: Final rule, October 1982.

**TITLE:** Personnel Access Authorization Requirements for Nuclear Power Plants (Part of Insider Package).

**AGENCY CONTACT:** James A. Prell  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5976

**EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES:** This action is not expected to have a significant economic impact on a substantial number of small entities.

**CFR CITATION:** 10 CFR 50  
10 CFR 73

**LEGAL AUTHORITY:** 42 U.S.C. 2201  
42 U.S.C. 5841

**ABSTRACT:** The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. On March 17, 1977, the NRC published in the Federal Register (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM). Written comments were invited and received. On December 28, 1977, the NRC published in the Federal Register (42 FR 64703) a notice of public hearing on the proposed rulemaking. The NRC subsequently established a Hearing Board to gather additional testimony. A final rule establishing an access authorization program for fuel cycle facilities and transportation licensees was published in the Federal Register on November 21, 1980. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended that a new access authorization program be established for and administered by nuclear power plant licensees. On June 24, 1980, the Commission directed the staff to prepare a proposed rule to establish an access authorization program for nuclear power plant licensees. This program will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants.

**TIMETABLE:** Next Scheduled Action: Proposed rule, November 1982.

TITLE: Qualification of Equipment.

AGENCY CONTACT: Harold I. Gregg  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5860

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 50  
10 CFR 100

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The advance notice of proposed rulemaking seeks comment on a proposal to clarify requirements for nuclear power plant licensees and applicants to demonstrate the ability of equipment that is important to safety to perform its function in accordance with design and functional specifications under normal and postulated accident conditions. The establishment of qualification criteria for selected components of nuclear power plants will help create a more uniform program to assess the performance of equipment under certain conditions. The proposed rule would assure conformity in individual equipment qualification reviews and provide a sufficient technical basis for judgments of acceptability by each reviewer.

TIMETABLE: Next Scheduled Action: Advance notice of proposed rulemaking delayed pending adoption and implementation of Equipment Qualification Program Plan.

TITLE: Transient Shipments of Special Nuclear Material of Moderate and Low Strategic Significance and Irradiated Reactor Fuel.†

AGENCY CONTACT: C. K. Nulseri  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4186

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The NRC is amending its regulations to license and require physical protection for transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel. Transient shipments are those that originate and terminate in foreign countries, but stop in the United States en route. The purpose of the amendments is to implement fully the provision of the Convention on the Physical Protection of Nuclear Material, which the United States signed on March 3, 1980. This Convention is the result of a U.S. proposal originally made by the Secretary of State in 1974. The NRC reviewed its regulations and procedures in order to determine whether the U.S. is in compliance with the provisions of the Convention. The review disclosed that U.S. regulations meet all requirements of the Convention except for regulations regarding the physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel. Under the proposed rule, carriers of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel would be issued a general license and be required to protect these materials in a manner that is consistent with U.S. domestic material of the same types and quantities.

Benefit of the rule: Places the U.S. in full compliance with the Convention.

Alternatives Considered: None.

Potential Costs: Increased costs are likely to be insignificant because of the infrequent occurrence of these shipments and the slight increase in safeguard requirements.

TIMETABLE: Submission to the Commission for approval, October 1982.



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

AGENCY CONTACT: Robert J. Dube  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301)427-4040

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would establish more cost-effective material control and accounting (MC&A) requirements for low enriched uranium (LEU). Under current regulations almost all substantive requirements apply uniformly to all licensees authorized to possess greater than one effective kilogram of special nuclear material, whether they have high enriched uranium (HEU), plutonium, or LEU. However, both NRC-sponsored and independent studies have concluded that safeguard risks associated with LEU are far less significant than risks associated with HEU. The proposed rule reduces the LEU MC&A requirements to a level commensurate with the material's low safeguards significance, while maintaining safeguards standards which meet those of the IAEA.

TIMETABLE: Next Scheduled Action: Proposed rule, December 1982.

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

AGENCY CONTACT: Andrea Kuffner  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5876

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not  
expected to have a significant economic impact on a substantial number  
of small entities.

CFR CITATION: 10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2071  
42 U.S.C. 2073  
42 U.S.C. 2201  
42 U.S.C. 2232  
42 U.S.C. 2233  
42 U.S.C. 5842  
42 U.S.C. 5846

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

TIMETABLE: Next Scheduled Action: Proposed rule, March 1983.

TITLE: Changes in Physical Security Plans; Licensees Possessing or Using Special Nuclear Material of Moderate and Low Strategic Significance.

AGENCY CONTACT: Andrea R. Kuffner  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5976

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 70

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The final rule would amend the regulations for domestic licensing of special nuclear material to allow licensees possessing or using special nuclear material of moderate and low strategic significance to change their physical security plans without prior approval of the Commission, provided the changes do not decrease the effectiveness of the plan. These licensees were inadvertently omitted from the regulation published on July 24, 1979 (44 FR 43280). The final rule would correct the oversight.

TIMETABLE: Next Scheduled Action: Final rule, March 1983.

TITIE: Physical Protection of Irradiated Reactor Fuel In Transit.†

AGENCY CONTACT: Carl B. Sawyer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4186

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 73

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841

ABSTRACT: The proposed rule would moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be a driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated reactor fuel cooled less than 150 days.

Benefits of the rule: Eliminate unnecessarily strict requirements which presently apply to spent fuel shipments.

Alternatives considered: Various levels of protection requirements.

Potential costs: A saving to licensees of about \$25,000 to \$30,000 annually, assuming 135 shipments annually.

TIMETABLE: Next scheduled action: Proposed rule, November 1982.

TITLE: Medical Standards for Employment of Security Personnel.

AGENCY CONTACT: Kristina Z. Markulis  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 443-5976

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 73

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5842

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

TIMETABLE: Next Scheduled Action: Revision of Part 73, September 1984.

TITLE: Patents.

AGENCY CONTACT: Neal E. Abrams  
Office of Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-8662

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 81

LEGAL AUTHORITY: 42 U.S.C. 3182

ABSTRACT: The proposed rule would establish the policies, general rules, and procedures regarding the handling of patent matters, for which the NRC presently has no regulations, in a manner that would be substantially like those being used by other government agencies. The proposed rule would revise completely Part 81, which currently is directed only to patent licensees, into a regulation that sets forth NRC patent policies, regulations, and rules for contract clauses, waiver of rights provisions, and other applicable areas.

TIMETABLE: Next Scheduled Action: Proposed rule, January 1983.

TITLE: Export of Australian-Origin Nuclear Material and Equipment.

AGENCY CONTACT: Marvin R. Peterson  
Office of International Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-4599

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 110

LEGAL AUTHORITY: 42 U.S.C. 2201

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

TIMETABLE: Next Scheduled Action: Final rule, September 1982.

TITLE: Export/Import of Nuclear Equipment and Material.

AGENCY CONTACT: Marvin R. Peterson  
Office of International Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-4599

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 110

LEGAL AUTHORITY: 42 U.S.C. 2073  
42 U.S.C. 2074  
42 U.S.C. 2077  
42 U.S.C. 2092  
42 U.S.C. 2094  
42 U.S.C. 2111  
42 U.S.C. 2112  
42 U.S.C. 2139  
42 U.S.C. 5841  
42 U.S.C. 5842

ABSTRACT: The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective. The proposed rule would expand or establish general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses set out in the proposed regulations would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. In addition, the proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals. This would increase U.S. international commerce while maintaining adequate non-proliferation controls and would reduce the regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security. The proposed amendment would reduce NRC's licensing workload for minor cases by about 75% thereby allowing the staff to process license applications for major exports of nuclear equipment and material quickly and expeditiously.

TIMETABLE: Next Scheduled Action: Proposed rule, pending before the Commission.



TITLE: Criteria for an Extraordinary Nuclear Occurrence.

AGENCY CONTACT: Enrico Conti  
Office of Nuclear Regulatory Research  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 427-4320

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 140

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 2210  
42 U.S.C. 5841  
42 U.S.C. 5842

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

TIMETABLE: Next Scheduled Action: Proposed rule, October 1982.

TITLE: Changes in Nuclear Energy Liability Insurance Policies.

AGENCY CONTACT: Ira Dinitz  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-9884

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 140

LEGAL AUTHORITY: 42 U.S.C. 2201

ABSTRACT: The final rule would amend 10 CFR Part 140 by removing Appendix A, "Form of Nuclear Energy Liability Policy for Facilities," and by making the information contained in the Appendix available in the form of a Regulatory Guide. The final rule would ease the amendatory process and afford the licensee a greater degree of flexibility in meeting the financial protection requirements of the Price-Anderson Act.

TIMETABLE: Next Scheduled Action: Final rule, December 1982.

TITLE: Revision of License Fee Schedules.\*

AGENCY CONTACT: William O. Miller  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
(301) 492-7225

EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR CITATION: 10 CFR 170

LEGAL AUTHORITY: 42 U.S.C. 2201  
42 U.S.C. 5841  
42 U.S.C. 483

ABSTRACT: The proposed rule would adjust the NRC fee schedule to permit the NRC to charge fees for the actual cost incurred by the NRC to review license applications, renewals, amendments, etc. The new fee schedule would affect the licensing and inspection of nuclear power plants, other production or utilization facilities, vendors of nuclear power steam supply systems and materials, facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial of radioactive waste, spent fuel cask and packaging approvals, and other users of critical quantities of special nuclear materials. The proposed rule would permit the NRC to charge fees for the actual costs incurred by the NRC to review license applications, renewals, amendments etc. It incorporates the proposed new Category 11.F schedule of fees for materials licenses published in the Federal Register as a proposed rule on March 31, 1980 (45 FR 20899).

TIMETABLE: Next Scheduled Action: Proposed rule pending Commission review.

**II**  
**PETITIONS**



SECTION II - PETITIONS FOR RULEMAKING

(A) - Petitions incorporated into final rules or  
petitions denied since June 30, 1982

PETITION DOCKET NUMBER: PRM-71-8

PETITIONER: Foster Wheeler Energy Corporation

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: June 11, 1980 (45 FR 39519)

SUBJECT: Exemption of Radiographers from Documentation Requirements  
for Delivering Licensed Material

SUMMARY: Description. The petitioner requests that NRC exempt industrial radiography licensees from the requirement in paragraph (b)(1)(i) of §71.12 that these licensees have all documents that are referenced in the license, certificate, or other approval in order to deliver licensed material to a carrier for transport under the general licensing provisions of §71.12. The petitioner contends that "...it is adequate for a radiography licensee to have on file just the Certificate of Compliance for a given source shipping container." The petitioner further contends that the documents that are maintained pursuant to §71.12(b)(1)(i) have not proved to be needed or useful on other occasions and that the requirement, as it applies to industrial radiographers, "...offers no positive effect on the safe transportation of radioactive material and should be withdrawn."

Objective. To eliminate the requirement for industrial radiographers that they maintain all documents referenced in the license, certificate, or other approval in order to deliver licensed material to a carrier for transport under the general licensing provisions of §71.12.

Background. The comment period closed August 11, 1980. Three comments were received, all of which favored the petitioner's request. A proposed rule that addresses the petitioner's request and goes beyond it to include all users of the general license issued under §71.12 (see page 9) was published in the Federal Register on May 18, 1982 (47 FR 21269). The comment period closed June 17, 1982.

TIMETABLE: Final rule published August 12, 1982 (47 FR 34970).

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

PETITION DOCKET NUMBER: PRM-95-1

PETITIONER: General Atomic Company

PART: 95

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 4, 1981 (46 FR 39610)

SUBJECT: Modification of Classification Guide for Safeguards Information

SUMMARY: Description. The petitioner requests a change in the "Classification Guide for Safeguards Information" included in Appendix A of 10 CFR Part 95. Appendix A provides security classification guidance for the safeguarding of information concerning certain nuclear material or facilities. The petitioner contends that a portion of these classification requirements is unduly restrictive and unnecessary for several reasons: (1) General Atomic's computer system is coded to limit access to authorized users, (2) the records management systems allocation of storage to its users is known only by the central processing unit, and (3) processing classified data inhibits the development of early detection capabilities and the trend toward more real time processing of data from stations located within the manufacturing process area.

Objective. To modify or eliminate certain parts of the "Classification Guide for Safeguards Information." The petitioner states that the use of data classifications with its material control system is unnecessary and results in added costs, delays, and inefficiencies in its material accounting and records management operations.

Background. The comment period closed October 2, 1982. No comments were received.

TIMETABLE: Action completed. The notice of denial was published on September 29, 1982 (47 FR 42755).

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





(B) - Petitions incorporated into proposed rules

PETITION DOCKET NUMBER: PRM-20-7

PETITIONER: Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 23, 1976 (41 FR 41759)

SUBJECT: Shallow Land Disposal of Low-Level Radioactive Waste

SUMMARY: Description. The petitioner requests that the Commission amend regulations to set interim standards for shallow land disposal of low-level radioactive wastes. The petitioner proposes that the regulations require (1) the transfer of regulatory authority for long-lived transuranic waste (TRU) from the states to NRC, (2) a moratorium on new or enlarged burial site licensing pending the establishment of certain requirements, (3) payment of fees by persons who produce TRU waste to finance safe permanent disposal, (4) the solidification of all radioactive wastes before shipment, and (5) the preparation of a generic environmental impact statement. These regulations are needed to ensure safe disposal of long-lived radioactive wastes.

Objective. To provide interim measures needed to preserve the capability to dispose safely of low-level wastes until the necessary studies and environmental impact statement are completed for a long-term regulation.

Background. The comment period closed on November 22, 1976. Fourteen of the fifteen responses from industry recommended denial of the petition. The NRC staff analyzed the petition and concluded that no compelling potential health and safety hazard existed to warrant immediate NRC reassumption of regulatory authority from the states, or immediate implementation of interim regulations as proposed by the petitioner. Consequently, a notice denying immediate issuance of interim requirements for shallow land disposal of radioactive wastes was issued by the Commission and published in the Federal Register on July 25, 1979 (44 FR 4354). However, several issues raised by the petitioner are being considered as part of a comprehensive proposed rulemaking entitled "Licensing Requirements for Land Disposal of Radioactive Waste" and published in the Federal Register on July 24, 1981 (see 46 FR 38081 and page 47).

TIMETABLE: The final rule addressing these issues is currently before the Commission.

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

PETITION DOCKET NUMBER: PRM-50-22

PETITIONER: Public Interest Research Group, et al.

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 8, 1977 (42 FR 40063)

SUBJECT: Decommissioning of Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission amend its regulations to require nuclear plant operators to post bonds before each plant's operation to insure that funds will be available for isolation of radioactive material upon decommissioning. The petitioners state that their proposal would insure that power companies which operate reactors, rather than future generations, bear the cost of decommissioning. The petitioners also request that the Commission amend its regulations to require that operators of nuclear power plants already in operation be required to establish plans and immediately post bonds to insure proper decommissioning.

Objective. Since decommissioning will not occur until after the 40-year operating license has expired and may require substantial capital expenses for hundreds of years thereafter, the petitioners seek to ensure that companies which are now financially stable continue to have the capacity to pay decommissioning and guardianship costs when necessary.

Background. The original comment period closed October 7, 1977, but was extended to January 3, 1978. Sixty-two comments were received, a majority of which oppose the petition. A notice denying the petition in part was published in the Federal Register on June 22, 1979 (44 FR 36523). The partial denial covered that part of the petition seeking an immediate rulemaking requiring the posting of surety bonds. Other issues and funding alternatives raised in the petition have been incorporated into the ongoing rulemaking on Decommissioning Criteria for Nuclear Facilities (see page 56). An advance notice of proposed rulemaking for that proceeding was published on March 13, 1978 (43 FR 10370). The NRC staff issued a draft Environmental Impact Statement (EIS) on decommissioning in January 1981.

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

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

PETITION DOCKET NUMBER: PRM-50-29

PETITIONER: Electric Utilities

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 4, 1980 (45 FR 73080)  
Supplement to petition published  
February 3, 1981 (46 FR 10501)

SUBJECT: Anticipated Transients Without Scram (ATWS)

SUMMARY: Description. The petitioners request that the Commission initiate a rulemaking proceeding on the issue of Anticipated Transients Without Scram (ATWS) which has been designated as an Unresolved Safety Issue by the Commission. An ATWS event takes place if an abnormal operating condition ("anticipated transient") occurs at a nuclear power plant which should cause the reactor protection system to initiate a rapid shutdown ("scram") of the reactor, but the reactor shutdown system fails to function. The petitioners specifically ask that the Commission either proceed with a notice and comment rulemaking using the petitioners' own proposed ATWS regulation or conduct formal evidentiary hearings using adjudicatory procedures supplied by the petitioner. The petitioners filed a supplement to the petition, dated January 5, 1981, that contained a proposed Appendix to 10 CFR Part 50 which the petitioners asked the Commission to consider in connection with PRM-50-29. The proposed Appendix addresses the issue of Criteria for Evaluation of Scram Discharge Volume Systems for Boiling Water Reactors.

Objective. To resolve the ATWS issue.

Background. The comment period closed January 5, 1981. Seventeen comments were received, the majority of which supported the petition. The Commission approved publication of a proposed rule subject to certain modifications on June 16, 1981, to obtain public comment on two NRC staff versions of an ATWS proposed rule (see page 31 and Federal Register notice published November 24, 1981, 46 FR 57521) and extended the comment period for the petition to include it for consideration as a third option. Future action on the petition will be linked to staff response to public comments received on the proposed rule. The comment period for the petition expired April 23, 1982.

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

CONTACT: David W. Pyatt  
Office of Nuclear Regulatory Research  
(301) 443-5921

PETITION DOCKET NUMBER: PRM-71-1, PRM-71-2, PRM-71-4

PETITIONER: Energy Research and Development Administration (ERDA)/DOE  
(PRM-71-1)  
American National Standards Inst. Committee N14 (PRM-71-2)  
Chem-Nuclear Systems, Inc. (PRM-71-4)

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: PRM-71-1, September 22, 1975 (40 FR 43517);  
PRM-71-2, April 15, 1976 (41 FR 15921); and  
PRM-71-4, January 27, 1977 (42 FR 5149).

SUBJECT: Exemption of "Low Specific Activity  
Material" from the Requirements of Part 71

SUMMARY: Description. The petitioners requested that the Commission amend its regulations at §§71.7 and 71.70 to exempt "low specific activity material," as defined in §71.4(g), from the requirements of Part 71. The petitioners stated that the Department of Transportation (DOT) Hazardous Materials Regulations, 49 CFR 170-189, provide a specific exemption for "low specific activity material" in which these materials are exempted from the normal packaging requirements. Petitioners further stated that this exemption would make Part 71 more consistent with both the 1967 regulations of the International Atomic Energy Agency (IAEA) and with the 1972 revised edition of the IAEA regulations. In addition, the American National Standards Institute requested an exemption from the specific container requirements of "low specific activity material" transported in the "sole use" mode, which means that the shipper has exclusive use of the entire transport vehicle and has all package handling under its control.

Objective. To exempt "low specific activity material" from the packaging requirements of 10 CFR Part 71 to achieve compatibility among the regulations of the NRC, DOT, and IAEA.

Background. Comments were received on these petitions over a period of one and one-half years. Altogether, five favorable comments were received. In July 1979, the Commission approved a proposed revision (SECY-79-192) to the NRC transportation regulations in 10 CFR Part 71 to make them more compatible with those of the IAEA. The proposed rule change was published in the Federal Register on August 17, 1979 (44 FR 48234). In 1981, the draft final rule for Part 71 was completed and circulated to the staff for review (see page 48). A draft document to deny these three petitions was circulated to the staff as well. These documents are still undergoing staff review.

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

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

PETITION DOCKET NUMBER: PRM-71-3

PETITIONER: Diagnostics Isotopes, Inc.

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 15, 1976 (41 FR 50359)

SUBJECT: Addition of Lead-201 to Transport Group IV

**SUMMARY:** Description. The petitioner requests that the Commission amend Appendix C to Part 71 to include lead-201 in Transport Group IV, which is one of seven groups into which radionuclides in normal form are classified according to their toxicity and their relative potential hazard in transport. The petitioner states that lead-201, due to its short half-life of 9.4 hours decays into its daughter radionuclide, thallium-201, which is currently listed in Transport Group IV. As a result of this rapid transformation, the time spent in transporting lead-201 can also be utilized in the buildup of thallium-201, a substance important in clinical nuclear medicine.

Objective. To add lead-201 to Transport Group IV, Appendix C to Part 71. The petitioner noted that thallium-201 was already listed in Group IV of Appendix C and because of the fact that lead-201 decays into thallium-201, the petitioner recommended including the lead radionuclide in the same grouping.

Background. The comment period closed January 14, 1977, with no public comments received. In September 1979, the petitioner was advised that the proposed amendments to 10 CFR Part 71, which were published in the Federal Register on August 17, 1979 (44 FR 48234), would be responsive to its petition for rulemaking. Since that time, the draft final rule for Part 71 has been circulated to the staff for review. This document is still undergoing staff review (see page 48).

**TIMETABLE:** Commission action on the petition is scheduled for January 1983.

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







(C) - Petitions pending staff review

PETITION DOCKET NUMBER: PRM-2-11

PETITIONER: Wells Eddleman

PART: 2

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 29, 1982 (47 FR 4310)

SUBJECT: Separate Operating License Hearings for Individual  
Reactor Units at Multi-Unit Sites

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require a separate operating license hearing for each power reactor unit at a nuclear plant site. The petitioner specifically requests that the Commission require for each unit a separate hearing with provision for reopening or introducing any issue, including safety, need for power, cost-effectiveness compared to alternatives to meet or eliminate the proposed energy output from the unit, evacuation planning, waste disposal, need for base load power, and other relevant issues. The petitioner requests that additional issues be considered in the separate hearing, including a determination as to whether or not the Commission has in place adequate regulations and sufficient personnel to ensure the safe operation of the unit for its planned operating life and consideration of the range of probable costs and uncertainties in costs of waste disposal and decommissioning of the unit.

Objective. To provide the means for acquiring an updated data base for nuclear power plant licensing decisions concerning applications for operating licenses in cases where a licensee is constructing more than one unit at a single power station over a period of several years.

Background. The comment period closed March 30, 1982. Twenty-two comments were received, the majority of which opposed the petition.

TIMETABLE: Commission action on the petition is expected to be completed in November 1982.

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

PETITION DOCKET NUMBER: PRM-30-55

PETITIONER: State of New Jersey, Department of Environmental Protection

PART: 30

OTHER AFFECTED PART(S): 31, 32, 33

FEDERAL REGISTER CITATION: August 11, 1977 (42 FR 40791)

SUBJECT: Radiation Standards for Uses of Byproduct Material

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking proceeding for the purpose of adopting new national standards for users of radioactive byproduct materials. The petitioner states that the Commission Radiation Standards for byproduct material facilities and nuclear power plants differ drastically. The petitioner states that a nuclear power plant's sophisticated control equipment is designed to handle different types of potential accidents and still keep radiation exposure to the public within acceptable limits, while a byproduct material facility (e.g., radiopharmaceutical plant) does not have the same capabilities. Furthermore, the petitioner states that because byproduct material plants have unrestricted siting, more people are in the vicinity of a byproduct facility than a nuclear power plant and would be affected by radiation exposure resulting from an accident.

Objective. The petitioner proposes that the Commission take the following actions to reduce unnecessary public exposure to radioactive substances emitted from byproduct material facilities:

1. Establish criteria to quantify the "as low as reasonably achievable" emission reduction policy for major facilities using byproduct materials from man-made fission reactions and require existing plants to meet these criteria.
2. Establish siting criteria for these facilities that would form a basis for evaluating the acceptability of new plant locations in terms of radiation doses to the public.
3. Require new and existing byproduct facilities to develop and implement offsite environmental surveillance programs to provide information on levels of radioactivity in the environment around these facilities.

Background. The comment period closed October 11, 1977. Six comments were received, all opposing the petition. The staff is developing a final position on the petition. This petition has been combined with an earlier petition (PRM-50-10) from the State of New Jersey that deals with similar issues (see page 138).

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

CONTACT: Richard Grill  
Office of Nuclear Regulatory Research  
(301) 427-4468

PETITION DOCKET NUMBER: PRM-30-58

PETITIONER: U. S. Department of Commerce, National Bureau of Standards

PART: 20

OTHER AFFECTED PART(S): 30, 40, 70

FEDERAL REGISTER CITATION: July 10, 1981 (46 FR 35662)

SUBJECT: Radioactive Material From Environmental Sources

**SUMMARY:** Description. The petitioner requests that the Commission initiate a rulemaking proceeding that would exempt radioactive material obtained directly or indirectly from environmental sources from specific license application requirements. Because of the plutonium and americium content of soil or tissue, an environmental sample, once it has passed from the original licensee to another party, is subject to all licensing requirements. The petitioner states that this licensing interpretation appears to apply to any sample extracted from the earth by anyone because of the residual plutonium and americium content.

Objective. The petitioner proposes alternative amendments to NRC regulations that would exempt from licensing requirements radioactive material obtained from environmental samples. One alternative suggests a broad amendment that would remove potential ambiguity in the regulations indicating that the regulations might apply to individuals not covered by their requirements. The other alternative presents a specific solution that identifies the plutonium and americium content of the environmental sample in a manner that would alleviate the problem with the regulations the petitioner presented.

Background. The comment period closed September 8, 1981. Three comments were received. The petitioner's request stems from its intent to provide a variety of environmental standards that would be collected from numerous places in North America, assayed as to content for a number of isotopes, and packaged for sale as standards. Under existing regulations and NRC's licensing interpretation, this process could require license applications to the NRC.

**TIMETABLE:** Commission action on the petition is scheduled for March 1983.

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

PETITION DOCKET NUMBER: PRM-35-1

PETITIONER: George V. Taplin, M.D.

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 7, 1979 (44 FR 26817)

SUBJECT: Physician's Use of Radioactive Drugs

**SUMMARY:** Description. The petitioner requests that the Commission amend its regulations to remove its restrictions that apply when a physician uses an FDA-approved radioactive drug for a clinical procedure that does not have FDA approval. The regulations in question provide that when a physician uses byproduct material for a clinical procedure not approved by FDA and specified in the product labeling, the physician follow FDA-approved product labeling regarding (1) chemical and physical form, (2) route of administration, and (3) dosage range. Specifically, the petitioner objects to the restrictions because they would prevent the use of Tc-99m pentetate sodium as an aerosol that is inhaled for lung function studies.

Objective. The petitioner proposes that the NRC amend its regulations to remove the requirement that physicians use an approved radioactive drug strictly in accordance with the product label. The petitioner believes that this action would allow the physician to use approved drugs according to his or her best knowledge and judgment in the interest of the patient and allow the development of new safe applications of approved drugs.

Background. The comment period closed July 6, 1979. Forty-five comments were received, all supporting the petition. On December 7, 1979, the NRC met with FDA to discuss NRC restrictions on a physician's use of approved drugs for unapproved clinical procedures. NRC polls of the Advisory Committee on the Medical Uses of Isotopes in February, June, July, and August 1981 indicated that the committee favored retaining NRC's general restrictions in question, but the consensus of the Committee was to grant exceptions to the restrictions, such as the use of Tc-99m pentetate sodium used for lung function studies. On April 13, 1982 (47 FR 15798), the Commission published a proposed rule that would grant an exception to the regulations in §35.14(b)(6) for Tc-99m pentetate sodium used for lung function studies. The proposed rule also includes a procedure describing how such exception could be expeditiously handled in the future (see page 25).

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

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

PETITION DOCKET NUMBER: PRM-35-2

PETITIONER: The American Association of Physicists in Medicine

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 29, 1982 (47 FR 4311)

SUBJECT: Intervals Between Required Dosimetry System Calibrations

SUMMARY: Description. The petitioner proposes that the Commission amend its regulations to permit an interval longer than two years between required calibrations of a dosimetry system that is used to perform calibration measurements on a teletherapy unit, as long as suitable dosimetry system verification checks are carried out. The petitioner also recommends, as an interim measure, that a variance be granted to licensed teletherapy users who are unable to have instruments calibrated within the required period. Current regulations require calibration measurements using a dosimetry system that has been calibrated by the National Bureau of Standards or an accredited Regional Calibration Laboratory within two years and after any servicing that may have affected system calibration. The petitioner indicates that as a result of this requirement and the limited number of instruments that may be calibrated by an approved organization, the waiting period for instrument calibration is currently about six months and expected to increase.

Objective. The petitioner proposes a regulation that would allow a longer interval between calibrations while providing for suitable dosimetry system verification checks. The petitioner's proposed alternative is intended to reduce the six-month waiting period for instrument calibration without adversely affecting dosimetry system reliability.

Background. The comment period closed March 30, 1982. The staff met with representatives of the National Bureau of Standards on January 21, 1982, to discuss the extent of and reasons for the instrument calibration backlog. Any amendment to Part 35 that may result from this petition for rulemaking would be incorporated into the proposed revision of Part 35 currently in progress. Affected licensees will receive relief in the form of rulemaking or variances as an interim solution until the Part 35 revision is complete (see page 90).

TIMETABLE: Commission action on the proposed amendment incorporating the petition is scheduled for November 1982.

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



PETITION DOCKET NUMBER: PRM-40-23

PETITIONER: Sierra Club

PART: 40

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 25, 1981 (46 FR 14021)

SUBJECT: Licensing the Possession of Uranium Mill Tailings at  
Inactive Storage Sites

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to license the possession of uranium mill tailings of inactive storage sites. Uranium ore is mined and milled by private companies under licenses issued by the Commission. After fissionable material is extracted from the uranium, the ore removed is deposited after processing in tailing piles at the mill site. The petitioner states that the remaining tailings are radioactive in that the milling operators extract only 15 percent of the radioactive material. The petitioner believes the Commission exempted uranium mill tailings and inactive storage sites without making the required findings under the Atomic Energy Act that the exemption would not constitute an unreasonable risk to the health and safety of the public.

Objective. The petitioner proposes the following regulatory action to ensure that the public health and safety is adequately protected: (1) repeal the licensing exemption for inactive uranium mill tailings sites subject to the Department of Energy's remedial program; (2) require a license for the possession of byproduct material on any other property in the vicinity of an inactive mill tailings site if the byproduct materials are derived from the sites; or, in the alternative, (3) conduct a rulemaking to determine whether a licensing exemption of these sites or byproduct materials constitutes an unreasonable risk to public health and safety.

Background. The comment period closed April 27, 1981. Three comments were received, all stating the petition should be denied. Uranium mill tailings are regulated under the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604). Title I of the Act directs that the Department of Energy, in consultation with NRC, conduct a remedial action program at certain inactive uranium mill tailings sites. Title V of the Act authorizes NRC to regulate disposal of the tailings at active sites. The staff is preparing a response to the petition.

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

CONTACT: Don F. Harmon  
Office of Nuclear Regulatory Research  
(301) 427-4284



PETITION DOCKET NUMBER: PRM-50-10

PETITIONER: State of New Jersey Nuclear Energy Council

PART: 50

OTHER AFFECTED PART(S): 30, 40, 55, 70, 100

FEDERAL REGISTER CITATION: May 6, 1974 (39 FR 15900);  
July 11, 1974 (39 FR 25525)

SUBJECT: Safety and Licensing Requirements

SUMMARY: Description. The petitioner requests that the Commission amend its regulations in Parts 50 and 70 to require that licensees who routinely handle large quantities of byproduct material be made subject to emergency planning requirements and, in addition, to require that these licensees clearly identify the material involved, exposure pathways, and populations at risk as a result of licensed activities. In Part 100, the petitioner requests that the exclusion area criteria be amended, the population zone criteria be reviewed, and that radiation release protective action levels set by EPA or individual states be incorporated by reference. The petitioner requests that the exclusion of the "Class 9 accident" from consideration in Part 50 reactor licensing procedures be eliminated when new or novel siting or design considerations are involved, and that due consideration be given to countermeasures for the "Class 9 accident" (a "Class 9 accident" occurs at a nuclear reactor when the fuel core melts). The petitioner also requested that reactor operators undergo training and periodic reexamination and that the scope of Part 55 be expanded to cover health physicists assigned to reactor sites and operators of waste disposal facilities.

Objective. To increase the level of assurance that accidents at nuclear facilities can be prevented and, in the event of an accident, to ensure that the consequences are mitigated.

Background. The comment period closed on July 5, 1974. Six comments were received. The petitioner withdrew the requested change concerning reactor personnel qualification. The petitioner has agreed that its requested change concerning health physicists was satisfied by the Commission's issuance of regulatory guides. Part of the petitioner's request concerning emergency planning for Part 70 licensees was addressed in a final rule published in the Federal Register on March 31, 1977 (42 FR 17125). The petitioner has agreed that action on the "Class 9 accident" issue should await completion of the liquid pathways study. The petitioner's request concerning emergency planning for Part 50 licensees was incorporated into a final rule published in the Federal Register on June 3, 1981 (46 FR 29712). The petitioner's requests concerning "Class 9 accident," emergency planning and siting criteria for Part 30, 40, and 70 licensees, and revisions to Part 100 are the subject of current NRC staff reviews. This petition has been combined with another petition from the State of New Jersey (PRM-30-55) that deals with similar issues (see page 132).

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

CONTACT: Richard P. Grill  
Office of Nuclear Regulatory Research  
(301) 427-4039

PETITION DOCKET NUMBER: PRM-50-21

PETITIONER: Northern States Power Company and Wisconsin  
Electric Power Company

PART: 50

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: July 21, 1977 (42 FR 37458)

SUBJECT: Plant Security Information

SUMMARY: Description. The petitioners request that the Commission amend its regulations (1) in §50.34(c) to include plant security information within the definition of Restricted Data, or alternatively within the definition of National Security Information; (2) in §2.905 to ensure that discovery of plant security information is subject to the protections of Subpart I to Part 2; (3) in Subpart I to Part 2 to explicitly recognize that the protections required by the Subpart extend to information not under Commission control; and (4) to delete §2.790(d)(1) that currently could permit disclosure of plant security information without the protections of Subpart I to Part 2.

Objective. To protect plant security information from unauthorized disclosure and to ensure that licensees' security plans are not compromised.

Background. The comment period closed September 19, 1977. Twelve comments were received, nine of which endorsed the petition. Consideration to grant the petition was under review based on Pub. L. 96-295 (NRC FY 80 Authorization Bill) that amended the Atomic Energy Act by adding Section 147, "Safeguards Information," which directs the Commission to prescribe regulations or issue orders to prohibit the unauthorized disclosure of safeguards information that specifically identifies the licensees' or applicants' detailed security measures, etc. The NRC staff is currently preparing a response to the petition.

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

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

PETITION DOCKET NUMBER: PRM-50-24

PETITIONER: John F. Doherty

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 16, 1979 (44 FR 47997)

SUBJECT: Objects Falling From Earth Orbit

**SUMMARY:** Description. The petitioner requests that the Commission adopt a regulation which would state that it is the duty of the Commission to inform all holders of Class 103 licenses (production and utilization facility licensees) of any announcement by any Federal agency or department of predicted or expected falling objects from earth orbit, whether the falling object is the responsibility of the announcing agency or the responsibility of a foreign nation. The petitioner also requests that the Commission adopt a regulation which specifies that the Commission's duty is to issue the initial warning and then continue to inform and advise the affected licensees until a prediction of the most likely impact areas can be issued by the responsible department or agency. The petitioner requests that the Commission order plants near the probable impact area to be shut down.

Objective. To prepare for a possible occurrence of a situation similar to the Skylab incident where orbiting objects of considerable size are expected to fall to earth with considerable force.

Background. The comment period closed October 1, 1979. One comment was received which expressed the view that a regulation is not required for this issue since the NRC already has the authority to order that a nuclear power plant be shut down and, in addition, that events such as those envisioned by the petitioner would be infrequent. The NRC staff is preparing a response to the petition.

**TIMETABLE:** Commission action on the petition is scheduled for October 1982.

**CONTACT:** Barry Zalcmán  
Office of Inspection and Enforcement  
(301) 492-4740

PETITION DOCKET NUMBER: PRM-50-25, PRM-50-25A

PETITIONER: State of Illinois and the Porter County Chapter of the Izaak Walton League of America, Inc., et al.

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 4, 1980 (45 FR 7653)

SUBJECT: Extension of Construction Completion Date

SUMMARY: Description. The petitioners filed essentially identical petitions which request that the Commission amend its regulations in Part 50, §50.55, to require that a "good cause" proceeding concerning a requested amendment of a construction permit to exceed the latest construction completion date must consider whether a permittee has shown good cause for the continued construction of a nuclear power plant in light of all the circumstances at the time the application is considered. The petitioners further request that the Commission determine that "good cause" is not limited to the reasons why construction was not completed by the latest completion date in the construction permit.

Objective. To prevent frustration of the statutory purposes of Section 185 of the Atomic Energy Act of 1954, as amended, which permits the extension of the completion date for construction of a nuclear power plant only for good cause shown.

Background. The comment period closed April 4, 1980. Six comments were received, including two from the petitioners on jurisdictional issues. Comments filed by parties other than the petitioners opposed the petition. The Atomic Safety and Licensing Board (ASLB) and the Commission have ruled on the "good cause" issue which is the subject of this petition. The matter was alluded to in the Bailly case before the U.S. Court of Appeals. The staff is preparing a proposed rule revising §50.55.

TIMETABLE: The proposed rule is scheduled for submission to the Commission late in 1982.

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

PETITION DOCKET NUMBER: PRM-51-6

PETITIONER: Catherine Quigg

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 15, 1980 (45 FR 25557)

SUBJECT: Generic Environmental Impact Statement for High Burnup Nuclear Fuel

**SUMMARY:** Description. The petitioner requests that the Commission amend its regulations to require the preparation of a generic environmental impact statement for high burnup nuclear fuel as used in commercial nuclear reactors, stored in spent fuel pools or cooling racks, or potentially as processed in reprocessing plants or disposed of in permanent sites. The petitioner states that with the decision not to reprocess nuclear fuel, the Federal government and the utilities want to use more uranium in existing nuclear fuel in reactors across the country. The petitioner expresses concern that cited experiments in high fuel burnup will lead to a national program of high burnup of nuclear fuel in reactors without adequately considering potential long and short term environmental effects.

Objective. The petitioner proposes (1) that the Commission amend 10 CFR Part 51 to require that a GEIS be prepared and (2) that the Commission require a generic environmental impact statement for high burnup nuclear fuel. The petitioner believes this regulation is necessary to adequately protect public health and safety. The petitioner believes an environmental statement is necessary to adequately examine the following significant effects that use of high burnup fuel could have on the environment: (1) greater fission gas releases from nuclear reactors; (2) increased fission gas releases from spent fuel pools; (3) production of inferior grade spent nuclear fuel; (4) potential for greater radiological impact in reactor and spent fuel pool accidents; and (5) increased radioactive releases during reprocessing.

Background. The comment period closed June 16, 1980. ~~Two~~ ~~in~~ comments were received, the majority in opposition to the petition. The petitioner believes that studies and reports based on low burnup fuel may not be relevant when applied to high burnup fuel and that the Commission has no adequate basis for its negative declaration that higher burnups would have no significant environmental impact.

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

CONTACT: Richard Grill  
Office of Nuclear Regulatory Research  
(301) 427-4039



PETITION DOCKET NUMBER: PRM-73-6

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6659)

SUBJECT: Modification of Qualifications for Security Personnel of Nuclear Power Plants and Other Special Nuclear Material Licensees

SUMMARY: Description. The petitioners request that the Commission eliminate the requirement that armed security personnel at nuclear power plants or other facilities licensed to handle special nuclear material (1) carry an extra pair of eyeglasses and (2) undergo an annual medical examination within the preceding thirty days of an annual physical fitness test. The petitioners contend that these requirements are "excessive and unreasonable" when compared to similar requirements for security personnel in other government agencies or in operations with security requirements comparable to those of nuclear power plants. The petition includes proposed amendatory text which would achieve these modified requirements.

Objective. To eliminate requirements for security personnel that the petitioner contends are "excessive and unreasonable."

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. These comments are currently being evaluated by the staff.

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

CONTACT: William Floyd  
Office of Nuclear Regulatory Research  
(301) 443-5976



PETITION DOCKET NUMBER: PRM-73-7

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6658)

SUBJECT: Elimination of Required Log Out of Personnel from Vital Areas of Nuclear Power Reactors

SUMMARY: Description. The petitioners request that the Commission eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas. The petitioners contend that the requirement is not only unnecessary from a safety standpoint, but may be detrimental to safe plant shutdown and effective plant response to other emergencies. The petitioners also contend that sensitive facilities have no similar requirement. The petition includes proposed amendatory text which would achieve these modified requirements.

Objective. To eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas.

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. These comments are currently being evaluated by the staff.

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

CONTACT: William Floyd  
Office of Nuclear Regulatory Research  
(301) 443-5976

PETITION DOCKET NUMBER: PRM-73-8

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6657)

SUBJECT: Elimination of Required Search of Hand-Carried Packages of Personnel at Nuclear Power Plants

SUMMARY: Description. The petitioners request the Commission to eliminate the requirement for searches of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary as demonstrated by the absence of these kinds of searches in comparable Federal programs. The petitioners also contend that the requirement is an ineffective means of preventing insiders from sabotaging the plant. The petition includes proposed amendatory text which would achieve this requested change.

Objective. To eliminate the required search of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant.

Background. The comment period closed April 19, 1982. Ten comments on the petition were received. These comments are currently being evaluated by the staff.

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

CONTACT: William Floyd  
Office of Nuclear Regulatory Research  
(301) 443-5976

PETITION DOCKET NUMBER: PRM-140-1

PETITIONER: Public Citizen Litigation Group and Critical Mass  
Energy Project

PART: 140

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 28, 1979 (44 FR 50419)

SUBJECT: Extraordinary Nuclear Occurrence

SUMMARY: Description. The petitioners request that the NRC (1) find that the accident at Three Mile Island was an extraordinary nuclear occurrence (ENO) and (2) amend Subpart E of Part 140 to make less stringent the criteria used for determining that an extraordinary nuclear occurrence has occurred. Part 140 of the Commission's regulations provide procedures and requirements for determining the financial protection required of licensees and from the indemnification and limitation of liability of licensees. Subpart E of Part 140 sets forth the procedures the Commission will follow and the criteria the Commission will apply in making a determination as to whether or not there has been an ENO.

Objective. To change the criteria used by the Commission to make a determination that an ENO has occurred.

Background. The comment period closed on December 31, 1979. One comment was received. The petitioners are property owners in the vicinity of TMI and contend that their property was sharply decreased in value as a result of the accident. In addition, the petitioners contend that "the Commission's established criteria have been easily met" in that the damages resulting from the accident exceed those levels necessary to be considered an ENO. Finally, the petitioners request additional criteria be added to Part 140 to permit accidents of much smaller proportions than TMI to be considered ENOs.

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

CONTACT: Harold T. Peterson, Jr.  
Office of Nuclear Regulatory Research  
(301) 427-4210



(D) - Petitions with deferred action

PETITION DOCKET NUMBER: PRM-20-6

PETITIONER Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: October 29, 1975 (40 FR 50327)

SUBJECT: Radiation Protection Standards

**SUMMARY:** Description. The petitioner requests that the Commission amend its radiation protection standards as they apply to the maximum permissible whole body dose equivalent for occupational exposure. Specifically, the petitioner requests (1) that for individuals under the age of 45, the whole body radiation exposure limit would not exceed 0.5 rems in any calendar year and 0.3 rems in any calendar quarter and (2) that individuals over 45 years of age may receive up to 3 rems per quarter whole body dose as long as the whole body dose does not exceed  $0.5(M-18) + X(N-M)$  rem (where M is not less than 45, N equals the individual's age in years and X is calculated to reduce the cumulative somatic risk by a factor of 6 below the cumulative somatic risk associated with exposure at 5 rem/year from age 18). The petitioner also requests that hearings be held to determine the "as low as practicable" extent to which the exposures can be maintained below the proposed regulations.

Objective. To reduce the genetic risk associated with radiation exposure at the occupational level by a factor of 10 and to reduce the somatic risk by a factor of 6.

Background. The initial comment period closed December 29, 1975, but was extended to February 12, 1976. The comments received included three letters supporting the petition, one proposing an alternative set of reduced limits, and 52 opposing the petition. The petitioner filed a supplement to the petition, dated November 4, 1977, requesting the consideration of recent epidemiological studies. This issue will be included in the hearing on occupational radiation protection to be jointly sponsored by EPA, NRC, and OSHA. The staff presented a paper to the Commission on August 17, 1978. The tentative staff position was that the petitioner's request to lower the occupational dose limits should be denied, but the staff is deferring its final recommendation until the public hearing has been held. Proposed EPA guidance was published in the Federal Register on January 23, 1981. EPA/NRC/OSHA hearings were held in April 1981. The question of occupational dose limits is being addressed by the staff in work on the revision of 10 CFR Part 20 (see page 53). This petition has been combined with PRM-20-6A from Rosalie Bertell (see page 151) that addresses the same issues. A response to this petition and PRM-20-6A will be prepared following Commission action on the revised Part 20 rule.

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

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

PETITION DOCKET NUMBER: PRM-20-6A

PETITIONER: Rosalie Bertell

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 21, 1978 (43 FR 37018)

SUBJECT: Standards for Protection Against Radiation

SUMMARY: Description. The petitioner requests that the Commission (1) amend its Standards for Protection Against Radiation as they apply to the maximum whole body dose equivalent for occupational exposures to ionizing radiation, (2) include in 10 CFR Part 20 those diseases that indicate above normal susceptibility to leukemia or radiation damage, and (3) review in one hearing this petition consolidated with the petition (PRM-20-6) filed by the Natural Resources Defense Council, Inc. The petitioner states that the requested amendment in item (1) would have the same effect, measured by the reduction of the individual's biological ability to cope with chronic and malignant disease, as would be achieved by reducing the current maximum whole body dose for occupational exposure by a factor of 50.

Objective. To reduce the current permissible whole body dose equivalent for occupational exposure by a factor of 50.

Background. The comment period expired October 20, 1978. Four comments were received, one favoring and three opposing the petition. This petition has been combined with an earlier petition (PRM-20-6) from the National Resources Defense Council, Inc., that addresses the same issues (see page 149). The issue of occupational dose limits is presently being addressed by the staff in work on the revision of 10 CFR Part 20 (see page 53). A response to this petition and PRM-20-6 will be prepared following Commission action on the revised Part 20 rule.

TIMETABLE: Commission action on a final rule is scheduled for November 1983.

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



PETITION DOCKET NUMBER: PRM-20-13

PETITIONER: Victor E. Anderson

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 28, 1979 (44 FR 11284)

SUBJECT: Certification of Health Physics Personnel

SUMMARY: Description. The petitioner requests that the Commission require Health Physics personnel to be certified by the Commission. The requirement would provide for the certification of the Health Physicist on five levels: Trainee, Junior, Senior, Supervisor, and Master Health Physicist. Only individuals certified by the Commission would make surveys, evaluations, and decisions on matters of radiation protection. A licensee could not override the decision of a certified Health Physicist except in cases where the decision is a violation of Federal regulations.

Objective. To assure the public and workers of adequate radiation protection.

Background. The comment period closed April 30, 1979. Fifty-eight comments were received. Fifty-two comments opposed the petition. Most of the comments were from industry. Further action on this petition will consider results of an NRR-contracted study on the need for licensing nuclear power plant personnel. Results of studies performed with respect to licensing of radiographers are being considered in relation to this petition, and the results of public meetings held on this issue are also being evaluated. Additionally, a report on licensing nuclear power plant managers and senior licensee officers in response to direction in Pub. L. 96-295 will also be considered.

IMETABLE: Commission action on the petition is scheduled for February 1983.

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

PETITION DOCKET NUMBER: PRM-50-17

PETITIONER: Boston Edison Company, et al.

PART: 50

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: June 14, 1976 (41 FR 24006)

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

SUMMARY: Description. The petitioners request that the Commission amend its regulations to include criteria that would be used in making a determination as to when a proposed amendment to an operating license involves no "significant hazards consideration" and could thus be issued without prior public notice or hearing.

Objective. The petitioners state that adoption of their proposed criteria would help reduce the uncertainty and unnecessary delay in the Commission's procedures for approving license amendments without compromising the rights of members of the public to participate in Commission proceedings involving significant safety considerations.

Background. The comment period closed August 13, 1976. Ten comments were received. The comments were evenly divided for and against the petition. The Commission approved issuance of a proposed rule in response to the petition which was published in the Federal Register on March 28, 1980 (45 FR 20491; see page 77). Ten letters of comment were received on the proposed rule, none of which fully supported the staff proposal. Work on this petition was delayed because of commitment of staff to TMI-related work. A court decision in the case of Sholly v. NRC, 651 F. 2d 780 (1980), rehearing denied 651 F. 2d 792 (1980), and legislation pending in Congress have influenced this action.

TIMETABLE: Commission action on this issue is expected to follow Congressional action on the conference committee report on NRC FY-82/83 Authorization Bills s.1207 and H.R. 4255. Congressional action on these bills is expected in October 1982.

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

PETITION DOCKET NUMBER: PRM-50-20

PETITIONER: Free Environment, Inc., et al.

PART: 50

OTHER AFFECTED PART(S): 100

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

SUBJECT: Reactor Safety Measures

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

Objective. To 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.

Background. The comment period closed July 18, 1977. Three comments were received. The first three parts of the petition (see Description section above) were incorporated with PRM-50-19 for staff action purposes. A notice of denial for the third part of the petition was published in the Federal Register on February 2, 1978 (43 FR 4466). A notice of denial for the first two parts of the petition was published April 19, 1978 (43 FR 16556). NRC staff work on the fourth part of the petition will be carried out in connection with the ongoing Part 100 rulemaking (see page 67) on demographic criteria. Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983 to await safety goal information and source term reevaluation.

TIMETABLE: Commission action on a proposed rule addressing demographic criteria is scheduled for December 1983.

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

PETITION DOCKET NUMBER: PRM-50-31

PETITIONER: Citizens' Task Force

PART: 50

OTHER AFFECTED PART(S): 70

FEDERAL REGISTER CITATION: March 24, 1982 (47 FR 12639)

SUBJECT: Emergency Preparedness

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require that (1) the present ten-mile EPZ radius be extended to twenty miles and include any towns bordering on or partially within this zone; (2) all communities with a population in excess of 5,000 persons be provided by the respective utility with the funding to purchase, install, and operate radiological monitoring equipment to reach and maintain the level of preparedness deemed necessary by the affected municipalities; and (3) utilities be required to finance the emergency planning efforts of municipalities located near nuclear reactors.

Objective. To establish an effective notification and evacuation system in communities located near nuclear reactors.

Background. The comment period closed May 24, 1982.

TIMETABLE: Commission action on the response to the petitioner is scheduled for April 1983.

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

PETITION DOCKET NUMBER: PRM-50-32

PETITIONER: Ohio Citizens for Responsible Energy

PART: 50

OTHER AFFECTED PART(S): None

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

SUBJECT: Protection Against the Effects of Electromagnetic Pulse (EMP)

SUMMARY: Description. The petitioner requests that the Commission amend its regulations in 10 CFR Part 50 to require applicants for construction permits and operating licenses for nuclear power plants to provide for design features to protect against the effects of electromagnetic pulse (EMP). The petitioner states that electromagnetic pulses are generated by high altitude nuclear explosions and can cause current or voltage to flow through electricity-conducting materials, thereby either destroying or temporarily disrupting control systems in a nuclear power plant that are essential for safety.

Objective. To ensure that structures, systems, and components of nuclear power plants that are important to safety are protected against the effects of electromagnetic pulse.

Background. The comment period closed August 23, 1982. Fifteen letters of comment were received plus three requests for extension of comment period. Staff action is scheduled pending completion of ongoing NRR-funded investigations of effects of EMP on nuclear power plant systems.

TIMETABLE: Commission review of the report on effects of EMP on nuclear power plant systems is scheduled for December 1982.

CONTACT: Faust Rosa  
Office of Nuclear Reactor Regulation  
(301) 492-7141

PETITION DOCKET NUMBER: PRM-50-33

PETITIONER: National Emergency Management Association

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: July 6, 1982 (47 FR 29252)

SUBJECT: Emergency Training Exercises at Nuclear Power Plants  
Involving State and Local Governments

SUMMARY: Description. The petitioner requests that the Commission amend Appendix E to Part 50 to reduce the current requirement for an annual emergency training exercise at a nuclear power plant with full-scale participation of state and local agencies. The petitioner proposes that the training exercises be held at less frequent intervals with varying degrees of participation. The petitioner's proposed amendment would require an emergency training exercise (1) at least once every 2 years with full participation by local agencies and partial participation by States within the plume exposure emergency planning zone (EPZ) and (2) at least once every 7 years with full participation by local agencies within the plume exposure EPZ and State agencies within the plume exposure and ingestion EPZ. Exercises should be held more frequently than every 7 years if necessary to include each State within a plume exposure pathway EPZ at least once every 2 years.

Objective. To reduce the frequency of emergency training exercises at nuclear power plants and the degree of involvement of State and local governments from the current requirement for an annual full-scale exercise.

Background. The petitioner, NEMA, which is comprised of directors of State emergency services programs acknowledges the need for appropriate plans, training, drills, and exercises to prepare for emergencies. However, the petitioner believes that the current requirement for full-scale local and State participation in an annual emergency preparedness exercise is placing an impossible financial burden on State resources.

TIMETABLE: Commission action on the petition is scheduled for October 1983.

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



PETITION DOCKET NUMBER: PRM-51-1

PETITIONER: New England Coalition on Nuclear Pollution

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 16, 1976 (41 FR 2448)

SUBJECT: Environmental Impacts of the Uranium Fuel Cycle

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking to amend its summary of environmental considerations in the uranium fuel cycle presented in Table S-3 of Part 51. The petitioner declares that (1) the current Table S-3 seriously underestimates the impact on human health and safety by disregarding the long-term effects of certain radionuclides, particularly thorium-230 which decays into radon gas; (2) the health effects of krypton-85 and tritium releases from fuel reprocessing plants are underestimated; (3) releases of carbon-14 from the fuel cycle should be included; (4) the term "man-rems" does not provide a meaningful representation of health effects, at least in terms of radionuclides involved in this petition, and that human deaths from man-rem exposures provide a more comprehensible consequence of fuel cycle activities; and (5) the magnitude of the potential death toll from mill tailings alone alters previous judgments and requires a reassessment of previous conclusions to authorize construction and operation of nuclear reactors and the postponement of all pending applications for construction or operating authority until final resolution of the issue by the Commission.

Objective. The petitioner proposes that the amendments to Table S-3 it presents in its petition form the basis of Commission action to amend Table S-3 to more accurately reflect the impact of the long-term effects of certain long-lived radionuclides on human health and safety. The petitioner also proposes to suspend all activities related to nuclear power plant construction and operation until the Commission reassesses the health and safety effects of mine tailings.

Background. The comment period was extended to April 26, 1976 (41 FR 12365). A majority of the ten comments received opposed the petition. The Commission acted on all items of the petition on April 14, 1978 (46 FR 15613) except for a future rulemaking proceeding to amend the Table S-3 value for radon. The Federal Register notice of April 14, 1978, removed the radon value from Table S-3 and made it subject to litigation in individual licensing proceedings. Seventeen cases were combined for a hearing of the radon issue before the Atomic Safety and Licensing Appeal Board. Although the Appeal Board published a partial decision on May 13, 1981 (ALAB-640), the Board has not completed its proceeding, nor has it published the remainder of its decision. The completed decision is expected in September 1982.

A. D.C. Circuit Court of Appeals decision on April 27, 1982, invalidated the entire Table S-3 rule. The Nuclear Regulatory Commission is appealing this decision to the Supreme Court. Pending action on this appeal, all rulemaking concerned with the Environmental Effects of the Uranium Fuel Cycle will be held in abeyance.

The purpose of the Table S-3 rule is to consider the environmental effects of the uranium fuel cycle generically to eliminate repetitive analyses of these same effects in individual nuclear power plant licensing cases. This will reduce the time required for public hearings in the licensing process and will shorten the time and reduce the cost of licensing nuclear power plants.

**TIMETABLE:** Commission action on a proposed rule on radon is held in abeyance pending Supreme Court action on the appeal of the D.C. Circuit Court of Appeals decision invalidating the Table S-3 rule.

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



PETITION DOCKET NUMBER: PRM-70-6

PETITIONER: Eberline Instrument Corporation

PART: 70

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION August 18, 1977 (42 FR 41675)

SUBJECT: Air Transport of Plutonium

**SUMMARY:** Description. The petitioner requests the Commission to approve the air transport of calibration or reference sources (1) that are generally licensed pursuant to § 70.19 and manufactured pursuant to a specific license issued by the Commission under § 70.39 or (2) that are, in accordance with the specifications contained in a specific license, issued to the manufacturer by an Agreement State that authorizes manufacture of the sources for distribution to persons generally licensed by the Agreement State. As an alternative, the petitioner requests that the Commission declare that these calibration and reference sources represent "de minimis" quantities of plutonium for which container certification should not be required.

Objective. To permit the air transport of calibration or reference sources that contain small quantities of plutonium.

Background. The comment period closed October 17, 1977. Two comments were received, both of which supported the petition. Disposition of this petition will proceed when the Commission determines its policy on the air transport of plutonium by taking rulemaking action to implement that portion of Pub. L. 94-79 known as the Scheuer Amendment that places restrictions on the air transport of plutonium. This NRC rulemaking, published as a proposed rule in the Federal Register on November 13, 1981 (46 FR 55992, see page 49), considers, among other things, whether under Pub. L. 94-79 the Commission may authorize air shipments of small quantities of plutonium in a package other than an approved container, and if so, what regulatory requirements should apply to these shipments.

**TIMETABLE:** Commission action on the petition is unscheduled. Action on the petition will follow action on the final rulemaking implementing Pub. L. 94-79, which is to be included in the Part 71 rule that will make U.S. transport regulations consistent with those of IAEA. That rule is scheduled for review in January 1983.

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

PETITION DOCKET NUMBER: PRM-71-6

PETITIONER: CRITICAL MASS ENERGY PROJECT, et al.

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 1, 1977 (42 FR 61089)

SUBJECT: Emergency Planning and Response for Transportation Accidents  
Involving Radioactive Materials

SUMMARY: Description. The petitioners request the Commission to require licensees who transport radioactive materials to (1) use special routes to avoid densely populated areas and mountainous terrain; (2) adopt emergency plans involving their cargo, including the organization of emergency response units to carry out the plan and semi-annual drills with state and local law enforcement officials; (3) assume financial responsibility for any shipping accident that involves the dispersal of their radioactive cargo; and (4) develop a plan for informing the drivers of the vehicles about the nature of the material they are shipping and emergency actions they should undertake in the event of an accident. The petitioners state that NRC regulations should also require that all licensees be in compliance with these regulations within 60 days of their promulgation and that each licensee be required to demonstrate to the Commission within 60 days after the effective date of the regulation that the licensee possesses the capability to deploy emergency response units promptly to an accident scene.

Objective. To improve the emergency response capability of licensees and the shippers who transport radioactive material to respond to accidents.

Background. The comment period closed January 30, 1978. Forty comments were received, the majority of which oppose the petition. On June 7, 1978, the NRC informed the petitioners that the NRC was delaying action on the petition until a request by Congressman Wirth for a special joint study by the NRC and DOT on Package Requirements and Emergency Response was completed. The final report on this study, NUREG-0535, was published in July 1980. A staff response to the petition has been prepared and forwarded to the Commission for action. The staff paper has been subsequently withdrawn pending resolution of the New York lawsuit on the DOT's highway routing rule. Resolution of this issue could materially affect the Commission findings on the petition.

TIMETABLE: Commission action on the petition is unscheduled.

CONTACT: Anthony N. Tse  
James C. Malero  
Office of Nuclear Regulatory Research  
(301) 445-5825

PETITION DOCKET NUMBER: PRM-73-2

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 15, 1977 (42 FR 46431)

SUBJECT: Elimination of "Pat Down" Physical Searches of Individuals at Nuclear Power Plants

SUMMARY: Description. The petitioners request elimination of the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary in that comparable highly sensitive facilities such as those used to store nuclear weapons do not have such a requirement. The petitioners state that their petition would permit "pat down" searches and that individuals entering a protected area would be put on notice that they are subject to these searches. Existing requirements for the use of detection equipment would not be affected. The petition includes proposed amendatory text to Part 73. The petitioners also have submitted a memorandum in support of the petition.

Objective. To eliminate the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant.

Background. The comment period closed October 17, 1977. Approximately 100 comments were received, of which 80 were from utilities and supported the petition. The other 20 disagreed with the petition. Currently effective regulations require, in part, that physical "pat down" searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, NRC has extended to licensees relief from this requirement while a proposed rulemaking proceeding in physical searches is conducted. The most recent notice granting a continuation of this relief was published in the Federal Register on December 1, 1980 (45 FR 79410, see page 51). The Commission notified the petitioner that action on the petition has been delayed pending resolution of the rulemaking proceeding to modify requirements for physical searches at nuclear power plants.

TIMETABLE: Commission action on the petition for rulemaking is pending issuance of the proposed rule on personnel access authorization (see page 108).

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

PETITION DOCKET NUMBER: PRM-73-3

PETITIONER: KMC, Inc., et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 10, 1978 (43 FR 29635)

SUBJECT: Physical Security Requirements at Nuclear Power Plants

**SUMMARY:** Description. The petitioner requests amendment of §73.55 to include a statement that, if a nuclear power reactor licensee meets the specific requirements for physical protection against an insider threat, as provided for in the Commission's regulations, a licensee will also meet the general performance requirements for physical protection provided in §73.55. The petitioner contends that while §73.55(a) permits licensees to suggest alternative measures that would achieve equivalent levels of physical protection, experience has shown that these proposed alternatives have not been accepted by the NRC staff. The petitioner states that the NRC has required additional features, beyond the requirements in §73.55, to meet the general performance requirements for physical security protection. Specifically, the petitioner requests amendment of paragraph (a)(2) of §73.55 that provides requirements for protection against "insider" threat (that is, a threat from an individual inside a plant, including an employee of the utility). The requested change would state that a utility that meets the specific requirements in paragraphs (b) through (h) of §73.55 would satisfy the general performance requirements for physical security in §73.55. The petitioner provides specific amendatory language in the petition and also has submitted a memorandum in support of the petition.

Objective. To limit NRC staff from imposing on utilities additional requirements for physical security protection above those requirements in §73.55 by stating that a utility, when it satisfies the specific requirements for physical protection against an insider threat (as provided in the Commission's regulations), will also meet the general performance requirements for physical protection against an insider threat.

Background. The comment period closed September 8, 1978. Four comments on the petition were received. On November 11, 1978, the NRC notified the petitioner that action on the petition would be delayed because the currently effective physical security requirements in §73.55 were under review. The NRC has extended to licensees partial relief from the physical security requirements in §73.55. The most recent notice extending this relief was published in the Federal Register on December 1, 1980 (45 FR 79410). The NRC published

a proposed rule in the Federal Register on December 1, 1980 (45 FR 79492), which would modify the physical security requirements in §73.55. Action on the petition is delayed pending resolution of policy questions raised by the petition.

**TIMETABLE:** Commission action on the petition for rulemaking is scheduled for December 1982.

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

PETITION DOCKET NUMBER: PRM-100-2

PETITIONER: Public Interest Research Group, et al.

PART: 100

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 1, 1976 (41 FR 27141)

SUBJECT: Population Density Criteria Near Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission amend its regulations to prohibit the construction of nuclear reactors where the population in the surrounding area exceeds or will exceed specified numerical limits. The petitioners' proposed criteria would limit permissible population density to 400 people per square mile within a 40-mile perimeter. The petitioners state that they regard these proposed criteria as interim standards to be used until the Commission is able to generate its own numerical standards on population density.

Objective. To restrict utilities from building nuclear reactors too close to metropolitan areas.

Background. The comment period closed August 30, 1976. Twelve comments were received. An NRC staff paper (SECY-78-624) was submitted to the Commission on December 4, 1978. In a memorandum to the Executive Director for Operations dated February 15, 1979, the Commission deferred action on the population density siting criteria issue pending submission of the Siting Policy Task Force report. The petitioners were notified of this deferral by letter dated March 9, 1979. The petitioners were notified by letter (in July 1980) that the petition would be considered in the context of the rulemaking on siting criteria (see page 67). Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983 to await safety goal implementation and source term reevaluation.

TIMETABLE: Commission action on the petition is scheduled for winter 1983 in the context of consideration of a proposed rule on siting criteria.

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**I-RULES**

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**Action Completed Rules**

**B**

**Proposed Rules**

**C**

**Advance Notice - Proposed Rulemaking**

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**II  
PETITIONS**

**Section II - Petitions for Rulemaking**

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