

NUREG-0936  
Vol. 11, No. 1

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# NRC Regulatory Agenda

Quarterly Report  
January-March 1992

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U.S. Nuclear Regulatory Commission

Office of Administration



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None

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None



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None

## Preface

The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action, or has proposed 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 March 31, 1992. Section I, "Rules," includes (A) rules on which final action has been taken since December 31, 1991, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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 31, 1991; (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.

#### 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. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions.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

#### Public Participation in Rulemaking

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

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

### Additional Rulemaking Information

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

I-RULES

A

(A) Rules on which final action has been taken  
since December 31, 1991

TITLE:

\*Reorganization of the Office of Governmental and  
Public Affairs

RIN:

3156-AE10

CFR CITATION:

10 CFR 1

ABSTRACT:

The final rule reflects the Commission's decision to abolish the Office of Governmental and Public Affairs and to reassign its subordinate offices and functions. The final rule is necessary to inform the public of organizational changes within the NRC.

TIMETABLE:

Final Action Published 01/15/92 57 FR 1638  
Final Action Effective 01/15/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Donnie H. Grimsley  
Nuclear Regulatory Commissio  
Office of Administration  
Washington, DC 20555  
301 492-7211

TITLE:

\*Revisions to Procedures to Issue Orders

RIN:

3150-AE14

CFR CITATION:

10 CFR 2; 10 CFR 15

ABSTRACT:

The final rule amends the Commission's regulations to conform several sections in 10 CFR Parts 2 and 15 to the changes in Part 2 contained in the final rule "Revisions to Procedures to Issue Orders; Deliberate Misconduct by Unlicensed Persons," which was effective September 16, 1991 (56 FR 40678; August 15, 1991).

TIMETABLE:

Final Action Published 02/04/92 57 FR 4152  
Final Action Effective 02/04/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Mary E. Wagner  
Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, DC 20555  
301 492-3749

TITLE:

DOE-L or DOE-Q Reinvestigation Program for NRC-R  
Access Authorization Renewal Requirements

RIN:

3150-AE03

CFR CITATION:

10 CFR 11

ABSTRACT:

The final rule amends the Commission's regulations to allow an exception to NRC-R access authorization renewal requirements. The final rule allows acceptance of the DOE-L or DOE-Q Reinvestigation Program for NRC-R access authorization renewal requirements and clarifies for the licensee the documentation required by the NRC when an exception is used.

TIMETABLE:

Final Action Published 01/22/92 57 FR 2441  
Final Action Effective 02/21/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Rocio Castaneira  
Nuclear Regulatory Commission  
Office of Nuclear Material Safety and Safeguards  
Washington, DC 20555  
301 504-2392



TITLE:

NRC Licensee Reinvestigation Program

RIN:

3150-AD86

CFR CITATION:

10 CFR 25

ABSTRACT:

The final rule establishes a reinvestigation program for licensee personnel with NRC "Q" and "L" access authorizations and amends the fee schedule to recover the investigative costs.

TIMETABLE:

Final Action Published 01/31/92 57 FR 3719  
Final Action Effective 03/31/92

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

\*Fingerprint Cards: Resubmittal Procedure Change

RIN:

3150-AE19

CFR CITATION:

10 CFR 73

ABSTRACT:

The final rule amends the Commission's regulations to reflect an administrative change pertaining to the resubmittal of rejected fingerprint cards associated with granting access to Safeguards Information or for granting unescorted access to an operating nuclear power plant as required by Public Law 93-399. This amendment is necessary to conform to new procedures adopted by the Federal Bureau of Investigation.

TIMETABLE:

Final Action Published 03/04/92 57 FR 7645

Final Action Effective 04/03/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Charles Hendren  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, DC 20555  
301 504-3209

(B) Proposed Rules

B

TITLE:

Procedures Involving the Equal Access to Justice Act:  
Implementation

RIN:

3150-AA01

CFR CITATION:

10 CFR 1; 10 CFR 2

ABSTRACT:

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

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

TIMETABLE:

Proposed Action Published 10/28/81 46 FR 53189  
Proposed Action Comment Period Ends 11/28/81  
Next Action Undetermined

LEGAL AUTHORITY:

5 USC 504

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Procedures Involving the Equal Access to Justice Act:  
Implementation

AGENCY CONTACT:

John Cho  
Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, DC 20555  
301 504-1585

TITLE:

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

RIN:

3150-AD60

CFR CITATION:

10 CFR 2

ABSTRACT:

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

TIMETABLE:

Proposed Action Published 07/05/90 55 FR 27645  
Proposed Action Comment Period Ends 09/04/90  
Final Action Published 05/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John Cho  
Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, DC 20555  
301 504-1585

**TITLE:**

Uranium Enrichment Regulations

**RIN:**

3150-AD90

**CFR CITATION:**

10 CFR 2; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70;  
10 CFR 75; 10 CFR 110; 10 CFR 140; 10 CFR 150; 10 CFR  
170

**ABSTRACT:**

The proposed rule would amend the Commission's regulations governing the licensing of uranium enrichment facilities to conform to the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990, which amended the Atomic Energy Act (the Act). The principal amendment changed the definition of a production facility to exclude uranium enrichment. Licensing of uranium enrichment plants will be performed pursuant to 10 CFR Parts 40 and 70, rather than 10 CFR Part 50. A new Section 193 of the Act revised the requirements for licensing of enrichment facilities with respect to environmental review, adjudicatory hearings, inspection and operation, insurance and decommissioning, and indemnification. The proposed rule presents a number of administrative and conforming changes to 10 CFR Chapter I necessary to implement the requirements of the Act.

**TIMETABLE:**

Proposed Action Published 09/16/91 56 FR 46739  
Proposed Action Comment Period Ends 12/02/91  
Final Action to EDO 02/27/92  
Final Action to Commission (SECY-92-076) 03/09/92  
Final Action Published 05/00/92

**LEGAL AUTHORITY:**

Sections 53, 63, 161b, 193 of the Atomic Energy Act of 1954, as amended

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

Charles W. Nilsen  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3834

**TITLE:**

Clarification of Statutory Authority for Purposes of  
Criminal Enforcement

**RIN:**

3150-AD62

**CFR CITATION:**

10 CFR 11; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 25;  
10 CFR 26; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 33;  
10 CFR 34; 10 CFR 35; 10 CFR 39; 10 CFR 40; 10 CFR 50;  
10 CFR 52; 10 CFR 53; 10 CFR 54; 10 CFR 55; 10 CFR 60;  
10 CFR 61; 10 CFR 70; 10 CFR 71; 10 CFR 72; 10 CFR 73;  
10 CFR 74; 10 CFR 75; 10 CFR 95; 10 CFR 110; 10 CFR  
140; 10 CFR 150

**ABSTRACT:**

The proposed rule would amend the Commission's regulations by revising the authority citations accompanying some of the regulations in order to eliminate uncertainty concerning the authority for application of criminal sanctions under Title 10. These authority citations need to be amended to more clearly identify those violations which, if willfully violated, may subject the violator to potential criminal penalties. The NRC has been unable to refer some cases to the Department of Justice (DOJ) or the DOJ has had difficulty in prosecuting cases as a result of the gaps and inconsistencies in the existing authority citations. The proposed rule would specify which regulations were issued under subparagraphs "b", "i", or "o" of Section 161 of the Atomic Energy Act. These amendments would ensure that persons subject to the Commission's regulations are put on notice as to which regulations, if willfully violated, may subject them to criminal sanctions pursuant to Section 223 of the Atomic Energy Act. There is no alternative other than correcting these problems through rulemaking.

**TIMETABLE:**

Proposed Action Published 01/02/92 57 FR 222  
Proposed Action Comment Period Ends 03/18/92  
Final Action Published 10/00/92

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No



TITLE:

Clarification of Statutory Authority for Purposes of  
Criminal Enforcement

AGENCY CONTACT:

Geoffrey Cant  
Nuclear Regulatory Commission  
Office of Enforcement  
Washington, DC 20555  
301 504-3283

TITLE:

Exclusion of Attorneys From Interviews Under Subpoena

RIN:

3150-AE11

CFR CITATION:

10 CFR 19

ABSTRACT:

The proposed rule would amend the Commission's regulations to provide for the exclusion of an attorney from interviews of a subpoenaed witness when that attorney represents multiple interests and there is concrete evidence that this representation would obstruct and impede the investigation. The proposed amendments are intended to promote candor in the investigative process and to facilitate an expeditious resolution of agency investigations. The proposed amendments are not expected to have any significant economic impact on the NRC or its licensees. Concurrently, the NRC published a final rule (December 19, 1991; 56 FR 46548) revoking its previously published attorney exclusion regulations. Those regulations were vacated upon judicial review.

TIMETABLE:

Proposed Action Published 12/19/91 56 FR 65949  
Proposed Action Comment Period Ends 02/18/92  
Final Action Published 08/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Roger K. Davis  
Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, DC 20555  
301 504-1606

TITLE:

Licenses and Radiation Safety Requirements for Large Irradiators

RIN:

3150-AC98

CFR CITATION:

10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 30; 10 CFR 36;  
10 CFR 40; 10 CFR 51; 10 CFR 70; 10 CFR 170

ABSTRACT:

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

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

TIMETABLE:

Proposed Action Published 12/04/90 55 FR 50008  
Proposed Action Comment Period Ends 03/04/91  
Proposed Action Comment Period Extended to 04/15/91  
Final Action to EDO 08/00/92  
Final Action to Commission 09/00/92  
Final Action Published 11/00/92

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

TITLE:

Licenses and Radiation Safety Requirements for Large  
Irradiators

AGENCY CONTACT:

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

TITLE:

Disposal of Waste Oil by Incineration from Nuclear Power Plants

RIN:

3150-AC14

CFR CITATION:

10 CFR 20

ABSTRACT:

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

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

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

TIMETABLE:

Proposed Action Published 09/29/83 53 FR 32914  
Proposed Action Comment Period Ends 10/28/88  
Final Action to Offices for Concurrence 12/15/89  
Final Action to EDO 10/05/90  
Revised Final Action to EDO 03/21/91  
Final Action to Commission Undetermined  
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2167; 42 USC 2073

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Disposal of Waste Oil by Incineration from Nuclear  
Power Plants

AGENCY CONTACT:

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

TITLE:

Decommissioning Recordkeeping and License Termination:  
Documentation Additions

RIN:

3150-AD98

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 70; 10 CFR 72

ABSTRACT:

The proposed rule, in conjunction with the decommissioning rule published on June 27, 1988 (53 FR 24018), would modify the Commission's decommissioning regulations to make them more specific and more easily implemented. Current regulations require recordkeeping provisions as well as termination plans or their equivalent to be filed with the Commission at cessation of operations. However, the current rules do not specify a listing of the land, structures, and equipment of the licensed facility or the submittal of an operating history of the facility. This type of information is important to ensure that all features and aspects of the facility and its attendant activities that could have the potential for resulting in radioactive contamination have been dealt with in the decommissioning process and that a record exists that can be stored for future reference which contains the relevant features of the license termination process requirements.

There does not appear to be any reasonable alternative to rulemaking action. However, based on the recordkeeping requirements contained in the June 27, 1988, final rule, it is expected that most of the information explicitly required in the proposed amendments will be available with minimal effort. While proposed amendments will affect all licensees, it is anticipated that the requirements will place minimal burden on them. Moreover, ensuring that the information is explicitly available should help expedite NRC approval of licensee decommissioning activities and may reduce the overall licensee and NRC efforts required to terminate a license.

TITLE:

Decommissioning Recordkeeping and License Termination:  
Documentation Additions

TIMETABLE:

Proposed Action Published 10/07/91 56 FR 50524  
Proposed Action Comment Period Ends 12/23/91  
Final Action to EDO 05/29/92  
Final Action to Commission 06/30/92  
Final Action Published 08/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Carl Feldman  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3883



TITLE:

Requirements for Possession of Industrial Devices  
Containing Byproduct Material

RIN:

3150-AD34

CFR CITATION:

10 CFR 31; 10 CFR 32

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. The proposed rule would impose a small burden on device users and the NRC.

TIMETABLE:

Proposed Action Published 12/27/91 56 FR 67011  
Proposed Action Comment Period Ends 03/12/92  
Final Action to EDO 08/14/92  
Final Action to Commission 08/31/92  
Final Action Published 10/00/92

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2114; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE:

Training and Qualification of Nuclear Power Plant  
Personnel

RIN:

3150-AD80

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations to require each applicant and holder of a license to operate a nuclear power plant to establish and use a systems approach in developing training programs for management, supervisory, professional, and technical workers who have an impact on the health and safety of the public. The objective of the proposed rule is to meet the directives contained in Section 306 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The proposed rule generally reflects current industry practice.

TIMETABLE:

Proposed Action Published 01/07/92 57 FR 537  
Proposed Action Comment Period Ends 03/09/92  
Final Action to EDO 09/30/92  
Final Action to Commission 10/30/92  
Final Action Published 11/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

**TITLE:**

Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987/1988 Addenda, 1989 Edition)

**RIN:**

3150-AD05

**CFR CITATION:**

10 CFR 50

**ABSTRACT:**

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

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

This action will be handled as a routine updating of 10 CFR 50.55a of the NRC regulations. There is no reasonable alternative to rulemaking action.

**TIMETABLE:**

Proposed Action Published 01/31/91 56 FR 3796  
Proposed Action Comment Period Ends 04/16/91

TITLE:

Codes and Standards for Nuclear Power Plants (ASME  
Code, 1986/1987/1988 Addenda, 1989 Edition)

TIMETABLE: (CONT)

Final Action Submitted for Division Review 09/24/91  
Final Action to CRGR 04/15/92  
Final Action to EDO 05/15/92  
Final Action Published 06/00/92

LEGAL AUTHORITY:

42 USC 2201, 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Decommissioning Funding for Prematurely Shutdown Power Reactors

RIN:

3150-AD89

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations on the timing of the collection of funds for decommissioning for those nuclear power reactors that have shut down before the expected end of their operating lives. The proposed rule would require that the NRC evaluate decommissioning funding plans for power reactors that shut down prematurely on a case-by-case basis. Based upon comments received, a final rule has been prepared and will be forwarded for Commission consideration.

TIMETABLE:

Proposed Action Published 08/21/91 56 FR 41493  
Proposed Action Comment Period Ends 11/04/91  
Complete Analysis of Comments 01/06/92  
Final Action to Offices for Concurrence 03/21/92  
Recommendation to Commission 05/00/92  
Final Action Published 06/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Robert Wood  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, DC 20555  
301 504-1255

TITLE:

Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

RIN:

3150-AA86

CFR CITATION:

10 CFR 50; Appendix J

ABSTRACT:

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

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

The proposed rule would eliminate inconsistencies and obsolete requirements and provide a higher degree of confidence in the leak-tight integrity of containment system boundaries under post-loss of coolant accident conditions.

TIMETABLE:

Proposed Action Published 10/29/86 51 FR 39538  
Proposed Action Comment Period Extended 04/24/87  
52 FR 2416  
CRGR Briefings 10/24/90, 01/23/91, 02/12/91  
ACRS Review 05/09/91  
Final Action to EDO 10/18/91  
Final Action to Commission 10/25/91  
Final Action Published Undetermined

TITLE:

Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

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

RIN:

3150-AA31

CFR CITATION:

10 CFR 51

ABSTRACT:

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

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

The proposed rule to provide an explanatory narrative for Table S-3 has been revised to reflect new model 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



**TITLE:**

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

**ABSTRACT: (CONT)**

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).

**TIMETABLE:**

Proposed Action Published 03/04/81 46 FR 15154  
Proposed Action Comment Period Ends 05/04/81  
Proposed Action for Division Review 05/27/88  
Proposed Action for Office Review 12/20/90  
Proposed Action to EDO Undetermined  
Proposed Action Published Undetermined

**LEGAL AUTHORITY:**

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

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**

**AGENCY CONTACT:**

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

TITLE:

License Renewal for Nuclear Power Plants; Scope of Environmental Effects

RIN:

3150-AD63

CFR CITATION:

10 CFR 51

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.

TIMETABLE:

ANPRM Published 07/23/90 55 FR 29964  
ANPRM Comment Period Ends 10/22/90  
Proposed Action Published 09/17/91 56 FR 47016  
Proposed Action Comment Period Ends 12/16/91  
Proposed Action Comment Period Extended to 03/16/91  
Final Action Published 12/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

**TITLE:**

Elimination of Inconsistencies Between NRC Regulations  
and EPA HLW Standards

**RIN:**

3150-AC03

**CFR CITATION:**

10 CFR 60

**ABSTRACT:**

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

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

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

Because the Federal Court invalidated the EPA standards, action on this rule is undetermined.

**TIMETABLE:**

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

**LEGAL AUTHORITY:**

42 USC 10101

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

TITLE:

Elimination of Inconsistencies Between NRC Regulations  
and EPA HLW Standards

AGENCY CONTACT:

Janet Lambert  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3855

**TITLE:**

Conforming Guidance on Low Level Waste Disposal  
Facilities with 10 CFR Part 61

**RIN:**

3150-AE00

**CFR CITATION:**

10 CFR 61

**ABSTRACT:**

The proposed rule would amend the Commission's regulations to require the applicant for a low-level waste (LLW) disposal facility license to provide information on the "quality assurance (QA) program, tailored to LLW disposal" that is planned for the facility instead of the "quality control (QC) program." The proposed rule would also amend Part 61 to clarify that above-ground disposal methods such as above-ground vaults are included within the regulatory scope of Part 61. The rulemaking will also correct an administrative error in § 61.80(i)(1) which directs licensees to submit copies of the required annual report to the Director, Division of High-Level Waste Management, rather than the Director, Division of Low-Level Waste Management and Decommissioning.

The Commission has determined that these changes are needed to reduce regulatory uncertainty or confusion in the current regulation. These amendments will codify existing NRC positions or correct administrative errors and are not extensive. The proposed changes should simplify LLW disposal facility licensing interactions for the NRC, Agreement States, and potential applicants for LLW disposal licenses.

**TIMETABLE:**

Proposed Action Published 03/06/92 57 FR 8093  
Proposed Action Comment Period Ends 04/06/92  
Final Action EDO 06/00/92  
Final Action to Commission 06/00/92  
Final Action Published 07/00/92

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

TITLE:

Conforming Guidance on Low Level Waste Disposal  
Facilities with 10 CFR Part 61

AGENCY CONTACT:

Janet A. Lambert  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3857

TITLE:

Minor Amendments to the Physical Protection Requirements

RIN:

3150-AD03

CFR CITATION:

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

ABSTRACT:

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

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

TIMETABLE:

Proposed Action Published 08/15/89 54 FR 33570  
Proposed Action Comment Period Ends 09/29/89  
Final Action for Office Review 05/13/91  
Final Action to EDO 03/25/92  
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Minor Amendments to the Physical Protection  
Requirements

AGENCY CONTACT:

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



**TITLE:**

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

**RIN:**

3150-AC41

**CFR CITATION:**

10 CFR 71

**ABSTRACT:**

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

**TIMETABLE:**

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

TITLE:

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

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

**TITLE:**

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

**RIN:**

3150-AD30

**CFR CITATION:**

10 CFR 73, Appendix H

**ABSTRACT:**

The proposed rule would amend the Commission's regulations to include day firing qualification courses in each type of required weapon as well as a standardized physical fitness training course and fitness standards for security personnel. Current regulations require day firing qualification using a national police course or equivalent for handguns and an NRA or nationally recognized course for semiautomatic weapons. The firing course specified for shotguns is in need of revision. Recent amendments to Part 73 added a requirement for night firing qualification using specific, designated firing courses. To ensure uniformity, the current day firing requirements should be compatible.

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

Alternatives to the rulemaking would be to allow the status quo to continue. Standardization of day firing courses to be consistent with those established for night firing would be of negligible cost to the 3-4 affected licensees and to the NRC because day firing qualification using a variety of firing courses is already being done. Physical fitness training programs would incur moderate costs to the licensees in the area of personnel time and limited physical fitness equipment.

TITLE:

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

TIMETABLE:

Proposed Action Published 12/13/91 56 FR 65024  
Proposed Action Comment Period Ends 03/12/92  
Final Action to EDO 09/20/92  
Final Action to Commission 10/15/92  
Final Action Published 12/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

**TITLE:**

Criteria for an Extraordinary Nuclear Occurrence

**RIN:**

3150-AB01

**CFR CITATION:**

10 CFR 140

**ABSTRACT:**

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

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

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

**TIMETABLE:**

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

**LEGAL AUTHORITY:**

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

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

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

TITLE:

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

RIN:

3150-AC57

CFR CITATION:

10 CFR 150

ABSTRACT:

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

TIMETABLE:

Proposed Action Published 08/22/88 53 FR 31880  
Proposed Action Comment Period Ends 10/21/88  
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2021; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Limited Revision of Fee Schedules

RIN:

3150-AE13

CFR CITATION:

10 CFR 170; 10 CFR 171

ABSTRACT:

The proposed rule would amend the Commission's regulations to shorten billing intervals for some license fees under 10 CFR Part 170 and to reduce the amount of annual fees assessed to some small entities under 10 CFR Part 171. The change to Part 170 would result in improved NRC financial management. The change to Part 171 would reduce the impact of future annual fees on certain small materials licensees. This rulemaking continues Commission effort to comply with Pub. L. 101-508. There is no suitable alternative to rulemaking for this action.

TIMETABLE:

Proposed Action Published 01/09/92 57 FR 847  
Proposed Action Comment Period Ends 02/10/92  
Final Action to Commission (SECY-92-107) 03/24/92  
Final Action Published 04/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5846; Pub. L. 101-508

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE:

NRC Acquisition Regulation (NRCAR)

RIN:

3150-AC01

CFR CITATION:

48 CFR Chapter 20, Parts 1-52

ABSTRACT:

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

TIMETA E:

Proposed Action Published 10/02/89 54 FR 40420  
Proposed Action Comment Period Ends 12/01/89  
Final Action Published 07/00/92

LEGAL AUTHORITY:

41 USC 401 et seq.; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William H. Foster  
Nuclear Regulatory Commission  
Office of Administration  
Washington, DC 20555  
301 492-7348



(C) Advance Notices of Proposed Rulemaking

C

**TITLE:**

Radioactive Waste Below Regulatory Concern; Generic Rulemaking

**RIN:**

3150-AC35

**CFR CITATION:**

10 CFR 2; 10 CFR 20

**ABSTRACT:**

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

**TIMETABLE:**

ANPRM Action Published 12/02/86 51 FR 43367  
ANPRM Comment Period Ends 03/02/87  
Proposed Action Published Undetermined  
Final Action Published Undetermined

**LEGAL AUTHORITY:**

Pub. L. 99-240

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** Undetermined

**AGENCY CONTACT:**

Paul Kovach  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3729

TITLE:

Comprehensive Quality Assurance in Medical Use and a  
Standard of Care

RIN:

3150-AC42

CFR CITATION:

10 CFR 35

ABSTRACT:

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

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

**TITLE:**

Medical Use of Byproduct Material: Training and Experience Criteria

**RIN:**

3150-AC99

**CFR CITATION:**

10 CFR 35

**ABSTRACT:**

The advance notice of proposed rulemaking (ANPRM) discussed amending Commission regulations concerning training and experience criteria for individuals involved in the medical use of byproduct material. Public comments on this ANPRM have been received and reviewed; a contractor has prepared a study of training, accreditation, and certification programs now in place; and in July 1990, the Office of Nuclear Material Safety and Safeguards provided their analysis and proposed course of action to the Advisory Committee on Medical Uses of Isotopes (ACMUI) for consideration and response. Based on the results of the foregoing actions, the EDO approved the withdrawal of this ANPRM on August 5, 1991. A notice of withdrawal is scheduled to be published in the Federal Register in May 1992.

**TIMETABLE:**

ANPRM Published 05/25/88 53 FR 18845  
ANPRM Comment Period Ends 08/24/88  
Notice of Withdrawal Published 05/00/92

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

Larry Camper  
Nuclear Regulatory Commission  
Office of Nuclear Material Safety and Safeguards  
Washington, DC 20555  
301 504-3417

**TITLE:**

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

**RIN:**

3150-AD10

**CFR CITATION:**

10 CFR 50

**ABSTRACT:**

The advance notice of proposed rulemaking (ANPRM) would develop regulations requiring enhanced receipt inspection and testing of products purchased for use in nuclear power plant structures, systems, and components. This ANPRM was published to solicit public comments on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements. Based upon comment analysis, the staff recommended to the Commission that this rule be withdrawn. The Commission has approved withdrawal of this rulemaking. A notice of withdrawal will be published in the Federal Register in May 1992.

**TIMETABLE:**

ANPRM Published 03/06/89 54 FR 9229  
ANPRM Comment Period Ends 07/05/89  
Analysis of Comments 11/30/89  
EDO Recommendation to Commission  
to Withdraw this Rulemaking 02/18/92  
Notice of Withdrawal Published 05/00/92

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** Yes

**AGENCY CONTACT:**

Leif J. Norrholm  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, DC 20555  
301 504-0961

TITLE:

Import and Export of Radioactive Wastes

RIN:

3150-AD36

CFR CITATION:

10 CFR 110

ABSTRACT:

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

TIMETABLE:

ANPRM Action Published 02/07/90 55 FR 4181  
ANPRM Public Comment Period Extended to 04/24/90  
55 FR 10786  
Proposed Action to EDO 08/19/91  
Proposed Action to Commission (SECY-91-265) 09/15/91  
Commission approved Proposed Action 10/07/91  
Proposed Action Published 05/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Elaine Hemby  
Nuclear Regulatory Commission  
Office of International Programs  
Washington, DC 20555  
301 504-2341

(D) Unpublished Rules

D

**TITLE:**

Revised Rules of Practice for Domestic Licensing Proceedings

**RIN:**

3150-AB66

**CFR CITATION:**

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

**ABSTRACT:**

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

**TIMETABLE:**

Proposed Action Published 12/00/92  
Final Action Published 06/00/93

**LEGAL AUTHORITY:**

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

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

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



**TITLE:**

Availability of Official Records

**RIN:**

3150-AC07

**FR CITATION:**

10 CFR 2

**ABSTRACT:**

The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that 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 to the National Technical Information Service Center. 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.

TITLE:

Availability of Official Records

TIMETABLE:

Proposed Action to Offices for Concurrence 03/09/92  
Proposed Action to Commission Undetermined  
Proposed Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Catherine Holzle  
Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, DC 20555  
301 504-1560

TITLE:

Discrimination on the Basis of Sex

RIN:

3150-AD50

CFR CITATION:

10 CFR 2; 10 CFR 19

ABSTRACT:

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

TIMETABLE:

Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES

No

AGENCY CONTACT:

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

TITLE:

Revision of Specific Exemptions

RIN:

31.0-AD83

CFR CITATION:

10 CFR 9

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. Once these amendments become final, the NRC will revise its Systems of Records NRC-18, "Office of the Inspector General Index File and Associated Records," maintained by the NRC Office of the Inspector General.

TIMETABLE:

Proposed Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Low-Level Waste Manifest Information and Reporting

RIN:

3150-AD33

CFR CITATION:

10 CFR 20; 10 CFR 61

ABSTRACT:

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

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

Pursuant to Part 20, a manifest must accompany each shipment of LLW to a disposal facility. Unfortunately, existing manifests do not describe the waste in detail sufficient to ensure compliance with Part 61 performance objectives.

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

TITLE:

Low-Level Waste Manifest Information and Reporting

ABSTRACT: (CONT)

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

We do not expect that the rulemaking will increase disposal costs. The rulemaking is a budgeted activity cited in the NRC 5-year plan.

TIMETABLE:

Proposed Action to EDO 12/13/91  
Proposed Action to Commission (SECY-91-415) 12/27/91  
Proposed Action Published 05/00/92  
Final Action to EDO 03/15/93  
Final Action to Commission 03/30/93  
Final Action Published 04/00/93

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Mark Haisfield/W. Lahs  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Office of Nuclear Material Safety and Safeguards  
Washington, DC 20555  
301 492-3877/301 504-2569

**TITLE:**

Radiological Criteria for Decommissioning of Nuclear Facilities

**RIN:**

3150-AD65

**CFR CITATION:**

10 CFR 20

**ABSTRACT:**

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

**TIMETABLE:**

Proposed Action Published Undetermined  
Final Action Published Undetermined

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** Yes

TITLE:

Radiological Criteria for Decommissioning of Nuclear  
Facilities

AGENCY CONTACT:

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



**TITLE:**

Clarification of Reporting of Defects and Noncompliance  
for Materials Facilities

**RIN:**

3150-AE18

**CFR CITATION:**

10 CFR 21

**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 the 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 to a parallel review of these regulations as they apply to materials licensees. The proposed rule would relax certain requirements on small licensees and, therefore, would result in some cost savings to them because the requirements imposed on these licensees would be more reasonable and enforceable.

**TIMETABLE:**

Proposed Action to EDO 08/31/92  
Proposed Action to Commission 09/30/92  
Proposed Action Published 11/00/92  
Final Action Published 10/00/93

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5846

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** Yes

**AGENCY CONTACT:**

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

TITLE:

Fitness-for-Duty Requirements for Licensees Who Possess, Use, or Transport Category I Material

RIN:

3150-AD68

CFR CITATION:

10 CFR 26

ABSTRACT:

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

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

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

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

TITLE:

Fitness-for-Duty Requirements for Licensees Who Possess, Use, or Transport Category I Material

TIMETABLE:

Proposed Action to EDO 12/02/91  
Proposed Action to Commission (SECY-91-395) 12/06/91  
Proposed Action Published 04/22/92  
Final Action to EDO 10/31/92  
Final Action to Commission 11/15/92  
Final Action Published 12/31/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

**TITLE:**

Permit Non-Electric Utility Reactor Licensees to Satisfy the Financial Requirements of the Decommissioning Regulations Through Self-Guarantee

**RIN:**

3150-AE16

**CFR CITATION:**

10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 70; 10 CFR 72

**ABSTRACT:**

The proposed rule would amend the Commission's regulations by revising the current decommissioning financial assurance requirements to allow non-electric utility reactor licensees who meet stringent financial criteria tests to provide self-guarantee as a means to comply with the decommissioning regulations. Under the current decommissioning regulations, non-electric utility reactor licensees are permitted to provide financial assurance of decommissioning funds through (1) prepayment or external sinking fund in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities; (2) surety method or insurance in the form of a surety bond, letter of credit, or line of credit; or (3) parent company guarantee. These funding methods do not permit non-electric utility reactor licensees to provide financial assurance by submitting a self-guarantee that meets or exceeds the criteria for a qualifying parent company guarantee. The need for a proposed rule in response to a petition for rulemaking (Docket No. PRM-30-59) submitted by the General Electric Company and Westinghouse Electric Corporation is being reevaluated.

**TIMETABLE:**

Proposed Action to EDO 04/30/92  
Proposed Action to Commission 05/15/92  
Proposed Action Published Undetermined  
Final Action Published Undetermined

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

Clark Prichard  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3734

TITLE:

Timeliness in Decommissioning of Materials Facilities

RIN:

3150-AD85

CFR CITATION:

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

ABSTRACT:

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

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

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

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

TITLE:

Timeliness in Decommissioning of Materials Facilities

TIMETABLE:

Proposed Action to EDO 01/27/92  
Proposed Action to Commission (SECY-92-057) 02/19/92  
Proposed Action Published 05/00/92  
Final Action Published 10/30/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N

AGENCY CONTACT:

Paul Kovach  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3729

TITLE:

Restrict Accessible Air Gap Between the Radioactive Source and the Detector for Generally Licensed Devices

RIN:

3150-AD82

CFR CITATION:

10 CFR 31; 10 CFR 32

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.

TIMETABLE:

Proposed Action to EDO 03/27/92  
Proposed Action to Commission 04/00/92  
Proposed Action Published 05/29/92  
Final Action 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: No

AGENCY CONTACT:

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

TITLE:

Radiography and Radiation Safety Requirements for  
Radiography Operations

RIN:

3150-AE07

CFR CITATION:

10 CFR 34

ABSTRACT:

The proposed rule would amend the Commission's regulations on licenses for radiography and radiation safety requirements for radiographic operations. 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 and Canadian atomic energy control regulations that relate to radiography will be consulted.

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.

TIMETABLE:

Completion of Options Paper 04/00/92  
Proposed Action to Offices for Concurrence 05/31/92  
Proposed Action to EDO 08/31/92  
Proposed Action to Commission 09/30/92  
Proposed Action Published 11/00/92  
Final Action Published 11/00/93

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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



TITLE:

Iridium-192 Wire for Interstitial Treatment of Cancer

RIN:

3150-AD46

CFR CITATION:

10 CFR 36

ABSTRACT:

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

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

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

RIN:

3150-AD69

CFR CITATION:

10 CFR 35

ABSTRACT:

The proposed rule would examine the Commission's regulations related to the compounding of radiopharmaceuticals, the use of biologics containing byproduct material, and the medical research uses of radiopharmaceuticals. The NRC's response to the petition for rulemaking submitted by the American College of Nuclear Physicians and the Society of Nuclear Medicine (PRM-35-9) could result in denial of the petition or proposed rulemaking that would grant all or part of the petition.

TIMETABLE:

Proposed Action to EDO 11/16/92  
Proposed Action to Commission 11/30/92  
Proposed Action Published 02/28/93  
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Anthony Tse  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3727

**TITLE:**

Change to Part 50 to Update Source Term and Replace  
Dose Calculation

**RIN:**

3150-AD91

**CFR CITATION:**

10 CFR 50

**ABSTRACT:**

The proposed rule would amend 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 NRC is presently in the process of reviewing advanced reactor designs. The DOE has also indicated that it intends to seek review for an early site permit, as permitted by 10 CFR Part 52, by early 1993. Therefore, this rulemaking is viewed as having a high priority. The only alternative to rulemaking would be to continue present staff practice utilizing an outdated source term formulation derived from Technical Information Document (TID) 14844, issued in 1962, coupled with the use of the guideline dose values in 10 CFR Part 100, not only for reactor siting, but for plant design as well.

This rulemaking action comprises two phases. The first phase is described in the proposed rule titled, "Change to Part 100 to Add Site Criteria, Update Appendix A and Remove Dose Calculations; Interim Change to Part 50 to Add Source Term and Dose Calculations (3150-AD92)." The second phase will consist of the issuance of an advance notice of proposed rulemaking (ANPRM), followed by a final revision of 10 CFR Part 50 to incorporate updated source term and severe accident research insights into plant design requirements for future light water reactors. The intent of this second phase of rulemaking is expected to provide additional requirements for future light water reactors regarding severe accident prevention and mitigation, and is expected to substantially reduce the risks from these events.

**TIMETABLE:**

Proposed Action to ACRS 07/01/92  
Proposed Action to CRGR 08/03/92  
Proposed Action to EDO 08/17/92  
Proposed Action to Commission 09/15/92  
Proposed Action Published 10/30/92  
Final Action Published 08/00/93

TITLE:

Change to Part 50 to Update Source Term and Replace  
Dose Calculation

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Leonard Soffer  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3916

TITLE:

Minor Modifications to Nuclear Power Reactor Event Reporting

RIN:

3150-AE12

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations to make minor modifications to the current nuclear power reactor event reporting requirements. The proposed amendments would apply to all nuclear power reactor licensees and would delete reporting requirements for some events that have been determined to be of little or no safety significance. This proposed amendments would reduce the industry's reporting burden and the NRC's response burden in event review and assessment.

TIMETABLE:

Proposed Action Published 05/00/92  
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Raji Tripathi  
Nuclear Regulatory Commission  
Office of Analysis and Evaluation  
of Operational Data  
Washington, DC 20555  
301 492-4435

TITLE:

\*Codes and Standards for Nuclear Power Plants (ASME B&PV Code, 1989/1990/1991 Addenda and 1992 Edition, and the ASME OM Code-1990)

RIN:

3150-AE26

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations to incorporate by reference the 1989 Addenda, 1990 Addenda, 1991 Addenda, and 1992 Edition of Section III, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME B&PV Code); the 1989 Addenda, 1990 Addenda, 1991 Addenda, and 1992 Edition of Section XI, Division 1, of the ASME B&PV Code; and the ASME OM Code-1990. The ASME B&PV Code provides rules for the construction of light-water-cooled nuclear power plant components in Section III, Division 1, and rules for the inservice inspection of those components in Section XI, Division 1. The ASME OM Code provides rules for the inservice testing of pumps, valves, and snubbers.

The proposed rule would update the existing reference to the ASME B&PV Code; would incorporate by reference the ASME OM Code; and would expand the scope of § 50.55a to include inservice testing of snubbers. The proposed rule would permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. These actions would save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission. Implementation of the proposed requirements on an expedited basis would also improve the quality of inservice inspections on a timely basis.

TIMETABLE:

Task Approved for Initiation by EDO 02/25/92  
Proposed Action to Offices for Concurrence 10/00/92  
Proposed Action to CRGR 12/01/92  
Proposed Action to ACRS 01/05/93  
Proposed Action to EDO 03/01/93  
Proposed Action to Commission 05/01/93  
Proposed Action Published 06/00/93  
Final Action Published 03/00/94

TITLE:

\*Codes and Standards for Nuclear Power Plants (ASME B&PV Code, 1989/1990/1991 Addenda and 1992 Edition, and the ASME OM Code-1990)

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Wan Cheng (Winston) Liu  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3822

TITLE:

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

RIN:

3150-AC93

CFR CITATION:

10 CFR 50

ABSTRACT:

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

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

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



TITLE:

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

ABSTRACT: (CONT)

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

TIMETABLE:

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

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

**TITLE:**

Clarification of Emergency Preparedness Regulations;  
Exercise Requirements

**RIN:**

3150-AD40

**CFR CITATION:**

10 CFR 50

**ABSTRACT:**

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

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

**TIMETABLE:**

Request to Terminate Rulemaking to EDO Undetermined

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

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

TITLE:

\*Receipt of Byproduct and Special Nuclear Material

RIN:

3150-AE04

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's regulations governing the conditions of licenses for production and utilization facilities to allow a reactor licensee to receive byproduct and special nuclear material that is produced by operating the reactor. The proposed rule would permit a nuclear power plant licensee to receive low-level radioactive waste generated at that nuclear power plant after the waste has been sent offsite to be reduced in volume by compaction or incineration.

TIMETABLE:

Proposed Action Published 05/00/92

LEGAL AUTHORITY:

42 USC 2132; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Lemoine J. Cunningham  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, DC 20555  
301 492-1086

TITLE:

\*Loss of All Alternating Current Power

RIN:

3150-AE06

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would require licensees to test and monitor the reliability of emergency diesel generators (EDG) against criteria that are consistent with the EDG target levels selected for compliance with the requirements for station blackout. The reliability of onsite emergency alternating current sources is a major factor in assuring acceptable safety at light-water-cooled nuclear power plants.

TIMETABLE:

Proposed Action Published 04/21/92  
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2237; 42 USC 5841; 42 USC 5842;  
42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Aleck Serkiz  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3942

**TITLE:**

Emergency Planning Regulations for Part 52 Licensing

**RIN:**

3150-AD48

**CFR CITATION:**

10 CFR 50

**ABSTRACT:**

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

**TIMETABLE:**

Proposed Action to CRGR/ACRS 01/15/90  
Proposed Action to EDO 03/07/90  
Proposed Action to Commission (SECY-90-103) 03/20/90  
Proposed Action Published Undetermined  
Final Action Published Undetermined

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

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

TITLE:

Fracture Toughness and Reactor Vessel Material  
Surveillance Requirements

RIN:

3150-AD57

CFR CITATION:

10 CFR 50; Appendices G and H

ABSTRACT:

The proposed rule would amend Appendices G and H of 10 CFR Part 50. Appendix G, Fracture Toughness Requirements, provides the basis for calculating the pressure-temperature limits that appear in the Technical Specifications for every plant. Appendix H contains requirements for a reactor vessel material surveillance program.

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

The proposed rule would clarify the NRC's position on pressure testing by removing some language from paragraph IV.A.5 of Appendix G, 10 CFR Part 50 and adding a sentence to require that the pressure tests required by the ASME Code, Section XI, be performed before the reactor is taken critical following a shutdown and that the primary coolant system be essentially water solid during the test. The CRGR agreed with this approach at their meeting on November 29, 1989.

The proposed rule would clarify the requirements in paragraph IV.B. of Appendix G, which requires that reactor vessels be designed to permit annealing if they are predicted to undergo embrittlement to specified levels. In addition, other paragraphs will be modified

TITLE:

Fracture Toughness and Reactor Vessel Material  
Surveillance Requirements

ABSTRACT: (cont)

for clarification purposes. The proposed rule would also update the list of editions of ASTM Standard Practice E 185 that are incorporated to include the 1992 edition, which is now in the final balloting stages.

The added costs to licensees to implement these changes in requirements will be minimal--even a cost savings in many cases.

TIMETABLE:

Proposed Action to EDO 12/00/92  
Proposed Action to Commission 01/00/93  
Proposed Action Published 02/00/93  
Final Action Published 01/00/94

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

Change to Part 100 to Add Site Criteria, Update Appendix A and Remove Dose Calculations; Interim Change to Part 50 to Add Source Term and Dose Calculations

RIN:

3150-AD92

CFR CITATION:

10 CFR 50; 10 CFR 100

ABSTRACT:

The proposed rule would amend the Commission's regulations to decouple source term and to permit dose calculations from reactor siting and the use of updated source term insights for future light water reactors. The NRC is presently in the process of reviewing advanced reactor designs. The DOE has also indicated that it intends to seek review for an early site permit, as permitted by 10 CFP Part 52, by early 1993. Therefore, this rulemaking is viewed as having a high priority. The only alternative to rulemaking would be to continue present staff practice utilizing an outdated source term formulation derived from Technical Information Document (TID) 14844, issued in 1962, coupled with the use of the guideline dose values in 10 CFR Part 100, not only for reactor siting, but for plant design as well.

This rulemaking action comprises two phases. In the first phase, Part 100 will be revised by removing source term and dose criteria and adding site criteria (e.g., exclusion area size and population density). Appendix A to 10 CFR Part 100 will also be revised to update understanding of geologic and seismic knowledge regarding reactor siting. Source term and dose calculations will continue to be used for assessment of plant systems and will be placed in an interim change to 10 CFR Part 50. The second phase of this rulemaking action is described in the proposed rule titled, "Change to Part 50 to Update Source Term and Dose Calculations (3150-AD91)."

The intent of this first phase of rulemaking is basically to codify present staff criteria, expressed in Regulatory Guide 4.7. This represents no substantive change in NRC criteria. It will make NRC's siting criteria more explicit and understandable, especially in regard to the Commission's Safety Goal Policy.



TITLE:

Change to Part 100 to Add Site Criteria, Update  
Appendix A and Remove Dose Calculations; Interim Change  
to Part 50 to Add Source Term and Dose Calculations

TIMETABLE:

Proposed Action to CRGR 03/19/92  
Proposed Action to EDO 05/29/92  
Proposed Action to Commission 06/15/92  
Proposed Action Published 07/15/92  
Final Action Published 03/31/93

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Leonard Soffer  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3916

TITLE:  
Repository Operations Criteria

RIN:  
3150-AD51

CFR CITATION:  
10 CFR 60

ABSTRACT:

The proposed rule would amend the Commission's regulations concerning additional preclosure regulatory requirements for high-level waste geologic repositories. Several issues associated with preclosure regulatory requirements have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. These involve: (1) the lack of clearly prescribed requirements for the establishment of a controlled-use area intended to protect public health and safety in the event of a postulated radionuclide release; and (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 1982, as amended, and milestones pertaining to DOE's production schedule in the Mission Plan amendments, guidance is needed from NRC on these matters to enable DOE to proceed with the siting of a geologic repository.

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

TIMETABLE:

Proposed Action to EDO 07/31/92  
Proposed Action to Commission 08/31/92  
Proposed Action Published 09/00/92  
Final Action Published Undetermined

LEGAL AUTHORITY:

Public Law 97-425; 42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Repository Operations Criteria

AGENCY CONTACT:

Hysore Nataraja  
Nuclear Regulatory Commission  
Office of Nuclear Material Safety  
and Safeguards  
Washington, DC 20555  
301 504-3459

**TITLE:**

Emergency Planning for Independent Spent Fuel Storage  
Facilities (ISFSI) and Monitored Retrievable Storage  
Facilities (MRS)

**RIN:**

3150-AE17

**CFR CITATION:**

10 CFR 72

**ABSTRACT:**

The proposed rule would amend the Commission's regulation to provide, as directed by the Nuclear Waste Policy Act of 1982, for the emergency planning licensing requirements for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS).

**TIMETABLE:**

Proposed Action to ACNW 05/28/92  
Proposed Action to EDO 08/03/92  
Proposed Action to Commission 09/01/92  
Proposed Action Published 10/00/92  
Final Action Published Undetermined

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

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

**TITLE:**

List of Approved Spent Fuel Storage Casks: Additions

**RIN:**

3150-AE15

**CFR CITATION:**

10 CFR 72

**ABSTRACT:**

The proposed rule would amend the Commission's regulations which allow the storage of spent fuel at nuclear power reactor sites in NRC-certified casks under a general license. Four spent-fuel storage casks have been certified and are currently listed in 10 CFR 72.214. The proposed rule would approve and list two additional casks: Cask TN-24 from Transnuclear Inc., and Cask VSC-24 from Pacific Sierra Nuclear Associates. A Safety Evaluation Report has been completed for each of these casks. An operating nuclear power reactor licensee may choose from any of the listed casks to store spent fuel at the reactor site under a general license.

**TIMETABLE:**

Proposed Action to EDO 04/06/92  
Proposed Action Published 05/00/92  
Final Action to EDO 10/09/92  
Final Action Published 11/00/92

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5846

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** Undetermined

**AGENCY CONTACT:**

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

**TITLE:**

Reinvestigation of Individuals Granted Unescorted  
Access to Nuclear Power Plants

**RIN:**

3150-AD49

**CFR CITATION:**

10 CFR 73

**ABSTRACT:**

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

The proposed rule would require that licensees who operate a nuclear power plant submit fingerprint cards for applicable personnel to the NRC for criminal history checks every 5 years. Authorization for unescorted access would be retained by an individual pending results of the criminal history check on that individual's fingerprints. The alternative is to allow the status quo to continue, with no reinvestigation of utility personnel required.

This rulemaking will have a minimal impact on the NRC because of NRC's limited participation in processing the reinvestigations. The impact on industry will include the cost of fingerprinting and submitting fingerprint cards through the NRC to the FBI for criminal history checks. The current regulation requires payment of \$23 per investigation, payable by the industry. It is expected that this rate would also apply for each reinvestigation and would constitute full reimbursement to the government.

TITLE:

Reinvestigation of Individuals Granted Unescorted  
Access to Nuclear Power Plants

TIMETABLE:

Proposed Action Published Undetermined  
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE: Physical Protection of Special Nuclear Material in Transit

RIN: 3150-AE02

CFR CITATION: 10 CFR 73

ABSTRACT: The proposed rule would amend the Commission's regulations for the transport of Category I materials to provide a level of protection for these materials while in transit comparable to that provided by the U.S. Department of Energy. This amendment would reduce reliance on DOE's Safe Secure Trailer program for secure shipments of Category I material.

TIMETABLE: Proposed Action Published Undetermined

LEGAL AUTHORITY: 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:  
Priscilla A. Dwyer  
Nuclear Regulatory Commission  
Office of Nuclear Material Safety and Safeguards  
Washington, DC 20555  
301 504-2478



**TITLE:**

Night Firing Qualifications for Security Guards at Nuclear Power Plants

**RIN:**

3150-AC88

**CFR CITATION:**

10 CFR 73

**ABSTRACT:**

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

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The proposed amendment will standardize training and qualification in night firing and prepare power reactor guard forces to respond more effectively in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs.

**TIMETABLE:**

Proposed Action Published Undetermined  
Final Action Published Undetermined

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

**AGENCY CONTACT:**

John Telford  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
202 423-3706

TITLE:

Clarification of Physical Protection Requirements at  
Fixed Sites

RIN:

3150-AE08

CFR CITATION:

10 CFR 73

ABSTRACT:

The proposed rule would amend the Commission's regulations to clearly indicate that § 73.40(a) is intended as a general statement of the need for physical protection and that the detailed physical protection requirements for each class of licensed facility or material are provided in other sections of Part 73. The proposed rule would also amend § 73.60 to provide a regulatory basis for requiring protection against radiological sabotage at nonpower reactors authorized to operate at two or more megawatts to protect the public health and safety. The § 73.40(a) amendment is a high priority because of the forthcoming Louisiana Energy Service (LES) licensing hearing. Without the change in language, § 73.40(a) could be strictly interpreted as requiring protection against radiological sabotage at this facility when it is not necessary. The amendment to § 73.60 is a medium priority since the six current nonpower reactor licenses which would be affected have voluntarily implemented procedures to protect against radiological sabotage. However, it could impact nonpower reactor licensing actions in the future. Because of the necessity of clarifying § 73.40(a) prior to the LES hearing, the rulemaking will be scheduled to be completed in 1 year.

TIMETABLE:

Proposed Action to EDO 03/21/92  
Proposed Action to Commission 03/30/92  
Proposed Action Published 05/30/92  
Final Action Published 12/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Clarification of Physical Protection Requirements at  
Fixed Sites

AGENCY CONTACT:

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

TITLE:

Seismic and Geological Siting Criteria for Nuclear Power Plants

RIN:

3150-AD93

CFR CITATION:

10 CFR 100 (Appendix A)

ABSTRACT:

The proposed rule would amend Appendix A to Part 100 of the Commission's regulations concerning earth science issues in the licensing of nuclear power plants. The proposed rule is intended to increase the efficiency of regulatory actions associated with any resurgence of licensing activity.

There is a renewed sense of urgency in light of the current and future staff review of advanced reactor seismic design criteria. The proposed revision would help avoid unnecessary delays in the licensing process. The proposed revision to Appendix A would provide general guidance with more detailed information presented in supporting regulatory guides or standard review plan provisions. Criteria not associated with site selection or establishment of the safe shutdown earthquake will be codified in 10 CFR Part 50. The proposed revision to the regulations would be for future licensing actions. The revised regulations will not be backfitted.

TIMETABLE:

Proposed Action to ACRS 10/10/91, 02/05/92, 02/07/92  
Proposed Action to CRGR 03/19/92  
Proposed Action to EDO 04/15/92  
Proposed Action to Commission 04/24/92  
Proposed Action Published 05/00/92  
Final Action Published 03/00/93

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

R. McMullen/R. Kenneally  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3308/492-3893

TITLE:

Export and Import of Nuclear Equipment and Material;  
Clarifying Amendments

RIN:

3150-AD64

CFR CITATION:

10 CFR 110

ABSTRACT:

The final rule would amend the Commission's regulations in Subparts A through E of Part 110 governing the import and export of nuclear equipment and material. The Commission has reviewed its processing of nuclear export license applications and has determined that the following do not raise issues that require Commission review: (1) license applications for the export of any quantity of heavy water to Canada, and (2) license applications for the export of low-enriched uranium to EURATOM and Japan for enrichment to no more than 5% U-235. The Executive Branch agencies also reviewed their processing of nuclear export license applications and have determined that Executive Branch review will not be required for these license applications. Iraq and Libya would be added to the list of embargoed destinations.

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

TITLE:

Export and Import of Nuclear Equipment and Material;  
Clarifying Amendments

TIMETABLE:

Rulemaking Initiation Date 06/22/90  
Final Action to Offices for Concurrence 03/06/92  
Final Action Published 09/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Elaine O. Hemby  
Nuclear Regulatory Commission  
Office of International Programs  
Washington, DC 20555  
301 504-2341

TITLE:

\*Fee Schedules for Facilities and Materials Licenses

RIN:

3150-AE20

CFR CITATION:

10 CFR 170; 10 CFR 171

ABSTRACT:

The proposed rule would amend the Commission's regulations concerning the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed rule would establish the fees charged to Commission licensees in Fiscal Year 1992. The proposed rule is necessary to implement the Omnibus Budget Reconciliation Act of 1990 which requires the NRC to collect approximately 100 percent of its budget authority through fees for fiscal years (FY 1991-1995). There is no suitable alternative to rulemaking for this action.

TIMETABLE:

Proposed Action Published 05/00/92  
Final Action Published 07/00/92

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841; Pub. L. 101-508

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

II  
PETITIONS

A



(A) Petitions incorporated into final rules  
or petitions denied since December 31, 1991

NONE

B

(B) Petitions incorporated into proposed rules

NONE

(C) Petitions pending staff review

C

PETITION DOCKET NUMBER:  
PRM-20-17

PETITIONER:  
The Rockefeller University

PART:  
20

OTHER AFFECTED PARTS:  
None

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

SUBJECT:  
Disposal of Animal Tissue Containing Small Amounts  
of Radioactivity

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

TIMETABLE:  
This petition for rulemaking has been formally withdrawn by the Rockefeller University in a letter dated February 28, 1992. A notice of withdrawal will be published in the Federal Register in April 1992.

CONTACT:  
Paul Kovach  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3729

PETITION DOCKET NUMBER:  
PRM-20-18

PETITIONER:  
The Rockefeller University

PART:  
20

OTHER AFFECTED PARTS:  
None

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

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

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

TIMETABLE:  
This petition for rulemaking has been formally withdrawn by the Rockefeller University in a letter dated February 28, 1992. A notice of withdrawal will be published in the Federal Register in April 1992.

CONTACT:  
Paul Kovach  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3729

PETITION DOCKET NUMBER:  
PRM-20-19

PETITIONER:  
GE Stockholders' Alliance

PART:  
20

OTHER AFFECTED PARTS:  
50

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

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

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

The public comment period closed April 3, 1989. The NRC has reviewed the public comments received on this petition and is developing recommendations regarding resolution of the petition.

TIMETABLE:  
Resolution of the petition is scheduled for May 1992.

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

PETITION DOCKET NUMBER:  
PRM-20-20

PETITIONER:  
Carol S. Marcus, Ph.D., M.D.

PART:  
20

OTHER AFFECTED PARTS:  
35

FEDERAL REGISTER CITATION:  
June 12, 1991 (56 FR 26945)

SUBJECT:  
Radiation absorbed dose to the public from patients  
receiving radiopharmaceuticals for diagnosis or therapy

SUMMARY:  
The petitioner requests that the Commission revise its  
standards for protection against radiation to raise the  
annual radiation dose absorbed by individual members of  
the public from 1mSv to 5 mSv (500 mrems).

TIMETABLE:  
A notice of receipt for this petition was published in  
the Federal Register on June 12, 1991 (56 FR 26945).  
The comment period closed on October 12, 1991.  
Resolution of the petition is undetermined.

CONTACT:  
Alan Roecklein  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3740



PETITION DOCKET NUMBER:  
PRM-30-59

PETITIONER:  
General Electric Company and Westinghouse Electric  
Corporation

PART:  
30

OTHER AFFECTED PARTS:  
40, 50, 70, 72

FEDERAL REGISTER CITATION:  
September 25, 1991 (56 FR 48445)

SUBJECT:  
General requirements for decommissioning licensee  
facilities

SUMMARY:  
The petitioners request that the Commission issue a  
rule that would provide a means for self-guarantee of  
decommissioning funding costs by certain NRC non-  
electric utility reactor licensees who meet stringent  
financial assurance and related reporting and oversight  
requirements.

TIMETABLE:  
A notice of receipt for this petition was published in  
the Federal Register on September 25, 1991 (56 FR  
48445). The comment period closed on November 12,  
1991. The need for a proposed rule is being  
reevaluated in response to this petition (See RIN 3150-  
AE16). Resolution of the petition is undetermined.

CONTACT:  
Clark Prichard  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3734

PETITION DOCKET NO:  
PRM-32-3

PETITIONER:  
Advanced Medical Systems, Inc.

PART:  
32

OTHER AFFECTED PARTS:  
None

FEDERAL REGISTER CITATION:  
October 10, 1991 (56 FR 51182)

SUBJECT:  
Manufacturers and transferors of certain items  
containing byproduct material

SUMMARY:  
The petitioner requests that the Nuclear Regulatory Commission amend its regulations that apply to the manufacturers and transferors of certain items containing byproduct material to specify that these provisions apply to the manufacturers and suppliers of replacement parts as well as the manufacturers and transferors of the original units.

TIMETABLE:  
A notice of receipt of this petition was published in the Federal Register on October 10, 1991. The comment period closed on December 9, 1991. Resolution of this petition is scheduled for October 1992.

CONTACT:  
Naiem Tanious  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3878

PETITION DOCKET NO:  
PRM-35-8

PETITIONER:  
Amersham Corporation

PART:  
35

OTHER AFFECTED PARTS:  
None

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

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

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

TIMETABLE:  
A proposed rule entitled, "Iridium-192 Wire for Interstitial Treatment of Cancer (RIN 3150-AD46)" is being developed to address this petition. A publication date for this proposed rule has not been established.

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

PETITION DOCKET NUMBER:  
PRM-35-9

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

PART:  
35

OTHER AFFECTED PARTS:  
30, 33

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

SUBJECT:  
Use of Radiopharmaceuticals

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

PETITION DOCKET NUMBER:  
PRM-35-9

TIMETABLE:

An interim final rule was published in the Federal Register on August 23, 1990 (55 FR 34513), as a partial resolution of the petition (see rulemaking, "Authorization to Prepare Radiopharmaceutical Reagent Kits and Elute Radiopharmaceutical Generators; Use of Radiopharmaceuticals for Therapy" (RIN 3150-AD43) (Part 35)). The staff is working to resolve the remaining issues of the petition (see proposed rulemaking, "Use of Radiopharmaceuticals for Medical Research, Use of Biologics Containing Byproduct Material, and Compounding Radiopharmaceuticals" (RIN 3150-AD69) (Part 35)). This proposed rule is expected to be submitted to the EDO in November 1992.

CONTACT:

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

PETITION DOCKET NUMBER:

\*PRM-35-10

PETITIONER:

American College of Nuclear Medicine

PART:

35

OTHER AFFECTED PARTS:

None

FEDERAL REGISTER CITATION:

March 9, 1992 (57 FR 8282)

SUBJECT:

Radiopharmaceutical therapy

SUMMARY:

The petitioner requests that the Commission amend its regulations by deleting the requirement for mandated hospitalization for ambulatory patients receiving oral or IV radiopharmaceuticals in amounts greater than 30 millicuries and allowing patients the option to be treated on an outpatient basis if they qualify medically. The petitioner states that the requested amendment is in the best interest of patients who require access to affordable quality care and that published scientific data support the requested changes.

TIMETABLE:

A notice of receipt for this petition was published in the Federal Register on March 9, 1992 (57 FR 8282). The comment period closes on May 8, 1992. Resolution of the petition is undetermined.

CONTACT:

Don Cool  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3785

PETITION DOCKET NUMBER:  
PRM-50-2J

PETITIONER:  
Free Environment, Inc., et al.

PART:  
50

OTHER AFFECTED PARTS:  
100

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

SUBJECT:  
Reactor Safety Measures

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

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

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

PETITION DOCKET NUMBER:

PRM-50-20

TIMETABLE:

The staff has prepared a Federal Register notice which will contain a denial for the remaining issue (Item 4) in this petition. The notice of denial was submitted for office concurrence on March 30, 1992. The notice of denial is expected to be submitted to the EDO in April 1992.

CONTACT:

Harry S. Tovmassian  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3634



PETITION DOCKET NUMBER:  
PRM-50-53

PETITIONER:  
The Ohio Citizens for Responsible Energy

PART:  
50

OTHER AFFECTED PARTS:  
None

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

SUBJECT:  
Request for Reopening of ATWS Rulemaking Proceeding

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

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

NRC Staff and contractors studies of ATWS scenarios were performed to determine if the potential power oscillations could be significant enough to warrant an

PETITION DOCKET NUMBER:

PRM-50-53

SUMMARY: (CONT.)

ATWS rule change, modification of operator actions, or possible equipment/systems changes. Several of the ATWS scenarios revealed the need for more detailed studies of the automatic responses and emergency procedures guidelines (EPG's) used by plant operators.

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

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

TIMETABLE:

Resolution of the petition is scheduled for June 1992.

CONTACT:

Zoltan Rosztoczy  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3765

PETITION DOCKET NUMBER:  
PRM-50-54

PETITIONER:  
Public Citizen

PART:  
50

OTHER AFFECTED PARTS:  
None

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

SUBJECT:  
Regulation of Independent Power Producers

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

TIMETABLE:  
Resolution of the petition is undetermined.

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

PETITION DOCKET NUMBER:  
PRM-50-55

PETITIONER:  
Yankee Atomic Electric Company

PART:  
50

OTHER AFFECTED PARTS:  
None

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

SUBJECT:  
Scheduling Final Safety Analysis Report Updates

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

TIMETABLE:  
Resolution of the petition is undetermined.

CONTACT:  
Anthony J. DiPalo  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3758

PETITION DOCKET NUMBER:  
PRM-50-56

PETITIONER:  
Richard P. Grill

PART:  
50

OTHER AFFECTED PARTS:  
None

FEDERAL REGISTER CITATION:  
December 23, 1991; 56 FR 66377

SUBJECT:  
Addition of lightning induced and other electrical transients to the required list of phenomena that licensed nuclear power plants and other nuclear facilities must be designed to withstand safely

SUMMARY:  
The petitioner requests that the Commission amend its regulations to add lightning induced and other electrical transients to the required list of phenomena that licensed nuclear power plants and other nuclear facilities must be designed to withstand safely. The petitioner also requests that the NRC require licensees of nuclear power plants and other nuclear facilities to consider the effect of electrical transients on the operability and reliability of nuclear safety related systems and potential accident scenarios analyses.

TIMETABLE:  
A notice of receipt of petition for rulemaking was published in the Federal Register on December 23, 1991. The public comment period ended on February 21, 1991. Resolution of the petition is scheduled for December 1992.

CONTACT:  
Robert Baer  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3930

PETITION DOCKET NUMBER:

\*PRM-50-57

PETITIONER:

North Carolina Public Utility Commission

PART:

50

OTHER AFFECTED PARTS:

140

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 of petition for rulemaking was published in the Federal Register on January 17, 1992. The public comment period ended on March 17, 1992. Resolution of the petition is undetermined.

CONTACT:

George J. Mencinsky  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3735

PETITION DOCKET NUMBER:  
PRM-60-3

PETITIONER:  
Department of Energy

PART:  
60

OTHER AFFECTED PARTS:  
None

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

SUBJECT:  
Disposal of High-Level Radioactive Waste

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

TIMETABLE:  
This petition will be resolved with publication of the related rulemaking, "Repository Operations Criteria" (RIN 3150-AD51). The publication date for this proposed rule is undetermined.

CONTACT:  
Mysore Nataraja  
Nuclear Regulatory Commission  
Office of Nuclear Material Safety  
and Safeguards  
301 492-3794

PETITION DOCKET NUMBER:  
PRM-60-4

PETITIONER:  
States of Washington and Oregon

PART:  
60

OTHER AFFECTED PARTS:  
None

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

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

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

TIMETABLE:  
Resolution of this petition is scheduled for May 1992.

CONTACT:  
Naiem Tanious  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301 492-3878

D



(D) Petitions with deferred action

NONE

BIBLIOGRAPHIC DATA SHEET

(See instructions on the reverse)

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

Same as item 8. above.

10. SUPPLEMENTARY NOTES

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 each quarter.

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**I-RULES**

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**B**

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**C**

**Advance Notice - Proposed Rulemaking**

**D**

**Unpublished Rules**

**II  
PETITIONS**

**Section II - Petitions for Rulemaking**

**A**

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