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NRC Regulatory Agenda

Semiannual Report
January – June 1995

U.S. Nuclear Regulatory Commission

Office of Administration



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

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

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NRC Regulatory Agenda

Semiannual Report
January - June 1995

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**Division of Freedom of Information and Publications Services
Office of Administration
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Preface

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

Organization of the Agenda

The agenda consists of two sections that have been updated through June 30, 1995. Section I, "Rules," includes (A) rules on which final action has been taken since December 30, 1994, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since December 30, 1994; (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 the lowest to the highest part within Title 10, Chapter I, of the Code of Federal Regulations (Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest affected part. In Section II of the agenda, the petitions are ordered from the lowest to the highest part of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

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

The dates listed under the heading "Timetable" for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda. Conversely, the inclusion in this Regulatory Agenda of unpublished rules on which the NRC is considering action does not commit the NRC to publishing the rule for public comment in the *Federal Register*.

In the abstract section of all rules being developed by the Office of Nuclear Regulatory Research (RES), we have included the priority designation given by RES for that rulemaking. The following terms are used by RES to prioritize their rulemaking items:

1. **High**—staff is currently working on rule; rule has scheduled timetable dates;
2. **Medium**—staff work on rule depends on availability of resources; rule has no scheduled timetable dates;
3. **Potential**—rule is on hold; depends on outside resources for continued work on the rule (e.g., waiting on another agency to publish a related rulemaking);
4. **Planned**—rule is on hold; there are no resources available to work on rule; and
5. **Drop**—rule is scheduled to be withdrawn, completed, or transferred to another office to handle.

A petition for rulemaking is considered high priority if it is related to a rule. Otherwise, a petition for rulemaking is considered medium priority.

Rulemakings Approved by the Executive Director for Operations (EDO)

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

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

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Docketing and Service Branch, Washington, DC 20555-0001. Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and

4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

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

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Betty K. Golden, Regulations Specialist, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 415-6863 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642). For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

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I-RULES

A

**(A) FINAL RULES PUBLISHED SINCE
DECEMBER 30, 1994**

1. Revised Rules of Practice for Domestic Licensing Proceedings (Parts 0, 1, 2, 9, 50)

RIN: 3150-AB66

Abstract. The proposed rule would have shortened and simplified existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating, revising, and reorganizing the statement of those rules to reflect current practice. The Commission determined that this rule is unnecessary and withdrew this rulemaking.

Timetable: Proposed Rule Withdrawn
06/28/95

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

Effects on Small Business and Other Entities. None

Agency Contact: Lee S. Dewey, Atomic Safety and Licensing Board Panel, (301) 415-6390

2. NRC Size Standards (Part 2)

RIN: 3150-AF24

Abstract. The final rule amended the Commission's regulations regarding size standards that apply to whether an NRC licensee qualifies as a "small entity" under the Regulatory Flexibility Act. The final rule has established a separate standard to determine whether a licensee who is a manufacturer qualifies as a small entity and adjusts the receipts-based standard to account for the effects of inflation since 1985.

Timetable: Final Rule Published
04/11/95 60 FR 18344
Final Rule Effective 05/11/95

Legal Authority: 42 U.S.C. 2284; 42 U.S.C. 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Michael T. Lesar, Office of Administration, (301) 415-7163

3. Discrimination on the Basis of Sex (Parts 2, 19)

RIN: 3150-AD50

Abstract. The final rule would have amended the Commission's regulations dealing with discrimination against persons who, on the grounds of sex, are excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity licensed by the NRC. The Commission determined that this rule is unnecessary and withdrew this final rulemaking.

Timetable: Final Rule Withdrawn
05/10/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: M. L. Au, Office of Nuclear Regulatory Research, (301) 415-6181

4. Interim Storage of Spent Fuel in an Independent Spent Fuel Storage Installation; Site-Specific License to a Qualified Applicant (Parts 2, 72)

RIN: 3150-AE64

Abstract. The final rule amended the Commission's procedures under which the Director of Nuclear Materials Safety and Safeguards can issue a site-specific license to a qualified applicant for the interim storage of spent fuel in an independent spent fuel storage installation (ISFSI) following satisfactory completion of NRC safety and environmental reviews and after any public hearing on the application. The final rule is administrative in nature and eliminates the need for express Commission authorization for each ISFSI license, but does not effect the scope of NRC review on ISFSI license application or change the present opportunity for public hearing provided for in the NRC's rules of practice.

Timetable: Final Rule Published
04/28/95 60 FR 20879
Final Rule Effective 05/30/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: C. William Reamer, Office of the General Counsel, (301) 415-1640

5. NRC Licensee Renewal/Reinvestigation Program (Parts 11, 25)

RIN: 3150-AF21

Abstract. The final rule amended the Commission's regulations to eliminate the five-year expiration date for licensee "U" and "R" special nuclear material access authorizations and "Q" and "L" access authorizations. The final rule requires the licensee to submit NRC renewal application paperwork only for an individual who has not been reinvestigated by the Department of Energy or another Federal agency within the five-seven year span permitted in the regulations. This final rule was necessary to achieve administrative efficiencies that reduce paperwork and cut red tape in a manner consistent with National Performance Review Initiatives.

Timetable: Final Rule Published
05/17/95 60 FR 26355
Final Rule Effective 06/16/95

Legal Authority: 42 USC 2201; 42 USC 5841; 31 USC 483a; 42 USC 2165; EO 10865; EO 12356; 50 USC 401; and 31 USC 9701.

Effects on Small Business and Other Entities. None

Agency Contact: James J. Dunleavy, Office of Administration, (301) 415-7404

6. Frequency of Medical Examinations For Use of Respiratory Protection Equipment (Part 20)

RIN: 3150-AF08

Abstract. The final rule amended the Commission's regulations concerning the required frequency of medical examinations to ensure the safe use of respiratory protection equipment. The final amendment requires a determination by a physician before the first field use of respirators and periodically thereafter that the individual user is medically fit to use the respiratory protection equipment.

Timetable: Final Rule Published
02/10/95 60 FR 7900
Final Rule Effective 03/13/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Alan K. Roecklein, Office of Nuclear Regulatory Research, (301) 415-6223.

7. Low-Level Waste Manifest Information and Reporting (Parts 20, 61)

RIN: 3150-AD33

Abstract. The final rule amended the Commission's regulations to: (1) improve information contained in manifests accompanying shipments of waste to low-level waste (LLW) disposal facilities licensed under Part 61; (2) develop a uniform manifest for national use; (3) require that operators of these disposal facilities store manifest information in electronic recordkeeping systems; and (4) require that operators be capable of submitting, on a computer-readable medium, reports of shipment manifest information.

Timetable: Final Rule Published
03/27/95 60 FR 15649
Final Rule Effective 03/01/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Mark Haisfield/William Lahs, Office of Nuclear Regulatory Research, Office of Nuclear Material Safety and Safeguards, (301) 415-6196/(301) 415-6756

8. Requirement to Report Transfers of Devices to Generally Licensed Persons (Part 32)

RIN: 3150-AF26

Abstract. The final rule amended the Commission's regulations governing the reporting of transfers of devices to generally licensed persons. The final rule relieves initial distributors of the devices from their requirement to provide copies of the transfer reports to each appropriate NRC regional office. Because the reports are already sent to NRC Headquarters, it is not

necessary for each regional office to receive copies.

Timetable: Final Rule Published 01/19/95
60 FR 3735
Final Rule Effective 12/31/94

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. None

Agency Contact: John Lubinski, Office of Nuclear Material Safety and Safeguards, (301) 415-7868

9. Performance Requirements for Radiography Equipment (Part 34)

RIN: 3150-AF28

Abstract. The final rule amended the Commission's regulations pertaining to performance requirements for radiography equipment. The final rule permits a licensee to use an engineering analysis in place of performance testing criteria for testing the torque of drive cables when, given the design of radiographic equipment, it is impossible to test its performance.

Timetable: Final Rule Published 05/31/95
60 FR 28323
Final Rule Effective 06/30/95

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. Undetermined

Agency Contact: J. Bruce Carrico/Thomas Rich, Office of Nuclear Material Safety and Safeguards (301) 415-7826/(301) 415-7893

10. Safety Requirements for Reactor Coolant Pump Seals (Part 50)

RIN: 3150-AE53

Abstract. The proposed rule would have amended the Commission's regulations to require licensees who operate pressurized water reactors to improve in a cost-effective manner the ability of a reactor's core to cool itself when the integrity of the seals of a reactor coolant pump may be

compromised during certain postulated, off-normal events. Examples of these events include station blackout (as discussed in 10 CFR 50.2 and 50.63), the loss of essential service water, or the loss of component cooling water. The Commission determined that this rule is unnecessary and withdrew this proposed rule.

Timetable: Proposed Rule Withdrawn
05/10/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Syed K. Shaukat, Office of Nuclear Regulatory Research, (301) 415-6592

11. Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors (Part 50; Appendix J)

RIN: 3150-AA86

Abstract. The proposed rule would have updated and revised the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. The Commission has decided to proceed with a new approach to the rulemaking and withdraw this proposed rule. A notice of withdrawal was included in the proposed rule, "Performance-Based Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors" (3150-AF00).

Timetable: Notice of Withdrawal Published
02/21/95 60 FR 9634

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

Effects on Small Business and Other Entities. None

Agency Contact: Moni Dey, Office of Nuclear Regulatory Research, (301) 415-6443

12. Reduction of Reporting Requirements Imposed on NRC Licensees (Parts 50, 55, 73)

RIN: 3150-AF18

Abstract. The final rule amended the Commission's regulations to reduce reporting requirements currently imposed on licensees who

operate water-cooled nuclear power reactors, research and test reactors, as well as nuclear material licensees. The final rule reduces the regulatory burden on these NRC licensees and implements an NRC initiative to review its current regulations with the intent to revise or eliminate duplicative or unnecessary reporting requirements.

Timetable: Final Rule Published 03/14/95
60 FR 13615
Final Rule Effective 04/13/95

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. None

Agency Contact: Naiem S. Tanious, Office of Nuclear Regulatory Research, (301) 415-6103

13. Requirements for Renewal of Operating Licenses for Nuclear Power Plants (Part 54)

RIN: 3150-AF05

Abstract. The final rule amended the Commission's regulations to change the requirements that an applicant for renewal of a nuclear power operating license must meet. The final rule clarifies the required information that must be submitted to the NRC for review so that the NRC can determine whether those requirements have in fact been met. The rule also changes the administrative requirements that a holder of a renewed license must meet.

Timetable: Final Rule Published 05/08/95
60 FR 22461
Final Rule Effective 06/07/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Dave Nelson, Office of Nuclear Reactor Regulation, (301) 415-1053

14. Removal of Criticality Alarm Requirements for Fresh Fuel (Part 70)

RIN: 3150-AE43

Abstract. The proposed rule would have amended the Commission's regulations to eliminate the need for licensees to request an

exemption from provisions that require criticality monitors for new reactor fuel. The Commission is reevaluating the need for this proposed rule, and is withdrawing the proposed rule. Any action required as a result of this evaluation will be considered in the development of the proposed rule entitled, "Domestic Licensing of Special Nuclear Material - Revision to Part 70".

Timetable: Proposed Rule Withdrawn
05/10/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Jerry E. Jackson, Office of Nuclear Regulatory Research, (301) 415-6656

15. Emergency Planning for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS) (Part 72)

RIN: 3150-AE17

Abstract. The final rule amended the Commission's regulations to require licensees who operate Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRSs) to develop emergency plans. The NRC was directed to establish this requirement by the Nuclear Waste Policy Act of 1982.

Timetable: Final Rule Published 06/22/95
60 FR 32430
Final Rule Effective 09/20/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Michael T. Jamgochian, Office of Nuclear Regulatory Research, (301) 415-6534

16. Night Firing Qualifications for Security Guards at Nuclear Power Plants (Part 73)

RIN: 3150-AC88

Abstract. The proposed rule would have amended the Commission's regulations to ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. The

Commission is considering a performance-based regulatory approach to rulemaking, if necessary, and therefore withdrew this proposed rule.

Timetable: Proposed Rule Withdrawn
05/10/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: John Telford, Office of Nuclear Regulatory Research, (301) 415-6229

17. Revision of Fee Schedules; 100% Fee Recovery, FY 1995* (Parts 170 and 171)

RIN: 3150-AF07

Abstract: The Nuclear Regulatory Commission has revised the licensing, inspection,

and annual fees charged to its applicants and licensees. This action is necessary to implement the Omnibus Budget Reconciliation Act of 1990, which mandates that the NRC recover approximately 100% of its budget authority in Fiscal Year 1995, less amounts appropriated from the Nuclear Waste Fund.

Timetable: Final Rule Published
06/20/95 60 FR 32218
Final Rule Effective
07/20/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Yes

Agency Contact: James Holloway, Jr., Office of the Controller, (301) 415-6213

B

(B) PROPOSED RULES

18. Availability of Official Records (Part 2)

RIN: 3150-AC07

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

The proposed amendment would also address the NRC's procedures for handling copyrighted information, including reproduction and distribution according to normal agency practice. The NRC, in receiving submittals and making its normal distributions, routinely photocopies submittals, makes microfiche of the submittals, and ensures that these fiche are distributed to the Public Document Room, Local Public Document Rooms, all appropriate internal offices, and made available to the National Technical Information Service. This broad distribution and reproduction is made to increase public understanding of the peaceful uses of atomic energy. The proposed rule would not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some information in those categories may be copyrighted. Proprietary information status exempts this material from public disclosure and is not to be confused with handling pursuant to copyright designation.

Timetable: Proposed Rule Published
12/23/92 57 FR 61013
Comment Period Ended 03/08/93
Final Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Catherine M. Holze,
Office of the General Counsel, (301) 415-1560

19. Procedures for Submission of Petitions for Rulemaking (Part 2)

RIN: 3150-AF23

Abstract: The proposed rule would amend the Commission's regulations pertaining to petitions for rulemaking. The proposed rule would create three categories of petitions, which are not explicitly included in the current regulations. The proposed rule would improve the openness of the rulemaking process by defining review priorities and to facilitate more expeditious review and disposition by the NRC of petitions with detailed supporting information. The proposed rule would not change any existing provisions regarding petitions for rulemaking. The proposed rule would offer an alternative within the petition process to allow petitioners to submit more detailed supporting information than is required under the current regulations.

Timetable: Proposed Rule Published
03/28/95 60 FR 15878
Comment Period Ended 06/12/95
Final Rule Published 03/00/96

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities: None

Agency Contact: T. Y. Chang, Office of
Nuclear Regulatory Research, (301) 415-6450

20. Radiation Protection Requirements; Amended Definitions and Criteria (Parts 19, 20)

RIN: 3150-AE80

Abstract. The proposed rule would amend the Commission's regulations by (1) deleting the definition "Controlled area" to make it clear that any area to which access is restricted for the purpose of radiological protection is a restricted area as defined in the regulation, (2) revising the

definition of "Occupational dose" to delete reference to the "restricted area," (3) revising the definition of unrestricted area to be consistent with the deletion of controlled area, (4) revising the provision in 10 CFR Part 19 entitled, "Instruction to Workers," so that radiation protection training will be provided to all persons with the potential to be occupationally exposed, and (5) restoring a provision to 10 CFR Part 20 to provide that whenever licensees are required to report exposures of individual members of the public to the NRC, then those individuals are to receive copies of the report. This rule is considered high priority.

Timetable: Proposed Rule Published
02/03/94 59 FR 5132
Comment Period Ended
04/04/94
Final Rule Published 07/13/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Alan K. Roecklein, Office of Nuclear Regulatory Research, (301) 415-6220

21. Radiological Criteria for Decommissioning of Nuclear Facilities (Parts 20, 30, 40, 50, 51, 70, 72)

RIN: 3150-AD65

Abstract. The proposed rule would amend the Commission's regulations to codify the basic principles and radiological criteria that would allow decommissioned lands and structures to be released for unrestricted public use. In the final rule entitled, "General Requirements for Decommissioning Nuclear Facilities" (June 27, 1988; 53 FR 24018), the need and urgency for guidance with respect to residual contamination criteria was expressed. At that time, it was anticipated that an interagency working group organized by the Environmental Protection Agency would develop necessary Federal guidance. However, in the absence of significant progress by the interagency working group, the Commission has directed that the NRC expedite rulemaking because the requirements, once final, will provide licensees with an incentive to complete site decommissionings.

The proposed rule would establish basic radiological criteria for release of lands and structures. Measurables, in the form of surface and volume radioactivity concentrations and site radioactivity inventory values, would be provided in supporting regulatory guidance. These combined activities should benefit the public, industry, and the NRC by providing a risk-based framework upon which decommissioning activities and license terminations can be accomplished. The framework will ensure adequate protection of public health and safety and identify residual radioactivity criteria upon which licensees can confidently develop reasonable and responsible decommissioning plans. This rule is considered high priority.

Timetable: Proposed Rule Published
08/22/94 59 FR 43200
Comment Period Ended 12/20/94
Final Rule Published 02/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Charleen Raddatz, Office of Nuclear Regulatory Research, (301) 415-6215

22. Criteria for the Release of Patients Administered Radioactive Material (Parts 20, 35)

RIN: 3150-AE41

Abstract. The proposed rule would amend the Commission's regulations to revise the patient release criteria contained in 10 CFR 35.75, and the applicability of the dose limits for members of the public in 10 CFR 20.1301.

The Commission has received three petitions for rulemaking, PRM-20-20, PRM-35-10, and PRM-35-11, to amend its regulations regarding radiation exposure that individuals may receive from patients who have been medically administered radioactive materials, and the criteria under which this patient may be released from confinement. The petitioners believe that the current requirements of Parts 20 and 35 would cause patients to be confined unnecessarily beyond the time needed for medical reasons. This rule is considered high priority.

Timetable: Proposed Rule Published
06/15/94 59 FR 30724
Comment Period Ended 08/29/94
Final Rule Published 09/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Stewart Schneider, Office of Nuclear Regulatory Research, (301) 415-6225

23. Administration of Radiation and Radioactive Materials to Patients (Parts 20, 35)

RIN: 3150-AF10

Abstract. The proposed rule would amend the Commission's regulations to clarify that the administration of radiation or radioactive materials to any patient, even a patient not supposed to receive an administration, is regulated by the NRC's provisions governing the medical use of byproduct material and is not within the scope of the regulations concerning NRC's standards for protection against radiation. The proposed rule is necessary to indicate clearly that this has been the NRC's policy. This proposed rule does not represent a change in policy. This rule is considered high priority.

Timetable: Proposed Rule Published
01/25/95 60 FR 4872
Comment Period Ended 04/10/95
Final Rule Published 12/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Stephen A. McGuire, Office of Nuclear Regulatory Research, (301) 415-6204.

24. Procurement of Commercial Grade Items by Nuclear Power Plant Licensees (Part 21)

RIN: 3150-AF01

Abstract. The proposed rule would amend the Commission's regulations to include a generic process for dedication of commercial-grade items for safety-related use and to clarify that the entity performing the dedication of a commercial-grade item is responsible for discovering, evaluating,

and reporting deficiencies as required by NRC regulations. The proposed rule has been developed in response to a petition for rulemaking (PRM-21-02) submitted by the Nuclear Management and Resources Council (NUMARC) requesting that the Commission amend 10 CFR Part 21 in certain respects related to commercial-grade items and their dedication for use in safety-related applications. The proposed amendments would improve the efficiency and effectiveness of the current commercial-grade item dedication process. This rule is considered high priority.

Timetable: Proposed Rule Published
10/24/94 59 FR 53372

Comment Period Ended 01/09/95
Final Rule Published 09/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Mark Au, Office of Nuclear Regulatory Research, (301) 415-6181

25. Clarification of Decommissioning Funding Requirements (Parts 30, 40, 70, 72)

RIN: 3150-AE95

Abstract. The proposed rule would amend the Commission's regulations for nonreactor licensees on the expiration and termination of licensees. These amendments are intended to clarify that financial assurance must be in place and updated when the licensee decides to cease operation and begin decommissioning. These amendments would explicitly describe the implementation and timing requirements for licensees who have been in timely renewal since the promulgation of the 1988 decommissioning funding rules and for licensees who cease operations without adequate funding arrangements in place. This rule is considered high priority.

Timetable: Proposed Rule Published
06/22/94 59 FR 32138

Comment Period Ended
09/20/94

Final Rule Published 08/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Mary Thomas, Office of Nuclear Regulatory Research, (301) 415-6230

26. Termination or Transfer of Licensed Activities: Recordkeeping Requirements (Parts 30, 40, 70, and 72)

RIN: 3150-AF17

Abstract The proposed rule would amend the Commission's regulations pertaining to the disposition of certain records when a licensee terminates licensed activities or licensed activities are transferred to another licensee. The proposed rule would require a licensee to transfer records necessary to evaluate offsite consequences and to decommission the facility effectively to the new licensee if licensed activities will continue at the same location and to forward records, such as waste disposal and dose records, to the NRC once the license is terminated. This rule is considered high priority.

Timetable: Proposed Rule Published 12/28/94 59 FR 66814
Comment Period Ended 03/28/95
Final Rule Published 10/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Mary L. Thomas, Office of Nuclear Regulatory Research, (301) 415-6230

27. Requirements for Possession of Industrial Devices Containing Byproduct Material (Parts 31, 32)

RIN: 3150-AD34

Abstract. The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC initially and then on a periodic basis. The report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of

devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded. The proposed rule is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing. The proposed rule would also avoid the unnecessary expense involved in retrieving the manufactured items fabricated from contaminated metal. This rule is considered potential priority.

Timetable: Proposed Rule Published 12/27/91 56 FR 67011
Comment Period Ended 03/12/92
Final Rule Published Undetermined

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

Effects on Small Business and Other Entities. Yes

Agency Contact: Joseph J. Mate, Office of Nuclear Regulatory Research, (301) 415-6202

28. Requirements Concerning the Accessible Air Gap for Generally Licensed Devices (Parts 31, 32)

RIN: 3150-AD82

Abstract. The proposed rule would amend the Commission's regulations to prevent unnecessary radiation exposure to individuals resulting from the use of gauging devices containing radioactive sources. These devices are routinely used for measuring material density, level, weight, moisture, and thickness. The proposed rule would provide for additional regulatory control over devices with both an accessible air gap and radiation levels that exceed specified values. This rule is considered medium priority.

Timetable: Proposed Rule Published 11/27/92 57 FR 56287
Comment Period Ended 03/29/93
Final Rule Published Undetermined

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

Effects on Small Business and Other Entities. None

Agency Contact: Stephen McGuire, Office of Nuclear Regulatory Research, (301) 415-6204

29. Radiography and Radiation Safety Requirements for Radiographic Operations (Part 34)

RIN: 3150-AE07

Abstract. The proposed rule would amend the Commission's regulations on licenses for radiography and radiation safety requirements for radiographic operations. The proposed rule would revise 10 CFR Part 34 to clarify the requirements in § 34.27 and conform Part 34 with the approach developed by the Conference of Radiation Control Program Directors, Inc. (Part E of the "Suggested State Regulations for Control of Radiation"), and the State of Texas in Part 31 of the Texas Regulations for Control of Radiation. Comments and suggestions from regulatory groups, users, and manufacturers will be considered in the overall revision. The NRC will also consult Canadian atomic energy control regulations that relate to radiography.

The proposed rule is necessary because of frequent misinterpretations of the provisions of Part 34 and the need to clarify the requirements of 10 CFR 34.27. The staff is currently preparing an options paper which will examine the issues, set priorities, and provide direction for the rulemaking proposed. This proposed rule would also respond to a petition for rulemaking from International Union of Operating Engineers - Local No. 2 (PRM-34-4). This rule is considered high priority.

Timetable: Proposed Rule Published
02/28/94 59 FR 9429

Comment Period Ended
05/31/94

Final Rule Published 11/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Donald Nellis, Office of Nuclear Regulatory Research, (301) 415-6257

30. Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE and Subsection IWL) (Part 50)

RIN: 3150-AC93

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

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

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

Incorporating by reference the latest edition and addenda of Subsection IWE and Subsection IWL will save applicants/licenses and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Adoption of the proposed

amendment would permit the use of improved methods for containment inservice inspection. This rule is considered medium priority.

Timetable: Proposed Rule Published
01/07/94 59 FR 979
Comment Period Ended 04/25/94
59 FR 14373
Final Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Wallace E. Norris, Office of Nuclear Regulatory Research, (301) 415-6796

31. Technical Specifications (Part 50)

RIN: 3150-AF06

Abstract. The proposed rule would amend the Commission's regulations to incorporate criteria for better defining the content of technical specifications. The four criteria were defined in the Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors published on July 23, 1993 (58 FR 39132). In the Staff Requirements Memorandum (SRM) associated with the issuance of the policy statement, the Commission directed the staff to prepare a rulemaking package to codify the four criteria.

Timetable: Approved by the EDO 06/94
Approved by the Commission
07/28/94
Proposed Rule Published
09/20/94 59 FR 48180
Comment Period Ended 12/05/94
Final Rule Published 07/19/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: William D. Rackley, Office of Nuclear Reactor Regulation, (301) 415-1314

32. Fracture Toughness Requirements for LWR Pressure Vessels (Part 50)

RIN: 3150-AD57

Abstract. The proposed rule would amend the Commission's regulations concerning fracture toughness requirements to resolve issues that have resulted from technological improvements and other factors. The "Pressurized Thermal Shock (PTS) rule" (10 CFR 50.61), was modified in 1991 to be consistent with the embrittlement correlations given in Regulatory Guide 1.99, Revision 2. However, the need for further clarifications to the PTS rule has been identified. At a minimum, the proposed clarifications would—

- (1) indicate that RT_{PTS} values may be reduced using credible surveillance data;
- (2) include reduced margin terms for cases in which credible surveillance data are used; and
- (3) indicate that thermal annealing is an acceptable method for reducing RT_{PTS} to values below the screening criteria, pursuant to the requirements of (proposed) 10 CFR 50.66.

Appendix G to 10 CFR Part 50 provides fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant boundary of light-water nuclear power reactors. The proposed changes, principally clarifications, in Appendix G to 10 CFR Part 50 would:

- (1) explicitly indicate that pressure and leak tests of the RPV required by the ASME Code must be completed before the core is critical (as agreed to by the CRGR on November 29, 1989);
- (2) restructure Sections IV and V for clarification;
- (3) change the reference from Appendix G of Section III of the ASME Code to Appendix G of Section XI of the ASME Code; and
- (4) reword Section V.D. to indicate that thermal annealing of the RPV should be conducted pursuant to (proposed) 10 CFR 50.66.

Appendix H to 10 CFR Part 50 contains requirements for RPV material surveillance programs that are intended to monitor fracture toughness property changes in RPV materials due to irradiation embrittlement. The proposed changes in Appendix H to 10 CFR Part 50 would:

(1) address requirements for surveillance programs in the case of a license renewal request; and

(2) clarify the earliest edition of ASTM E 185 (Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels) required for the surveillance program. This rule is considered high priority.

The proposed rule entitled, "Thermal Annealing of the Reactor Pressure Vessel," (RIN: 3150-AE45) has been combined with this proposed rule.

Timetable: Proposed Rule Published 10/04/94 59 FR 50513
 Comment Period Ended 01/03/95
 Final Rule Published 09/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Al Taboada, Office of Nuclear Regulatory Research, (301) 415-6014

33. Shutdown and Low-Power Operations (Part 50)

RIN 3150-AE97

Abstract. The proposed rule would amend the Commission's regulations by adding regulatory requirements for shutdown and low power operations of commercial nuclear power stations. Specific operational areas addressed by the proposed rule include:

1. Outage planning and control;
2. Availability of equipment needed for key safety functions;
3. Decay heat removal capability during a fire; and
4. Water level indication in pressurized water reactors when in reduced inventory.

Prior to its analysis of comments received and a public meeting held on April 7, 1995, the staff determined that the rule, regulatory analysis and regulatory guide would be written. The rewritten rule would specify minimum requirements for safety during shutdown operation, require a

contingency plan to address a failure to satisfy these requirements, and require controls that manage both the minimum requirements and the contingency plan.

Timetable: Approved by the EDO 07/93
 Proposed Rule Published 10/19/94 59 FR 52707
 Comment Period Ended 01/03/95
 Revised Proposed Rule Published 12/00/95
 Final Rule Published 08/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: George Kalman, Office of Nuclear Reactor Regulation, (301) 415-1308

34. Reactor Site Criteria; Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants (Parts 50, 52, 100)

RIN: 3150-AD93

Abstract. The proposed rule would amend the Commission's regulations to update the criteria used in decisions regarding power reactor siting, including geologic, seismic, and earthquake engineering considerations for future nuclear power plants. The proposed rule would allow NRC to benefit from experience gained in the application of the procedures and methods set forth in the current regulation and to incorporate the rapid advancements in the earth sciences and earthquake engineering. The proposed rule primarily consists of two separate changes, namely, the source term and dose considerations, and the seismic and earthquake engineering considerations of reactor siting. This rule is considered high priority.

The Commission is also proposing to deny the remaining issue in a petition for rulemaking filed by Free Environment, Inc., et al. (PRM-50-20).

Timetable: Proposed Rule Published 10/20/92 57 FR 47802
 Comment Period Ended 06/01/93 58 FR 16377

Proposed Rule Republished
10/17/94 59 FR 52255
Comment Period Ended 05/12/95
Final Rule Published 12/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Leonard Soffer, Office of Nuclear Regulatory Research, (301) 415-6574

35. Performance-Based Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors (Part 50)

RIN 3150-AF00

Abstract. The proposed rule would amend the Commission's regulations to provide a performance-based option for leakage rate testing of containments of light-water-cooled nuclear power plants. This option will be available for voluntary adoption by licensees, in lieu of compliance with the current prescriptive requirements contained in Appendix J of 10 CFR Part 50. This action is intended to improve the focus of the body of regulations by eliminating prescriptive requirements that are marginal to safety and to provide licensees greater flexibility for cost-effective implementation methods of regulatory safety objectives. This rule is considered high priority.

Timetable: Proposed Rule Published
02/21/95 60 FR 9634
Comment Period Ended 05/08/95
Final Rule Published 12/00/95

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

Effects on Small Business and Other Entities. None

Agency Contact: Moni Dey, Office of Nuclear Regulatory Research (301) 415-6443

36. Production and Utilization Facilities; Emergency Planning and Preparedness Exercise Requirements (Part 50)

RIN: 3150-AF20

Abstract: The proposed rule would amend the Commission's regulations governing domestic

licensing of production and utilization facilities, as necessary, to facilitate greater flexibility in the licensee's activities associated with the annual "off-year" exercise. This exercise is conducted to evaluate major portions of licensees' emergency response capabilities. The proposed amendment would preserve the existing requirement that each licensee, at each site, exercise biennially with participation by States and local governments within the plume exposure pathway emergency planning zone (EPZ). The proposed rule would also require licensees to continue enabling State and local governments in plume exposure pathway EPZs to participate in exercises and in drills in the interval between exercises. This proposed rule also addresses a petition for rulemaking submitted by the Virginia Electric and Power Company (PRM-50-58).

Timetable: Proposed Rule Published
04/14/95 60 FR 19002
Comment Period Ends 07/13/95
Final Rule Published 04/00/96

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities: None

Agency Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, (301) 415-6534

37. Physical Security Plan Format Changes (Parts 50, 70)

RIN: 3150-AF27

Abstract. The proposed rule would amend the Commission's regulations to remove an unnecessary security plan format requirement. This action would allow applicants for power reactor and fuel cycle licenses to submit their physical security plans in a format that would provide for a quicker and more efficient review.

Timetable: Proposed Rule Published
04/17/95 60 FR 19170
Comment Period Ended 05/17/95
Final Rule Published 12/00/95

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. None

Agency Contact: Carrie Brown, Office of Nuclear Material Safety and Safeguards, (301) 415-8092

38. Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel (Part 51)

RIN: 3150-AA31

Abstract. The proposed rule would amend the Table of Uranium Fuel Cycle Environmental Data (Table S-3) by adding new estimates for potential releases of technetium-99 and radon-222 and by updating other estimates. The proposed rule's narrative explanation (NUREG-1481) also describes the basis for the values contained in Table S-3, explains the environmental effects of these potential releases from the LWR Fuel Cycle, and postulates the potential radiation doses, health effects, and environmental impacts of these potential releases. The proposed rule would also amend 10 CFR 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation (burnup in megawatt-days of thermal power per metric ton of uranium). The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing potential litigation time and costs for both NRC and applicants.

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

The proposed rule and the explanatory narrative for Table S-3, NUREG-1481, have been revised to reflect new modeling developments

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

Timetable: Proposed Rule Published
03/04/81 46 FR 15154
Comment Period Ended 05/04/81
Proposed Rule Published
10/00/95

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

Effects on Small Business and Other Entities. None

Agency Contact: Stanley Turel, Office of Nuclear Regulatory Research, (301) 415-6234

39. License Renewal for Nuclear Power Plants; Scope of Environmental Effects (Part 51)

RIN: 3150-AD63

Abstract. The proposed rule would amend the Commission's regulations to establish new requirements for environmental review of applications for renewal of nuclear power plant operating licenses. The proposed rule would define the number and scope of environmental issues which would need to be addressed as part of a license renewal application. This rule is considered high priority.

Timetable: ANPRM Published 07/23/90
55 FR 29964
Comment Period Ended 10/22/90
Proposed Rule Published
09/17/91 56 FR 47016
Comment Period Ended 03/16/92
56 FR 59898
Final Rule Published 09/00/95

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

Effects on Small Business and Other Entities. None

Agency Contact: Donald P. Cleary, Office of Nuclear Regulatory Research, (301) 415-6263

40. Design Certification for System 80+ (Part 52)

RIN: 3150-AF15

Abstract. The proposed rule would revise the Commission's regulations by certifying the System 80+ standard design in accordance with the requirements of Part 52. If a standard design is certified, then an applicant for a combined license that references the certified design will be assured of receiving an approval for the portion of the plant that was approved in the certification rulemaking. This amendment references the design control document (DCD) and sets forth the process for changing information in the DCD. ABB-Combustion Engineering is currently preparing the DCD for the System 80+ design, which will contain the design information that will be certified by the rule and approved by the rule (so-called Tier 1 and 2 information). The NRC is reviewing two applications for standard design certifications for two evolutionary nuclear power plant designs pursuant to Part 52 (see "Design Certification for Advanced Boiling Water Reactor (ABWR)" (RIN No. 3150-AE87).

Timetable: ANPRM Published 11/03/93
58 FR 58664
ANPRM Comment Period Ended 01/03/94
Proposed Rule Published 04/07/95 60 FR 17924
Comment Period Ends 08/07/95
Final Rule Published 03/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Jerry N. Wilson, Office of Nuclear Reactor Regulation, (301) 415-3145

41. Design Certification for Advanced Boiling Water Reactor (ABWR) (Part 52)

RIN: 3150-AE87

Abstract. The proposed rule would revise the Commission's regulations by certifying the U.S. Advanced Boiling Water Reactor (ABWR) standard design in accordance with the requirements of Part 52. If a standard design is certified, then an applicant for a combined license that references the certified design will be assured of receiving an approval for the portion of the plant that was approved in the certification rulemaking. This amendment references the design control document (DCD) and sets forth the process for changing information in the DCD. GE Nuclear Engineering is currently preparing the DCD for ABWR design, which will contain the design information that will be certified by the rule and approved by the rule (so-called Tier 1 and 2 information). The NRC is reviewing two applications for standard design certifications for two evolutionary nuclear power plant designs pursuant to Part 52 (see "Design Certification for System 80+" (RIN No. 3150-AF15).

Timetable: ANPRM Published 11/03/93
58 FR 58664
ANPRM Comment Period Ended 01/03/94
Proposed Rule Published 04/07/95 60 FR 17902
Comment Period Ends 08/07/95
Final Rule Published 03/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Jerry N. Wilson, Office of Nuclear Reactor Regulation, (301) 415-3145

42. Elimination of Inconsistencies Between NRC Regulations and EPA HLW Standards (Part 60)

RIN: 3150-AC03

Abstract. The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act

states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the Federal Court invalidated the EPA standards, action on this rule is undetermined. Congress has authorized the National Academy of Sciences to recommend HLW standards to EPA for specific application to Yucca Mountain. The EPA must promulgate new standards upon completion of the National Academy of Sciences Review. This rule is considered potential priority.

Timetable: Proposed Rule Published
06/19/86 51 FR 22288
Comment Period Ended 08/18/86
Final Rule Published
Undetermined

Legal Authority: 42 USC 10101

Effects on Small Business and Other Entities. None

Agency Contact: Sher Bahadur, Office of Nuclear Regulatory Research, (301) 415-6237

43. Clarification of Assessment Requirements for Siting Criteria and Performance Objectives (Part 60)

RIN: 3150-AE40

Abstract. The proposed rule would amend the Commission's regulations concerning regulatory requirements for licensing of high-level waste geologic repositories. The relationship described in § 60.21 of the siting criteria in §§ 60.122 (defined in terms of potentially adverse and favorable conditions) and the performance objectives in §§ 60.112 and 60.113 has been the subject of conflicting interpretations. The proposed rule would resolve the problem of conflicting interpretations of the terms "adequately investigated" and "adequately evaluated" which are used with reference to the potentially adverse conditions in § 60.122. In addition, the proposed rule would resolve the conflicting interpretations of the relationship of performance assessment and potentially adverse conditions.

The proposed rule would also revise §§ 60.21 and 60.122 by removing the analysis requirements from § 60.122 and placing them in § 60.21. This would be consistent with other technical aspects of 10 CFR Part 60. These sections would also be revised to clarify that siting criteria must be appropriately considered in the compliance demonstration for the performance objectives of §§ 60.112 and 60.113. Separate acceptability assessments for individual potentially adverse conditions are not required.

A June 30, 1995, Staff Requirements Memorandum, SECY 95-019, disapproved issuance of the proposed final amendments at this time, due to significant Congressional activity with regard to the Nuclear Waste Policy Act, and directed staff to reconsider the need for the amendments or guidance upon determining that the legislative situation has stabilized.

Timetable: Proposed Rule Published
07/09/93 58 FR 36902
Comment Period Ended
10/07/93
Final Rule Published

Undetermined

Legal Authority: 42 USC 10101; Public Law 97-425

Effects on Small Business and Other Entities. None

Agency Contact: Mark S. Delligatti, Office of Nuclear Material Safety and Safeguards, (301) 415-6620

44. Disposal of High-Level Radioactive Wastes in Geologic Repositories; Design Basis Events (Part 60)

RIN: 3150-AD51

Abstract. The proposed rule would amend the Commission's regulations to clarify preclosure regulatory requirements for high-level waste geologic repositories. Several issues associated with preclosure regulatory requirements have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. These involve: (1) the lack of clearly prescribed requirements for the establishment of a preclosure controlled area intended to protect public health

and safety in the event of a postulated radionuclide release; and (2) the definition of structures, systems, and components important to safety for which certain design and quality assurance criteria apply. In order to meet the milestones mandated by the Nuclear Waste Policy Act of 1983, as amended, and milestones pertaining to DOE's production schedule in the Mission Plan amendments, guidance is needed from NRC on these matters to enable DOE to proceed with the development of a proposed design for a geologic repository.

Timetable: Proposed Rule Published 03/22/95 60 FR 15180
 Comment Period Ended 06/20/95
 Final Rule Published 06/00/96

Legal Authority: Public Law 97-425; 42 USC 10101

Effects on Small Business and Other Entities. None

Agency Contact: Richard A. Weller, Office of Nuclear Material Safety and Safeguards, (301) 415-7287

45. Update of Transportation Regulations to Incorporate New Licensing Information (Part 71)

RIN: 3150-AC41

Abstract. The proposed rule would, in conjunction with a corresponding rule change by the U.S. Department of Transportation, update the United States Federal regulations for the safe transportation of radioactive material to incorporate new licensing information developed since 1972. The proposed rule would respond to the need for a: (1) new crush test; (2) new deep immersion test; and (3) new limit on low specific activity material shipments.

Timetable: Proposed Rule Published 06/08/88 53 FR 21550
 Comment Period Ended 03/06/89 53 FR 51281
 Comment Period Extended to 60 days after publication of DOT proposed rule 04/04/89 54 FR 13528
 DOT Proposed Rule Published 11/14/89 54 FR 47454

Comment Period Ended 02/09/90
 Final Rule Published 09/00/95

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

Effects on Small Business and Other Entities. None

Agency Contact: John Cook, Office of Nuclear Material Safety and Safeguards, (301) 415-8521

46. Changes to Nuclear Power Plant Security Requirements Associated with Containment Access Control* (Part 73)

RIN: 3150-AF36

Abstract. The proposed rule would amend the Commission's regulations by changing nuclear power plant security requirements associated with controlling the access of personnel and materials into reactor containment during periods of high traffic such as refueling and major maintenance based upon staff review experience gained in security program implementation and input from the public and industry. This amendment would relieve nuclear power plant licensees of the requirement to control access to reactor containments during these periods separately. Deletion of this requirement would decrease the regulatory burden for the licensees without degradation of physical security. This rule is considered high priority.

Timetable: Proposed Rule Published 05/01/95 60 FR 24803
 Comment Period Ended 06/09/95
 Final Rule Published 11/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Sandra Frattali, Office of Nuclear Regulatory Research, (301) 415-6261

47. Import and Export of Radioactive Waste (Part 110)

RIN: 3150-AD36

Abstract. The proposed rule would amend the Commission's licensing requirements to strengthen the Commission's control over radioactive waste coming into and leaving the United States by requiring specific NRC licensing of radioactive waste imports and exports. The proposed rule would help ensure that the transactions are subject to the approval of the U.S. Government and the consent of other involved parties. The proposed amendment would conform U.S. policies with the decision of the General Conference of the International Atomic Energy Agency in September 1990, approving a voluntary Code of Practice to guide Nation States in the development and harmonization of policies and laws on the transboundary shipments of radioactive waste.

Sixteen letters of comment were received from several different sources in response to the proposed rule. These comments are being reviewed by the NRC as it begins to develop the final amendments to the NRC's licensing regulations pertaining to the export and import of radioactive waste.

Timetable: ANPRM Published 02/07/90
55 FR 4181
Comment Period Ended 04/24/90
55 FR 10786
Proposed Rule Published
04/28/92 57 FR 17859
Comment Period Ended 07/13/92
Final Rule Published 07/21/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Ronald D. Hauber, Office of International Programs, (301) 415-2344

occurrence (ENO) to eliminate the problems that were encountered in the Three Mile Island ENO determination. The Commission has determined that this rulemaking is unnecessary and plans to withdraw this proposed rule.

Timetable: Proposed Rule Published
04/09/85 50 FR 13978
Comment Period Ended
09/06/85
Notice of Withdrawal Published
Undetermined

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

Effects on Small Business and Other Entities. None

Agency Contact: Harry Tovmassian, Office of Nuclear Regulatory Research, (301) 415-6231

49. Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal in Agreement States (Part 150)

RIN: 3150-AC57

Abstract. The proposed rule would establish NRC as the sole authority for approving onsite disposal of very low-level waste at all NRC-licensed reactors and at Part 70 facilities. The NRC staff has recommended to the Commission that this proposed rulemaking be withdrawn. This rule is considered dropped priority.

Timetable: Proposed Rule Published
08/22/88 53 FR 31880
Comment Period Ended 10/21/88
Notice of Withdrawal Published
Undetermined

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

Effects on Small Business and Other Entities. None

Agency Contact: Joseph J. Mate, Office of Nuclear Regulatory Research, (301) 415-6202

48. Criteria for an Extraordinary Nuclear Occurrence (Part 140)

RIN: 3150-AB01

Abstract. The proposed rule would revise the criteria for an extraordinary nuclear

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(C) ADVANCE NOTICES OF PROPOSED RULEMAKING

50. Disposal by Release into Sanitary Sewerage (Part 20)

RIN: 3150-AE90

Abstract. The advance notice of proposed rulemaking requested public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. This rulemaking would also address a petition for rulemaking (PRM-20-22) submitted by the Northeast Ohio Sewer District (October 20, 1993; 58 FR 54071). This rule is considered medium priority.

Timetable: ANPRM Published
02/25/94 59 FR 9146
Comment Period Ended 05/26/94
Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: George Powers, Office of Nuclear Regulatory Research, (301) 415-6212

51. Distribution of Source and Byproduct Material: Licensing and Reporting Requirements (Parts 32 and 40)

RIN: 3150-AE33

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on contemplated amendments to the Commission's regulations governing the licensing of source material and mill tailings. The Commission has determined that this rulemaking is unnecessary and plans to withdraw the ANPRM.

Timetable: ANPRM Published
10/28/92 57 FR 48749
Comment Period Ended
01/26/93

Notice of Withdrawal Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Catherine R. Mattsen, Office of Nuclear Regulatory Research, (301) 415-6264

52. Comprehensive Quality Assurance in Medical Use and a Standard of Care (Part 35)

RIN: 3150-AC42

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on the extent to which, in addition to the basic quality assurance procedures (that are addressed in another rulemaking action entitled "Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use" (RIN 3150-AD69), a more comprehensive quality assurance requirement is needed and invited advice and recommendations on 20 issues to be addressed in the rulemaking. The Commission has determined that this rulemaking is unnecessary and plans to withdraw this ANPRM.

Timetable: ANPRM Published
10/02/87 52 FR 36949
Comment Period Ended
12/31/87 52 FR 36949

Notice of Withdrawal Published
Undetermined

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

Effects on Small Business and Other Entities. None

Agency Contact: Anthony Tse, Office of Nuclear Regulatory Research, (301) 415-6233

53. Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems, and Components (Part 50)

RIN: 3150-AD10

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request

public comment on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements. Based upon comment analysis, the NRC staff recommended to the Commission that this rule be withdrawn.

In a separate but related rulemaking (RIN 3150-AF01), a final rule amending 10 CFR Part 21, "Procurement of Commercial Grade Items by Nuclear Power Plant Licensees," is in process. The purpose of this rulemaking action is to revise NRC's requirements to permit broader use of commercial-grade items.

Timetable: ANPRM Published
03/06/89 54 FR 9229
Comment Period Ended
07/05/89
Notice of Withdrawal Published
08/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Mark Au, Office of Nuclear Regulatory Research, (301) 415-6181

54. Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations (Part 50)

RIN: 3150-AE38

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on amending the Commission's regulations to decouple source term and dose calculations from reactor siting and to permit the use of updated source term insights for future light water reactors. The Commission has determined that this rulemaking is unnecessary and plans to withdraw this ANPRM.

Timetable: ANPRM Published
09/28/92 57 FR 44513
Comment Period Ended
12/28/92
Notice of Withdrawal Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Undetermined

Agency Contact: Leonard Soffer, Office of Nuclear Regulatory Research, (301) 415-6574

55. Steam Generator Tube Integrity for Operating Nuclear Power Plants* (Part 50)

RIN: 3150-AF04

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on the Commission's regulations pertaining to steam generator tube integrity. The objective of the rule would be to maintain adequate assurance of steam generator tube integrity while allowing a more appropriate approach to steam generator surveillance and maintenance activities at nuclear power plants. Steam generator degradation is a significant issue affecting current pressurized water reactors.

Timetable: EDO Approved ANPRM
02/18/94
ANPRM Published
09/19/94 59 FR 47817
Comment Period Ended 12/05/94
Proposed Rule Published
12/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Tim Reed, Office of Nuclear Reactor Regulation, (301) 415-1462

56. Land Ownership Requirements for Low-Level Waste Sites (Part 61)

RIN: 3150-AE88

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on allowing a licensee to own land that is used for a low-level waste disposal site. The Commission has determined that this notice is unnecessary and plans to withdraw this ANPRM.

Timetable: ANPRM Published
08/03/94 59 FR 39485
Comment Period Ended
12/02/94 59 FR 52941
Notice of Withdrawal Published
07/18/95

Legal Authority: 42 USC 2201; 42 USC 5841
**Effects on Small Business and Other
Entities.** None
Agency Contact: Mark Haisfield, Office of
Nuclear Regulatory Research, (301) 415-6196

D

(D) UNPUBLISHED RULES

57. Revision of Specific Exemptions (Part 9)**RIN:** 3150-AD83

Abstract. The proposed rule would amend the Commission's regulations pertaining to specific Privacy Act exemptions. This proposed rule would add exemption (j)(2) of the Privacy Act to the regulations that describe exempt systems of records. These amendments would make NRC's regulations consistent with the majority of statutorily appointed Inspectors General and would clearly link each system of records to the specific exemption(s) of the Privacy Act under which each system is exempt.

Timetable: Proposed Rule Published
07/26/95
Final Rule Published
11/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Russell A. Powell, Office of Administration, (301) 415-7169

58. Protection of and Access to Classified Information for Licensee, Certificate Holder and Other Personnel* (Parts 10, 25, 95)**RIN:** 3150-AF37

Abstract. The proposed rule would amend the Commission's regulations conforming NRC policy for access to and protection of National Security Information and Restricted Data to new national policies for the protection of this type of information. The existing regulations were promulgated before the October 31, 1994, approval of the National Industrial Security Program Operating Manual (NISPOM) by the Deputy Secretary of Defense and the April 17, 1995, approval of Executive Order 12958, "Classified National Security Information" by the President. The NISPOM establishes a uniform Government policy for the protection of classified National Security Information and Restricted Data within industrial facilities under a contractual or other (e.g., license) legal relationship with the Government. Executive Order 12958 revises the government-wide requirements for classification and protection of

National Security Information. President Clinton is also in the process of approving another new Executive Order, "Access to Classified Information," which would revise the government-wide requirements for access to National Security Information. The current 10 CFR Parts 10, 25 and 95 are not fully compliant with the requirements of the NISPOM and the new Executive Orders. Some areas of inconsistency are revised accountability requirements for secret information, revised requirements for review of foreign ownership, control and influence considerations, new locking mechanism requirements, etc. These regulations must be amended to ensure their consistency with established national policy for the protection of classified information.

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 2273; 42 USC 5841; E.O. 12829; E.O. 12958; E.O. 10865

Effects on Small Business and Other Entities. None

Agency Contact: Duane G. Kidd, Office of Administration, (301) 415-7403

59. Constraint Level for Air Emissions of Radionuclides (Part 20)**RIN:** 3150-AF31

Abstract. The proposed rule would amend the Commission's regulations to provide a constraint level for air emissions of radionuclides of 10 mrem/yr, similar to the program developed pursuant to 10 CFR Part 50, Appendix I, for power reactors. The rulemaking would apply to NRC licensees other than power reactor licensees. This action is part of an ongoing effort to develop a basis for revision of the Environmental Protection Agency's regulations in 40 CFR Part 61.

Timetable: Proposed Rule Published
09/00/95
Final Rule Published 06/00/96

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. None

Agency Contact: Charleen T. Raddatz, Office of Nuclear Regulatory Research, (301) 415-6215

60. Clarification of Reporting of Defects and Noncompliance for Materials Facilities (Part 21)

RIN: 3150-AE18

Abstract. The proposed rule would amend the Commission's regulations concerning the reporting of defects and noncompliance to clarify the applicability of these provisions to materials and fuel cycle licensees. Because of the wide diversity in the types of licensees covered under these regulations, the requirements have been misinterpreted by some licensees. The proposed rule would clearly define the applicability of these provisions to the different types of licensees and would take into account the differences between different classes of licensees. The proposed rule is being developed in response to an NRC internal audit, and also in response to a parallel review of these regulations as they apply to materials licensees. This rule is considered potential priority.

Timetable: Proposed Rule Published 09/00/95
Final Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5846

Effects on Small Business and Other Entities. Yes

Agency Contact: Clark Prichard, Office of Nuclear Regulatory Research, (301) 415-6203

61. Fitness for Duty (Part 26)

RIN: 3150-AF12

Abstract. The proposed rule would amend the Commission's fitness for duty regulations. This proposed rule would also address the petition for rulemaking from Virginia Electric and Power Company (PRM-26-1), and address the Regulatory Review Group items on audit frequency and annual submittal of data. The

Virginia Electric and Power Company requested that the Commission amend its fitness-for-duty requirements to change the frequency that licensees are required to audit their fitness-for-duty programs from annually to biennially. The Commission and the EDO approved the staff proposals in SECY-92-308, but asked that the staff resubmit the SECY paper to address a backfit analysis. The staff proposals presented in SECY-92-308 have been revised. The revised Commission paper is scheduled to be returned to the Commission in October 1995.

Timetable: Proposed Rule Published 12/00/95
Final Rule Published 12/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Mohan C. Thadani, Office of Nuclear Reactor Regulation, (301) 415-1485

62. Fitness for Duty (Scope Change) (Part 26)

RIN: 3150-AF13

Abstract. The proposed rule would amend the Commission's regulations by changing the scope of the random drug testing requirements. A study is being conducted to evaluate the necessity for a rule change that would amend the Commission's regulations by limiting the applicability of the random drug testing requirements to certain categories of workers. The scope change is being considered to balance the NRC's responsibility to protect the public health and safety, and a worker's perception of NRC encroachment into workers expectations of privacy. A general notice was published in the Federal Register on May 11, 1994 (59 FR 24373) to solicit public comments on various options for changing the random drug testing scope. Comments have been received from the state of Illinois and the International Brotherhood of Electrical Workers. The comments will be used to finalize the staff's study ("Evaluation of Scope of Persons Subject to Random Drug Testing") and recommend a course of action to the Commission.

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Mohan C. Thadani, Office of Nuclear Reactor Regulation, (301) 415-1485

63. One-Time Extension of Certain Byproduct, Source, and Special Nuclear Material Licenses (Parts 30, 40, and 70)

RIN: 3150-AF38

Abstract: The proposed rule would authorize, on a one-time basis, a five-year extension of certain byproduct, source, and special nuclear material licenses. The provisions of the licenses, under the extension, would provide the same authorizations and limits on licensee activities as they do now. The proposed rule would specify those licenses whose license expiration dates are not extended.

Timetable: Proposed Rule Published
08/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: John Pelchat, Region II, (404) 331-5083

64. Deliberate Misconduct by Unlicensed Persons Regarding Applications* (Parts 30, 40, 50, 60, 61, 70, 72, 150)

RIN: 3150-AF35

Abstract. The proposed rule would amend the Commission's regulations by revising its regulations to put applicants for NRC licenses and other unlicensed persons doing work for applicants on notice that they may be subject to enforcement action under the Commission's existing regulations regarding deliberate misconduct. The current regulations require that all information submitted to the Commission be complete and accurate. This proposed rulemaking would correct an apparent oversight from when the Deliberate Misconduct rule was adopted in

1991 and make that rule apply to applicants and to their employees, contractors, and subcontractors, including consultants.

Timetable: Proposed Rule Published
12/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Tony DiPalo, Office of Nuclear Regulatory Research, Washington, DC 20555, (301) 415-6191

65. Administration of Byproduct Material or Radiation to Patients Who May Be Pregnant (Part 35)

RIN: 3150-AE44

Abstract. The proposed rule would amend the Commission's regulations concerning the medical use of byproduct material. The proposed rule would require medical use licensees to take actions to prevent unintended radiation exposures to an embryo or fetus. The proposed rule would also require reporting of these events. This rule is considered high priority.

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2111; 42 USC 2112; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282

Effects on Small Business and Other Entities. None

Agency Contact: Samuel Z. Jones, Office of Nuclear Regulatory Research, (301) 415-6198

66. Decommissioning of Nuclear Power Reactors (Part 50)

RIN: 3150-AE96

Abstract. The proposed rule would amend the Commission's regulations on the decommissioning procedures that lead to the termination of an operating license for a nuclear power plant and release of the property for unrestricted use. The proposed amendments would clarify ambiguities that have arisen in the

past and codify practices which have been used for other licensees on a case-by-case basis.

Timetable Proposed Rule Published
07/20/95
Final Rule Published
Undetermined

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

Effects on Small Business and Other Entities. None

Agency Contact: Bradley Jones, Office of the General Counsel, (301) 415-1628

67. Codes and Standards for Nuclear Power Plants (Part 50)

RIN: 3150-AE26

Abstract. The proposed rule would amend the Commission's regulations to (1) eliminate the 120-month update requirements for licensees' inservice inspection (ISI) and inservice testing (IST) programs; (2) establish baseline regulatory requirements that would: incorporate by reference the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (the OM Code), maintain the 1989 Edition of Section III and Section XI of the ASME Boiler and Pressure Vessel Code (the BPV Code), require certain licensees to complete one final update to their ISI and IST programs, and delete the existing supplementary requirements for IST of containment isolation valves; (3) allow alternatives to the regulations and ASME Code rules under certain circumstances such as temporary corrective measures identified in a new Appendix A to the regulations, and clarify the ISI and IST requirements for nuclear plant components not required to be constructed in accordance with ASME Code Class 1, 2, or 3; (4) identify safety-significant Code changes that would be required to be implemented by licensees; and (5) establish a new regulatory guide that would document NRC review and acceptance of OM Code Cases.

Eliminating the 120-month update requirements from the existing regulations would permit licensees to continue using their existing

ISI and IST programs; however, certain licensees that have not yet updated the 1989 Edition of Section XI of the ASME BPV Code would be required to implement one final update of their ISI and IST programs when their current intervals expire. The proposed rule would incorporate by reference the ASME OM Code into the regulations.

The proposed rule would allow alternatives to the regulations and ASME Code rules under certain circumstances. For example, the NRC staff has developed an alternative to the requirements of Section XI of the ASME BPV Code that specifies guidance for performing temporary corrective measures for service-induced degradation of ASME Code Class 3 piping, which has been added as an appendix to the rule. Other alternatives that the staff has found acceptable will be identified in the rule or in a regulatory guide. If a licensee elects to implement the alternatives listed in the regulatory guide, a request pursuant to 10 CFR 50.55a(a)(3) must be submitted. All safety-significant code changes that the staff determines to be cost beneficial for the safe operation of the nuclear power plants will be specifically imposed in the regulations. One example in the current rulemaking is the requirement that licensees implement Section XI, Apperdx VIII, "Performance Demonstration for Ultrasonic Examination System," which provides rules for performance demonstration for ultrasonic examination procedures, equipment, and personnel used to detect and size flaws in nuclear power plant components, which will be imposed on an expedited schedule to improve the quality of ISI.

The proposed amendment contains changes to the implementation structure of 10 CFR 50.55a, establishes alternative rules (to be contained in the rule or listed in a regulatory guide) which may be implemented by licensees on a voluntary basis (and may require prior NRC approval), and identifies safety-significant code changes that should be implemented by licensees. These actions support substantial reductions in regulatory burden, without an adverse impact on safety, as determined by the staff during the review of a cost-beneficial licensing action

request. The proposed rule will be issued for public comment. The priority of this rulemaking is considered high.

Timetable: Proposed Rule Published
09/00/95
Final Rule Published 07/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Frank C. Cherny, Office of Nuclear Regulatory Research, (301) 415-6786; Wan Cheng (Winston) Liu, Office of Nuclear Regulatory Research, (301) 415-5887; Patricia Campbell, Office of Nuclear Reactor Regulation, (301) 415-1311.

68. Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment (Part 50)

RIN: 3150-AF33

Abstract: The proposed rule would amend the Commission's regulations to require that licensees for commercial nuclear power reactors report summary reliability and availability data for risk-significant systems and equipment to the NRC. The proposed rule would also require licensees to maintain onsite, and to make available for NRC inspection, records and documentation that provide the basis for the summary data reported to the NRC. This proposed rule is necessary to improve public health and safety, to reduce economic burden by focusing NRC and licensee attention on the most risk-significant issues, and to support generic and plant-specific regulatory actions. The proposed rule would substantially improve licensee implementation of the evaluation and goal setting aspects required by the maintenance rule and NRC's oversight of licensee's implementation of the maintenance rule.

Timetable: Proposed Rule Approved by the Commission 06/28/95
Proposed Rule Published
08/00/95
Final Rule Published 06/00/96

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841

Effects on Small Business and Other Entities: None

Agency Contact: Dennis Allison, Office for Analysis and Evaluation of Operational Data, (301) 415-6835

69. Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities (Part 50)

RIN: 3150-AF29

Abstract: The proposed rule would amend the Commission's fire protection regulations for voluntary adoption by nuclear power plant licensees. The requirements will be performance-oriented and risk-based, allow flexibility in the implementation of safety objectives and the use of probabilistic risk analysis and fire-model computer codes to demonstrate compliance with the safety objectives. This rule is considered high priority.

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities: None

Agency Contact: Moni Dey, Office of Nuclear Regulatory Research, (301) 415-6443

70. Power Reactor Facilities Under a Possession Only License (Part 50)

RIN: 3150-AF16

Abstract. The proposed rule would amend the Commission's regulations regarding possession only licensee applications for case specific exemptions that no longer have relevance. Currently, when a power reactor licensee obtains a possession only license amendment (POL), the licensee must apply for case specific exemptions from 10 CFR that no longer have relevance. This is a time consuming process for both the licensee and the NRC and can result in a non-coherent and non-uniform process. To remedy this situation, proposed rulemaking is currently being

considered. An information base is being developed by Brookhaven National Laboratory on which of the applicable parts of the 10 CFR apply to power reactors which have a POL. There are two categories of applicability, parts of the 10 CFR which no longer apply, and parts which partially apply. Once this information base is complete it will be incorporated through rulemaking. This rule is considered high priority. This rule will also address a petition for rulemaking from North Carolina Public Utility Commission (PRM-50-57).

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Undetermined

Agency Contact: Carl Feldman, Office of Nuclear Regulatory Research, (301) 415-6194.

71. Standardized Plant Designs, Early Review of Site Suitability Issues; Clarifying Amendments (Parts 50, 52, 140)

RIN: 3150-AE25

Abstract. The proposed rule would amend the Commission's regulations by deleting Appendices M, N, O, and Q from 10 CFR Part 50. The NRC is also proposing to make clarifying changes to 10 CFR Parts 52 and 140 to make clear that licensees are required to submit accurate and complete information to the NRC, and that its Price-Anderson requirements apply to combined license holders.

Timetable: Proposed Rule Published
04/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Geary S. Mizuno, Office of the General Counsel, (301) 415-1639

72. Safeguards for Spent Nuclear Fuel or High-Level Radioactive Waste (Parts 60, 72, 73, 75)

RIN: 3150-AF32

Abstract. The proposed rule would amend the Commission's regulations to clarify safeguards requirements for spent nuclear fuel or high-level radioactive waste stored at independent spent fuel storage installations, power reactors that have permanently ceased reactor operations, monitored retrievable storage installations, and geologic repository operations areas. This rule would allow general licensees the option of implementing the proposed safeguards requirements for spent nuclear fuel stored in approved casks at operating power reactor sites. This action is necessary to reduce the regulatory uncertainty regarding the safeguards requirements for the storage of spent nuclear fuel and high-level radioactive waste without reducing the level of protection for public health and safety.

Timetable: Proposed Rule Published
08/00/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: John Telford, Office of Nuclear Regulatory Research, (301) 415-6229

73. Domestic Licensing of Special Nuclear Material-Revision (Part 70)

RIN: 3150-AF22

Abstract. The proposed rule would amend the Commission's regulations to provide, where possible, performance rather than prescriptive based regulations for special nuclear material licensees with large quantities of special nuclear material. Concurrent with this amendment, companion support guidance documents are being developed for issuance.

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. Yes

Agency Contact: Charles Nilsen, Office of Nuclear Regulatory Research, (301) 415-6209

74. Physical Protection Requirements for Storage of Spent Fuel (Parts 72, 73)

RIN: 3150-AF30

Abstract: The proposed rule would amend the Commission's regulations for the physical protection of spent fuel stored under a specific license. This action is necessary to clarify the physical protection requirements for independent spent fuel storage installations (ISFSIs) and monitored retrievable storage (MRS) installations owned by the Department of Energy. This proposed rule would not affect spent fuel stored at power reactor sites under a general license. This proposed rule would reduce the regulatory uncertainty regarding the physical protection requirements for ISFSIs.

Timetable: Proposed Rule Published 09/00/95
Final Rule Published 06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Sandra Frattali, Office of Nuclear Regulatory Research, (301) 415-6261

75. Nuclear Power Reactor Physical Protection Requirements Update (Part 73)

RIN: 3150-AF11

Abstract. The proposed rule would amend the Commission's regulations by updating the requirements for the physical security of nuclear power reactors. The proposed rule would update the regulations for security at operating nuclear power plants based upon staff review experience gained in security program implementation, input from the public and industry, and technical changes in security system technology and equipment. Most of the proposed changes involve reduction or elimination of requirements that are of marginal significance relative to their contribution to the overall effectiveness of security programs. This rule is considered high priority.

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Sandra Frattali, Office of Nuclear Regulatory Research, (301) 415-6261.

II
PETITIONS

A

**(A) PETITIONS INCORPORATED INTO FINAL RULES OR
PETITIONS DENIED SINCE DECEMBER 30, 1994**

1. Petitioner/Petition Docket Number: Steve Gannis (PRM-20-23)

Federal Register Citation: April 14, 1994 (59 FR 17746)

Subject: Limit the annual dose of ionizing radiation that is received by the general public from 100 millirems annually to under 1 millirem annually.

Summary: The petitioner requested that the Commission amend its regulations to limit the annual dose of ionizing radiation that is received

by the general public from 100 millirems annually to under 1 millirem annually. The petitioner also requested that if the NRC does not establish a limit of 1 millirem annually, it establish a substantially lower limit than the current 100 millirems annually.

Timetable: This petition for rulemaking has been denied. The notice of denial was published in the Federal Register on March 13, 1995 (60 FR 13385).

Agency Contact: Charleen Raddatz, Office of Nuclear Regulatory Research, (301) 415-6215

B

(B) PETITIONS INCORPORATED INTO PROPOSED RULES

2. **Petitioner/Petition Docket Number:** Virginia Electric and Power Company (PRM-50-58)

Federal Register Citation: March 4, 1993 (58 FR 12339)

Subject: Change the frequency of required emergency planning exercises to biennially instead of annually.

Summary: The petitioner requests that the Commission amend its regulations to change the frequency of required emergency planning exercises to biennially instead of annually. The proposed amendment would require each licensee to conduct, at each site, an integrated exercise every 2 years and to ensure that their emergency response capabilities are maintained during the 2-year interval.

Timetable: To follow action on this petition for rulemaking in this and future agendas, see the timetable for the proposed rule entry, "Production and Utilization Facilities; Emergency Planning and Preparedness Exercise Requirements" (3150-AF20). This proposed rule was published in the Federal Register on April 14, 1995 (60 FR 19002).

Agency Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, (301) 415-6534

3. **Petitioner/Petition Docket Number:** U.S. Department of Energy (PRM-60-3)

Federal Register Citation: July 13, 1990 (55 FR 28771) August 10, 1990 (55 FR 32639)

Subject: Disposal of High-Level Radioactive Waste

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

Timetable: To follow action in this petition for rulemaking in this and future agendas, see the proposed rule entry, "Disposal of High-Level Radioactive Wastes in Geologic Repositories; Design Basis Events" (RIN 3150-AD51). This proposed rule was published in the Federal Register on March 22, 1995 (60 FR 15180).

Agency Contact: Richard A. Weller, Office of Nuclear Material Safety and Safeguards, (301) 415-7287

P
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A

C

(C) PETITIONS PENDING STAFF REVIEW

4. **Petitioner/Petition Docket Number:** Ohio Citizens for Responsible Energy, Inc. (PRM-9-2)

Federal Register Citation: June 13, 1994 (59 FR 30308)

Subject: Public access to licensee-held information.

Summary: The petitioner requests that the Commission amend its regulations to establish public right-to-know provisions that would ensure public access to licensee-held information.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 13, 1994 (59 FR 30308). The comment period closed on August 29, 1994. Resolution of the petition is scheduled for September 1995.

Agency Contact: Stuart Treby, Office of the General Counsel, (301) 415-1644.

5. **Petitioner/Petition Docket Number:** Keith J. Schiager, Ph.D., et al. (PRM-20-21)

Federal Register Citation: September 10, 1993 (58 FR 47676)

Subject: Disposal of certain low-level radioactive wastes to provide additional options for disposal of very low concentrations of short-lived radionuclides.

Summary: The petitioners request that the Commission amend its regulations in 10 CFR Part 20 that became mandatory for all licensees on January 1, 1994, to permit additional methods for disposal of certain low-level radioactive wastes. The petitioners contend that the regulations that became mandatory for all licensees on January 1, 1994, are too restrictive and prevent many research institutions from pursuing certain types of research that cannot be conducted effectively without the use of radioactive materials.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 10, 1993 (58 FR 47676). The comment period closed on November 24, 1993. This petition will be resolved after publication of the final rule, "Decommissioning of Nuclear Facilities" (RIN 3150-AD65). The publication date for the final rule is scheduled for February 1996. This petition for rulemaking is considered medium priority.

Agency Contact: George Powers, Office of Nuclear Regulatory Research, (301) 415-6212

6. **Petitioner/Petition Docket Number:** mb-microtec (USA) (PRM-32-4)

Federal Register Citation: October 18, 1993 (58 FR 53670)

Subject: Place timepieces with gaseous tritium light sources on the same regulatory basis as timepieces with luminous tritium paint

Summary: The petitioner requests that the Commission amend its regulations to include timepieces with gaseous tritium light sources and subsequently allow their distribution under the same requirements applicable to the distribution of timepieces with luminous tritium paint.

Timetable: A notice of receipt for this petition was published in the Federal Register on October 18, 1993 (58 FR 53670). The comment period closed on January 3, 1994. Resolution of this petition is scheduled for September 1995. This petition for rulemaking is considered planned priority.

Agency Contact: Cheryl A. Trottier, Office of Nuclear Regulatory Research, (301) 415-6232

7. **Petitioner/Petition Docket Number:** Tri-Med Specialties, Inc. (PRM-35-12)

Federal Register Citation: December 2, 1994 (59 FR 61831)

Subject: Distribution, under general licensing and/or exemption, of capsules containing one micro-curie of carbon-14 (C14) for administration to humans for in vivo diagnostic testing

Summary: The petitioner requests that the Commission amend its regulations to permit licensed pharmaceutical manufacturers to commercially distribute, under general licensing and/or exemption, capsules containing one microcurie of carbon-14 (C14) for administration to humans for in vivo diagnostic testing.

Timetable: A notice of receipt for this petition was published in the Federal Register on December 2, 1994 (59 FR 61831). The comment period closes on February 15, 1995. Resolution of the petition is scheduled for December 1995. This petition for rulemaking is considered medium priority.

Agency Contact: Samuel Z. Jones, Office of Nuclear Regulatory Research (301) 415-6191

8. Petitioner/Petition Docket Number: North Carolina Public Utility Commission (PRM-50-57)

Federal Register Citation: January 17, 1992 (57 FR 2059)

Subject: Reduce or Eliminate Insurance for Nuclear Power Plants Awaiting Decommissioning

Summary: The petitioner requests that the Commission amend its regulations to substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shut down and are awaiting decommissioning and all the nuclear fuel has been removed from the reactor site.

Timetable: A notice of receipt for this petition was published in the Federal Register on January 17, 1992 (57 FR 2059). The public comment period closed on March 17, 1992. Resolution of the petition is scheduled for rulemaking (See "Power Reactor Facilities Under a Possession Only License" (RIN 3150-AF16)). This petition for rulemaking is considered high priority.

Agency Contact: Carl Feldman, Office of Nuclear Regulatory Research, (301) 415-6194

9. Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-50-59)

Federal Register Citation: May 6, 1994 (59 FR 23641)

Subject: Change the frequency with which each licensee conducts independent reviews and audits of its safeguards contingency plan and security program from annually to biennially.

Summary: The petitioner requests that the Commission amend its regulations to change the frequency with which each licensee conducts independent reviews and audits of its safeguards contingency plan and security program from annually to biennially.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 6, 1994 (59 FR 23641). The comment period

closed on July 20, 1994. Resolution of the petition is undetermined.

Agency Contact: Michael T. Jamgochian, Office of Nuclear Regulatory Research, (301) 415-6534.

10. Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-50-60)

Federal Register Citation: April 13, 1994 (59 FR 17499)

Subject: Change the frequency with which each licensee conducts independent reviews and audits of its emergency preparedness program from annually to biennially.

Summary: The petitioner requests that the Commission amend its regulations to change the frequency with which each licensee conducts independent reviews and audits of its emergency preparedness program from annually to biennially.

Timetable: A notice of receipt for this petition was published in the Federal Register on April 13, 1994 (59 FR 17499). The comment period closed on June 27, 1994. Resolution of the petition is scheduled for October 1995. This petition for rulemaking is considered medium priority.

Agency Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, (301) 415-6534

11. Petitioner/Petition Docket Number: Nuclear Energy Institute* (PRM-50-61)

Federal Register Citation: June 6, 1995 (60 FR 29784)

Subject: Fire protection at nuclear power plants

Summary: The petitioner requests that the Commission amend its regulations governing fire protection at nuclear power plants. The petitioner believes this amendment would provide a more flexible alternative to the current requirements and permit nuclear power plant licensees more discretion implementing fire protection requirements that would be site-specific without adversely affecting a licensee's ability to achieve the safe shutdown of a facility in the event of a fire.

Timetable: A notice of receipt of this petition for rulemaking was published in the Federal

Register on June 6, 1995 (60 FR 29784). The comment period ends on September 29, 1995. Resolution of this petition is scheduled for June 1996.

Agency Contact: Monideep K. Dey, Office of Nuclear Regulatory Research, (301) 415-6443

12. Petitioner/Petition Docket Number: U.S. Department of Energy (PRM-71-11)
Federal Register Citation: February 18, 1994 (59 FR 8143)

Subject: Packaging and transportation of radioactive materials

Summary: The petitioner requests that the Commission amend its regulations governing packaging and transportation of radioactive materials to specifically exempt canisters containing vitrified high-level waste from the double containment requirement specified in NRC's regulations.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 18, 1994 (59 FR 8143). The original public comment period was extended for 30 days (May 23, 1994; 59FR 26608) and closed on June 3, 1994. A public meeting was held with the petitioner on June 1, 1995, to discuss alternatives to the proposed rulemaking. These included seeking a determination under existing regulations, or qualifying the canister for double containment. The petitioner is expected to inform the NRC of its decision in the near future.

Agency Contact: Earl Easton, Office of Nuclear Material Safety and Safeguards, (301) 415-7277

13. Petitioner/Petition Docket Number: Maryland Safe Energy Coalition (PRM-72-1)

Federal Register Citation: September 8, 1993 (58 FR 47222)

Subject: Dry cask storage

Summary: The petitioner requests that the Commission amend its regulations regarding generic issues related to dry cask storage.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 8, 1993 (58 FR 47222). The public

comment period closed on November 22, 1993. Resolution of the petition is scheduled for denial. The notice of denial was published in the Federal Register on July 26, 1995.

Agency Contact: Gordon Gundersen, Office of Nuclear Regulatory Research, (301) 415-6195

14. Petitioner/Petition Docket Number: Envirocare of Utah, Inc. (PRM-150-2)
Federal Register Citation: February 22, 1993 (58 FR 5992)

Subject: Persons who generate or dispose of very low specific activity wastes contaminated with special nuclear materials.

Summary: The petitioner requests that the Commission amend its regulations to exempt those persons that generate or dispose of very low specific activity wastes contaminated with special nuclear materials that are not capable of forming a critical reaction from the current possession limits specified in its regulations.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 22, 1993 (58 FR 9552). The public comment period closed on April 23, 1993. The staff is developing a rulemaking initiation package for EDO approval as a next step in addressing the petitioner's request. A response either granting or denying the petition will be sent to the petitioner after the rulemaking action is completed. A rulemaking initiation package is currently being prepared for EDO approval. The date for submitting the rulemaking package to the EDO is undetermined.

Agency Contact: Leroy Person, Office of Nuclear Material Safety and Safeguards, (301) 415-6701

15. Petitioner/Petition Docket Number: Measurex Corporation (PRM-150-3)
Federal Register Citation: October 5, 1994 (59 FR 50706)

Subject: Agreement States to notify the NRC of all proposed and completed regulatory actions

Summary: The petitioner requests that the Commission amend its regulations governing Agreement State regulation of byproduct material

to require that Agreement States notify the NRC of all proposed and completed regulatory actions. The petitioner also requests that the NRC amend its regulations governing rulemaking to require that the NRC publish Agreement State notices of proposed and completed rulemaking.

Timetable: A notice of receipt for this petition was published in the Federal Register on

October 5, 1994 (59 FR 50706). The comment period closed on December 19, 1994. Resolution of the petition is scheduled for October 1995. This petition for rulemaking is considered medium priority.

Agency Contact: Anthony DiPalo, Office of Nuclear Regulatory Research (301) 415-6191

D

(D) PETITIONS WITH DEFERRED ACTION

NONE

BIBLIOGRAPHIC DATA SHEET

(See instructions on the reverse)

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11. ABSTRACT (200 words or less)

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

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**II
PETITIONS**

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