

NUREG-0936
Vol. 14, No. 2

NRC Regulatory Agenda

Semiannual Report
July - December 1995

U.S. Nuclear Regulatory Commission

Office of Administration



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Although the listing that follows represents the majority of documents cited in NRC publications, it is not intended to be exhaustive.

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

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

Organization of the Agenda

The agenda consists of two sections that have been updated through December 29, 1995. Section I, "Rules," includes (A) rules on which final action has been taken since June 30, 1995, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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 June 30, 1995; (B) petitions incorporated into proposed rules; (C) petitions pending staff review, and (D) petitions with deferred action.

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

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

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

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

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

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

Rulemakings Approved by the Executive Director for Operations (EDO)

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

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

Public Participation in Rulemaking

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

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

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

Additional Rulemaking Information

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

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NONE	

**(A) FINAL RULES PUBLISHED SINCE
JUNE 30, 1995**

I-RULES

A

1. Revision of Specific Exemptions (Part 9)

RIN: 3150-AD83

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

Timetable: Final Rule Published
12/13/95 60 FR 63897
Final Rule Effective
01/12/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE80

Abstract. The final rule amended the Commission's regulations by (1) deleting the definition "Controlled area" to make it clear that any area to which access is restricted for the purpose of radiological protection is a restricted area as defined in the regulation, (2) revising the definition of "Occupational dose" to delete reference to the "restricted area," (3) revising the definition of unrestricted area to be consistent with the deletion of controlled area, (4) revising the provision in 10 CFR Part 19 entitled, "Instruction to Workers," so that radiation protection training will be provided to all persons with the potential to be occupationally exposed, and (5) restoring a provision to 10 CFR Part 20 to provide that whenever licensees are required to report exposures of individual members of the public to the NRC, then those individuals are to receive copies of the report.

Timetable: Final Rule Published
07/13/95 60 FR 36038
Final Rule Effective 08/14/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF10

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

Timetable: Final Rule Published
09/20/95 60 FR 48623
Final Rule Effective 10/20/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF01

Abstract. The final rule amended the Commission's regulations to include a generic process for dedication of commercial-grade items for safety-related use and to clarify that the entity performing the dedication of a commercial-grade item is responsible for discovering, evaluating, and reporting deficiencies as required by NRC regulations. The final rule responded to a petition

for rulemaking (PRM-21-02) submitted by the Nuclear Management and Resources Council (NUMARC) requesting that the Commission amend 10 CFR Part 21 in certain respects related to commercial-grade items and their dedication for use in safety-related applications.

Timetable: Final Rule Published
09/19/95 60 FR 48369
Final Rule Effective 10/19/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE95

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

Timetable: Final Rule Published 07/26/95
60 FR 38235
Final Rule Effective 11/24/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

6. Technical Specifications (Part 50)

RIN: 3150-AF06

Abstract. The final rule amended the Commission's regulations to incorporate criteria for better defining the content of technical

specifications. The four criteria were defined in the Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors published on July 23, 1993 (58 FR 39132).

Timetable: Final Rule Published 07/19/95
60 FR 36953
Final Rule Effective 08/18/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AD10

Abstract. The advance notice of proposed rulemaking (ANPRM) requested public comment on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements. Based upon comment analysis, the Commission has determined that this rulemaking is unnecessary and has withdrawn this ANPRM.

In a separate but related rulemaking (RIN 3150-AF01), a final rule amending 10 CFR Part 21, "Procurement of Commercial Grade Items by Nuclear Power Plant Licensees," has been published (September 19, 1995; 60 FR 48369). This rulemaking revised NRC's requirements to permit broader use of commercial-grade items.

Timetable: Notice of Withdrawal Published
09/19/95 60 FR 48427

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

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

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

RIN 3150-AF00

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

Timetable: Final Rule Published 09/26/95
60 FR 49495
Final Rule Effective 10/26/95

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AD57

Abstract. The final rule amended the Commission's regulations concerning fracture toughness requirements to resolve a number of issues that have resulted from technological improvements and other factors.

Timetable: Final Rule Published 12/19/95
60 FR 65456
Final Rule Effective 01/18/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF27

Abstract. The final rule amended the Commission's regulations to remove an unnecessary security plan format requirement. Applicants for power reactor and fuel cycle licenses may now submit their physical security plans in a format that provides for a quicker and more efficient review.

Timetable: Final Rule Published 10/16/95
60 FR 53505
Final Rule Effective 11/15/95

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE88

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

Timetable: Notice of Withdrawal Published 07/18/95 60 FR 36744

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Mark Haisfield, Office of Nuclear Regulatory Research, (301) 415-6196

12. Compatibility With the International Atomic Energy Agency (IAEA) (Part 71)

RIN: 3150-AC41

Abstract. The final rule, in conjunction with a corresponding rule change by the U.S.

Department of Transportation, updated the United States Federal regulations for the safe transportation of radioactive material to incorporate new licensing information developed since 1972. The final rule responded to the need for a: (1) new crush test; (2) new deep immersion test; and (3) new limit on low specific activity material shipments.

Timetable: Final Rule Published 09/28/95
60 FR 50248
Final Rule Effective 04/01/96

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF30

Abstract. The proposed rule would have amended the Commission's regulations for the physical protection of spent fuel stored under a specific license. This rule is related to the proposed rule entitled, "Safeguards for Spent Nuclear Fuel at High-Level Radioactive Waste" (RIN 3150-AF32), and is being incorporated into that rule.

Timetable: Incorporated into proposed rule 12/29/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF36

Abstract. The final rule amended the Commission's regulations by changing nuclear power plant security requirements associated with controlling the access of personnel and materials

into reactor containment during periods of high traffic such as refueling and major maintenance based upon staff review experience gained in security program implementation and input from the public and industry. This amendment relieved nuclear power plant licensees of the requirement to control access to reactor containments during these periods separately.

Timetable: Final Rule Published 09/07/95 60 FR 46497
Final Rule Effective 10/10/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AD36

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

Timetable: Final Rule Published 07/21/95
60 FR 37556
Final Rule Effective 08/21/95

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

(B) PROPOSED RULES

A

B

C

D

16. Availability of Official Records (Part 2)

RIN: 3150-AC07

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

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

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

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF23

Abstract. The proposed rule would amend the Commission's regulations pertaining to petitions for rulemaking. The proposed rule would create three categories of petitions, which are not explicitly included in the current regulations. The Commission has determined that this rulemaking is unnecessary and plans to withdraw this proposed rule.

Timetable: Proposed Rule Published
03/28/95 60 FR 15878
Comment Period Ended 06/12/95
Notice of Withdrawal Published
Undetermined

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AD65

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

progress by the interagency working group, the Commission has directed that the NRC expedite rulemaking because the requirements, once final, will provide licensees with an incentive to complete site decommissionings.

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

Timetable: Proposed Rule Published
08/22/94 59 FR 43200
Comment Period Ended 12/20/94
Final Rule Published 06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Frank Cardile, Office of Nuclear Regulatory Research, (301) 415-6185

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

RIN: 3150-AE41

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

The Commission has received three petitions for rulemaking, PRM-20-20, PRM-35-10, and PRM-35-11, to amend its regulations regarding radiation exposure that individuals may receive from patients who have been medically administered radioactive materials, and the criteria under which this patient may be released

from confinement. The petitioners believe that the current requirements of Parts 20 and 35 would cause patients to be confined unnecessarily beyond the time needed for medical reasons. This rule is considered high priority.

Timetable: Proposed Rule Published
06/15/94 59 FR 30724
Comment Period Ended 08/29/94
Final Rule Published 02/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

20. Constraint Level for Air Emissions of Radionuclides (Part 20)

RIN: 3150-AF31

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

Timetable: Proposed Rule Published
12/13/95 60 FR 63984
Comment Period Ends
03/12/96
Final Rule Published 06/00/96

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF17

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

Timetable: Proposed Rule Published
12/28/94 59 FR 66814
Comment Period Ended 03/28/95
Final Rule Published 02/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF38

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

Timetable: Proposed Rule Published
09/08/95 60 FR 36784
Comment Period Ends 10/10/95
Final Rule Published 01/16/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

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

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

RIN: 3150-AD34

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

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

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

Effects on Small Business and Other Entities. Yes

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

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

RIN: 3150-AD82

Abstract. The proposed rule would amend the Commission's regulations to prevent

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

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

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE07

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

The proposed rule is necessary because of frequent misinterpretations of the provisions of Part 34 and the need to clarify the requirements of 10 CFR 34.27. The staff is currently preparing an options paper which will examine the issues, set

priorities, and provide direction for the rulemaking proposed. This proposed rule would also respond to a petition for rulemaking from International Union of Operating Engineers - Local No. 2 (PRM-34-4). This rule is considered high priority.

Timetable: Proposed Rule Published
02/28/94 59 FR 9429
Comment Period Ended
05/31/94
Final Rule Published 03/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

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

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

RIN: 3150-AC93

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

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

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

Incorporating by reference the latest edition and addenda of Subsection IWE and Subsection IWL will save applicants/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. This rule is considered medium priority.

Timetable: Proposed Rule Published
01/07/94 59 FR 979
Comment Period Ended 04/25/94
59 FR 14373
Final Rule Published
06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE97

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

1. Outage planning and control;
2. Availability of equipment needed for key safety functions;
3. Decay heat removal capability during a fire; and

4. Water level indication in pressurized water reactors when in reduced inventory.

Prior to its analysis of comments received and a public meeting held on April 7, 1995, the staff determined that the rule, regulatory analysis and regulatory guide would be rewritten. The rewritten rule would specify minimum requirements for safety during shutdown operation, require a contingency plan to address a failure to satisfy these requirements, and require controls that manage both the minimum requirements and the contingency plan.

Timetable: Approved by the EDO 07/93
Proposed Rule Published
10/19/94 59 FR 52707
Comment Period Ended 01/03/95
Revised Proposed Rule
Published 04/00/96
Final Rule Published
12/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AD93

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

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

Timetable: Proposed Rule Published
10/20/92 57 FR 47802
Comment Period Ended 06/01/93
58 FR 16377
Proposed Rule Republished
10/17/94 59 FR 52255
Comment Period Ended 05/12/95
Final Rule Published 06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

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

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

RIN: 3150-AF20

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

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

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

Effects on Small Business and Other Entities: None

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

30. Decommissioning of Nuclear Power Reactors (Part 50)

RIN: 3150-AE96

Abstract. The proposed rule would amend the Commission's regulations on the decommissioning procedures that lead to the termination of an operating license for a nuclear power plant and release of the property for unrestricted use. The proposed amendments would clarify ambiguities that have arisen in the past and codify practices which have been used for other licensees on a case-by-case basis.

Timetable Proposed Rule Published
07/20/95 60 FR 37374
Comment Period Ends 10/18/95
Final Rule Published
05/00/96

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AA31

Abstract. The proposed rule would amend the Table of Uranium Fuel Cycle Environmental Data (Table S-3) by adding new estimates for potential releases of technetium-99 and radon-222 and by updating other estimates. The proposed rule's narrative explanation (NUREG-1481) also describes the basis for the values contained in Table S-3, explains the environmental effects of these potential releases from the LWR Fuel Cycle, and postulates the potential radiation doses, health effects, and environmental impacts of these potential releases. The proposed rule would also

amend 10 CFR 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation (burnup in megawatt-days of thermal power per metric ton of uranium). The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing potential litigation time and costs for both NRC and applicants.

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

The proposed rule and the explanatory narrative for Table S-3, NUREG-1481, have been revised to reflect new modeling developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154). This rule is considered medium priority.

Timetable: Proposed Rule Published
03/04/81 46 FR 15154
Comment Period Ended 05/04/81
Proposed Rule Published
09/00/96

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AD63

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

Timetable: ANPRM Published 07/23/90
55 FR 29964
Comment Period Ended 10/22/90
Proposed Rule Published
09/17/91 56 FR 47016
Comment Period Ended 03/16/92
56 FR 59898
Final Rule Published 02/00/96

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF15

Abstract. The proposed rule would revise the Commission's regulations by certifying the System 80+ standard design in accordance with the requirements of Part 52. If a standard design is certified, then an applicant for a combined license that references the certified design will be assured of receiving an approval for the portion of the plant that was approved in the certification rulemaking. This amendment references the design control document (DCD) and sets forth the process for changing information in the DCD. ABB-Combustion Engineering is currently preparing the DCD for the System 80+ design, which will contain the design information that will be certified by the rule and approved by the rule (so-called Tier 1 and 2 information). The NRC is reviewing two applications for standard design

certifications for two evolutionary nuclear power plant designs pursuant to Part 52 (see "Design Certification for Advanced Boiling Water Reactor (ABWR)" (RIN No. 3150-AE87).

Timetable: ANPRM Published 11/03/93
58 FR 58664
ANPRM Comment Period Ended
01/03/94
Proposed Rule Published
04/07/95 60 FR 17924
Comment Period Ends
08/07/95
Final Rule Published
06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE87

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

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

Comment Period Ends 08/07/95
Final Rule Published 06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AC03

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

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

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

Legal Authority: 42 USC 10101

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE40

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

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

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

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

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

Effects on Small Business and Other Entities. None

Agency Contact: Sandra Wastler, Office of Nuclear Material Safety and Safeguards, (301) 415-6724

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

RIN: 3150-AD51

Abstract. The proposed rule would amend the Commission's regulations to clarify preclosure regulatory requirements for high-level waste geologic repositories. Several issues associated with preclosure regulatory requirements have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. These involve: (1) the lack of clearly prescribed requirements for the establishment of a preclosure controlled area intended to protect public health and safety from radiation from a broad range of accident conditions; (2) the radiation protection requirements for workers and members of the public during normal or otherwise anticipated conditions; and (3) the definition of structures, systems, and components important to safety for which certain design and quality assurance criteria apply. Guidance is needed from NRC on these matters to enable DOE to proceed with the development of a proposed design for a geologic repository.

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

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF32

Abstract. The proposed rule would amend the Commission's regulations to clarify safeguards requirements for spent nuclear fuel or high-level radioactive waste stored at independent spent fuel storage installations, power reactors that have permanently ceased reactor operations, monitored retrievable storage installations, and geologic repository operations areas. This rule would allow general licensees the option of implementing the proposed safeguards requirements for spent nuclear fuel stored in approved casks at operating power reactor sites. This action is necessary to reduce the regulatory uncertainty regarding the safeguards requirements for the storage of spent nuclear fuel and high-level radioactive waste without reducing the level of protection for public health and safety. The proposed rule entitled, "Physical Protection Requirements for Storage of Spent Fuel" (RIN No. 3150-AF30) has been incorporated into this rule.

Timetable: Proposed Rule Published 08/15/95 60 FR 42079
 Comment Period Ends 11/13/95
 Final Rule Published 06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AB01

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 Commission has determined that this rulemaking is unnecessary and plans to withdraw this proposed rule.

Timetable: Proposed Rule Published 04/09/85 50 FR 13978

Comment Period Ended 09/06/85

Notice of Withdrawal Published Undetermined

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AC57

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

Timetable: Proposed Rule Published 08/22/88 53 FR 31880

Comment Period Ended 10/21/88

Notice of Withdrawal Published Undetermined

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

Effects on Small Business and Other Entities. None

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

(C) ADVANCE NOTICES OF PROPOSED RULEMAKING

C

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

RIN: 3150-AE90

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

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

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE33

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

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

Notice of Withdrawal Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

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

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

RIN: 3150-AC42

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

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

Notice of Withdrawal Published
Undetermined

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AE38

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

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

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

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other

Entities: Undetermined

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

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

RIN: 3150-AF04

Abstract. The advance notice of proposed

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

Timetable: EDO Approved ANPRM
02/18/94
ANPRM Published
09/19/94 59 FR 47817
Comment Period Ended 12/05/94
Proposed Rule Published
06/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other

Entities. None

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

(D) UNPUBLISHED RULES

D

46. Deletion of Outdated References and Minor Changes* (Parts 2 and 51)

RIN: 3150-AF43

Abstract. The direct final rule would amend the Commission's regulations by deleting outdated references. This direct final rule would clarify that the NRC may use discretion to not require a written statement from a licensee in response to a notice of violation if the NRC believes that the licensee had already adequately addressed all the issues contained in that notice.

Timetable: Direct Final Rule Published 09/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

47. Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance* (Part 10)

RIN: 3150-AF48

Abstract. The proposed rule would amend the Commission's regulations conforming NRC policy for access to and protection of National Security Information and Restricted Data to new national policies for the protection of this type of information. The existing regulations were issued before the October 31, 1994, approval of the National Industrial Security Program Operating Manual (NISPOM) by the Deputy Secretary of Defense and the April 17, 1995 and August 2, 1995, signature of Executive Orders 12958, "Classified National Security Information," and 12968, "Access to Classified Information," by the President. The NISPOM establishes a uniform Government policy for the protection of classified National Security Information and Restricted Data within industrial facilities under a contractual or other (e.g. license) legal relationship with the Government. Executive Order 12958 revises the governmentwide requirements for classification and protection of National Security Information and Executive Order 12968 revises the governmentwide personnel security requirements for access to National Security

Information. The current 10 CFR Part 10 is not fully compliant with the requirements of the NISPOM and Executive Order 12968. Some areas of inconsistency are the NRC Criteria for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance and the NRC Due Process Appeal Procedures. 10 CFR Part 10 must be amended to ensure its consistency with established national policy for the protection of classified information and due process.

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841; E.O. 12958; E.O. 10865; E.O. 10450

Effects on Small Business and Other Entities. None

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

48. Minor Correcting Amendments* (Parts 19, 30, 51, 52, 55)

RIN: 3150-AF42

Abstract. The final rule would amend the Commission's regulations to correct several miscellaneous errors in regulatory text in the Code of Federal Regulations (CFR). These changes in the CFR text occurred in the process of preparing and printing rulemaking documents.

Timetable: Final Rule Published 02/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

49. Employee Protection Policies; Minor Amendments* (Parts 19, 30, 40, 50, 60, 61, 70, 72)

RIN: 3150-AF45

Abstract. The direct final rule would amend the Commission's regulations related to notices to workers and to employee protection policies. This direct final rule would update a telephone number,

clarify the applicability of employment discrimination policies, and update NRC Form 3.

Timetable: Direct Final Rule Published
02/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Mark Haisfield, Office of Nuclear Regulatory Research, (301) 415-6196.

50. Reporting Requirements for Unauthorized Use of Licensed Radioactive Material* (Part 20)

RIN: 3150-AF44

Abstract: The proposed rule would add a new requirement for licensees to notify the NRC Operations Center of any diversion of licensed radioactive material from its intended or authorized use. The proposed rule would require licensees to notify the NRC as soon as possible of such incidents, that are either intentional or allegedly intentional, or where the licensee is unable within 48 hours of discovery to rule out that the use was intentional. The proposed rule would require reporting of events that could lead to an exposure of individuals whether or not the exposure exceeds the regulatory limits.

Timetable: Proposed Rule Published
02/00/96
Final Rule Published 09/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

51. Minor Corrections and Clarifying Changes* (Parts 20, 32, 35, 36, 39)

RIN: 3150-AF46

Abstract. The proposed rule would amend the Commission's regulations to incorporate minor corrections and clarifying changes to

10 CFR Part 20 and also make conforming changes to 10 CFR Parts 32, 35, 36, and 39.

Timetable: Proposed Rule Published
04/00/96
Final Rule Published 10/00/96

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

Effects on Small Business and Other Entities. None

Agency Contact: Jayne M. McCausland, Office of Nuclear Regulatory Research, (301) 415-6219

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

RIN: 3150-AE18

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

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5846

Effects on Small Business and Other Entities. Yes

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

53. Protection of and Access to Classified Information for Licensee, Certificate Holder and Other Personnel (Parts 25, 95)

RIN: 3150-AF37

Abstract. The proposed rule would amend the Commission's regulations conforming NRC policy for access to and protection of National Security Information and Restricted Data to new national policies for the protection of this type of information. The existing regulations were issued before the October 31, 1994, approval of the National Industrial Security Program Operating Manual (NISPOM) by the Deputy Secretary of Defense and the April 17, 1995, and August 2, 1995, signature of Executive Orders 12958, "Classified National Security Information," and 12968, "Access to Classified Information," by the President. The NISPOM establishes a uniform Government policy for the protection of classified National Security Information and Restricted Data within industrial facilities under a contractual or other (e.g., license) legal relationship with the Government. Executive Order 12958 revises the government-wide requirements for classification and protection of National Security Information, and Executive Order 12968 revises the government-wide requirements for access to National Security Information. The current 10 CFR Parts 25 and 95 are not fully compliant with the requirements of the NISPOM and the new Executive Orders. Some areas of inconsistency are revised accountability requirements for secret information, revised requirements for review of foreign ownership, control and influence considerations, new locking mechanism requirements, etc. These regulations must be amended to ensure their consistency with established national policy for the protection of classified information.

Timetable: Proposed Rule Published
04/00/96

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

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF13

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

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

55. Fitness for Duty (Part 26)

RIN: 3150-AF12

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

licensees are required to audit their fitness-for-duty programs from annually to biennially. The Commission and the EDO approved the staff proposals in SECY-92-308, but asked that the staff resubmit the SECY paper to address a backfit analysis. The staff proposals presented in SECY-92-308 have been revised. The revised Commission paper (SECY-95-262) was sent to the Commission in October 1995.

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

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AF35

Abstract. The proposed rule would amend the Commission's regulations to put applicants for NRC licenses and other unlicensed persons doing work for applicants on notice that they may be subject to enforcement action under the Commission's existing regulations regarding deliberate misconduct. The current regulations require that all information submitted to the Commission be complete and accurate. This proposed rulemaking would correct an apparent oversight from when the Deliberate Misconduct rule was adopted in 1991 and make that rule apply to applicants and to their employees, contractors, and subcontractors, including consultants.

Timetable: Proposed Rule Published
04/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Undetermined

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

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

RIN: 3150-AE44

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

Timetable: Proposed Rule Published
Undetermined

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

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AE26

Abstract. The proposed rule would amend the Commission's regulations to (1) eliminate the 120-month update requirements for licensees' inservice inspection (ISI) and inservice testing (IST) programs; (2) establish baseline regulatory requirements that would: incorporate by reference the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (the OM Code), maintain the 1989 Edition of Section III and Section XI of the ASME Boiler and Pressure Vessel Code (the BPV Code), require certain licensees to complete one final update to their ISI and IST programs, and delete the existing supplementary requirements for IST of containment isolation valves; (3) allow alternatives to the regulations and ASME Code rules under certain circumstances such as the temporary

corrective measures identified in a new Appendix A to the regulations, and clarify the ISI and IST requirements for nuclear plant components not required to be constructed in accordance with ASME Code Class 1, 2, or 3; (4) identify safety-significant Code changes that would be required to be implemented by licensees; and (5) establish a new regulatory guide that would document NRC review and acceptance of OM Code Cases.

Eliminating the 120-month update requirements from the existing regulations would permit licensees to continue using their existing ISI and IST programs; however, certain licensees that have not yet updated the 1989 Edition of Section XI of the ASME BPV Code would be required to implement one final update of their ISI and IST programs when their current intervals expire. The proposed rule would incorporate by reference the ASME OM Code into the regulations.

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

nuclear power plant components, which will be imposed on an expedited schedule to improve the quality of ISI.

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

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

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

RIN: 3150-AF33

Abstract: The proposed rule would amend the Commission's regulations to require that licensees for commercial nuclear power reactors report summary reliability and availability data for risk-significant systems and equipment to the NRC. The proposed rule would also require licensees to maintain onsite, and to make available for NRC inspection, records and documentation that provide the basis for the summary data reported to the NRC. This proposed rule is necessary to improve public health and safety, to reduce economic burden by focusing NRC and licensee attention on the most

risk-significant issues, and to support generic and plant-specific regulatory actions. The proposed rule would substantially improve licensee implementation of the evaluation and goal setting aspects required by the maintenance rule and NRC's oversight of licensee's implementation of the maintenance rule.

Timetable: Proposed Rule Approved by the Commission 10/24/95
Proposed Rule Published 02/00/95
Final Rule Published 10/00/96

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

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AF29

Abstract: The proposed rule would amend the Commission's fire protection regulations for voluntary adoption by nuclear power plant licensees. The requirements would be performance-oriented and risk-based, allow flexibility in the implementation of safety objectives, and allow the use of probabilistic risk analysis and fire-model computer codes to demonstrate compliance with the safety objectives. This proposed rule would also respond to a petition for rulemaking (PRM-50-61), submitted by the Nuclear Energy Institute, to amend current regulations to establish a more flexible alternative to the current prescriptive regulation in Appendix R of 10 CFR Part 50. This rule is considered high priority.

Timetable: Proposed Rule Published Undetermined

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

Effects on Small Business and Other Entities: None

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

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

RIN: 3150-AF16

Abstract. The proposed rule would amend the Commission's regulations regarding possession only licensee applications for case specific exemptions that no longer have relevance. Currently, when a power reactor licensee obtains a possession only license amendment (POL), the licensee must apply for case specific exemptions from provisions of 10 CFR that no longer have relevance. This is a time consuming process for both the licensee and the NRC and can result in a non-coherent and non-uniform process. To remedy this situation, proposed rulemaking is currently being considered. An information base is being developed by Brookhaven National Laboratory on which of the applicable parts of the 10 CFR apply to power reactors which have a POL. There are two categories of applicability, parts of the 10 CFR which no longer apply, and parts which partially apply. Once this information base is complete it will be incorporated through rulemaking. This rule is considered high priority. This rule will also address a petition for rulemaking from North Carolina Public Utility Commission (PRM-50-57).

Timetable: Proposed Rule Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: Undetermined

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

62. Revision to Nuclear Power Reactor Decommissioning Cost Requirements* (Part 50)

RIN: 3150-AF40

Abstract. The notice of proposed rulemaking would amend the Commission's regulations to allow licensees greater flexibility by allowing site-specific funding amounts different from the NRC's generic values by both lesser and greater amounts. The

current regulations only allow amounts greater than the generic values. This action was originally included in "Rulemaking Plan for Amending Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements" (Secy-95-223). However, in a December 20, 1995, memorandum to the EDO, the Chairman directed the staff to delay work on amending the regulations to lower financial assurance requirements, until completing decommissioning cost studies. The Chairman did, however, encourage the staff to pursue amendments to the regulations that would permit site-specific funding amounts as described in SECY-95-223. Therefore the staff is continuing work on this action.

Timetable: Proposed Rule Published
05/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Brian J. Richter, Office of Nuclear Regulatory Research, (301) 415-6221

63. Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements* (Part 50)

RIN: 3150-AF41

Abstract. The advance notice of proposed rulemaking would amend the Commission's regulations to modify the financial assurance requirements for the decommissioning of nuclear power plants. The impact of deregulation of the power generating industry has created uncertainty with respect to the availability of decommissioning funds and would likely require a modification of the financial mechanism required by the NRC to provide decommissioning funds when needed. The ANPRM would also require power reactor licensees to report periodically on the status of their decommissioning trust funds during an extended safe storage period. The ANPRM would invite public comment on issues pertaining to the form and content of the nuclear power plant decommissioning financial assurance requirements as they related to electric utility deregulation.

Timetable: ANPRM Published
03/00/96

Proposed Rule Published
10/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Brian J. Richter, Office of Nuclear Regulatory Research, (301) 415-6221

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

RIN: 3150-AE25

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

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

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

65. Removal of Obsolete 10 CFR Part 53* (Part 53)

RIN: 3150-AF47

Abstract. The proposed rule would amend the Commission's regulations by removing 10 CFR Part 53, "Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity," from the Code of Federal Regulations. The current regulations establish procedures for nuclear plant owners to follow for obtaining a determination from the NRC that the plant cannot provide adequate spent fuel storage capacity. The NRC determination was needed for DOE to enter into negotiations for providing interim Federal storage of spent fuel. This determination had to be made

prior to January 1, 1990, therefore, the regulation is now obsolete. There would be no impact on NRC licensees, safety, or the public.

Timetable: Proposed Rule Published
04/00/96
Final Rule Published 10/00/96

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

66. Domestic Licensing of Special Nuclear Material—Revision (Part 70)

RIN: 3150-AF22

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

Timetable: Proposed Rule Published
Undetermined

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

Effects on Small Business and Other Entities. Yes

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

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

RIN: 3150-AF11

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

Timetable: Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

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

**(A) PETITIONS INCORPORATED INTO FINAL RULES OR
PETITIONS DENIED SINCE JUNE 30, 1995**

II
PETITIONS

A

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

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

Subject: Dry cask storage

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

Timetable: This petition for rulemaking has been denied. The notice of denial was published in the Federal Register on July 26, 1995 (60 FR 38286).

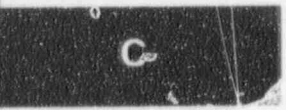
Agency Contact: Gordon Gundersen, Office of Nuclear Regulatory Research, (301) 415-6195

(B) PETITIONS INCORPORATED INTO PROPOSED RULES

NONE

B

(C) PETITIONS PENDING STAFF REVIEW



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

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

Subject: Public access to licensee-held information.

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

Timetable: A notice of receipt for this petition was published in the Federal Register on June 13, 1994 (59 FR 30308). The comment period closed on August 29, 1994. Resolution of the petition is scheduled for May 1996.

Agency Contact: Maria Schwartz, Office of the General Counsel, (301) 415-1888.

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

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

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

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

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

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

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

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

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

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

Timetable: A notice of receipt for this petition was published in the Federal Register on October 18, 1993 (58 FR 53670). The comment period closed on January 3, 1994. Resolution of this petition is scheduled for April 1996. This petition for rulemaking is considered planned priority.

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

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

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

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

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

Timetable: A notice of receipt for this petition was published in the Federal Register on December 2, 1994 (59 FR 61831). The comment period closed on February 15, 1995. Resolution of the petition is scheduled for June 1996. This petition for rulemaking is considered medium priority.

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

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

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

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

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

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

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

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

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

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

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

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

May 6, 1994 (59 FR 23641). The comment period closed on July 20, 1994. Resolution of the petition is undetermined.

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

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

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

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

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

Timetable: A notice of receipt for this petition was published in the Federal Register on April 13, 1994 (59 FR 17499). The comment period closed on June 27, 1994. Resolution of the petition is scheduled for April 1996. This petition for rulemaking is considered medium priority.

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

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

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

Subject: Fire protection at nuclear power plants

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

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

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

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

10. Petitioner/Petition Docket Number: Nuclear Energy Institute* (PRM-50-62)

Federal Register Citation: September 4, 1995 (60 FR 47716)

Subject: Quality Assurance Program

Summary: The petitioner requests that the Commission amend its regulations regarding quality assurance programs to permit nuclear power plant licensees to change their quality program described or referenced in a licensee's Safety Analysis Report without prior NRC approval under specified conditions.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 4, 1995 (60 FR 47716). The public comment period closed on November 28, 1995. Resolution of the petition is scheduled for September 1996.

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

11. Petitioner/Petition Docket Number: Peter G. Crane* (PRM-50-63)

Federal Register Citation: November 27, 1995 (60 FR 58256)

Subject: Emergency Planning

Summary: The petitioner requests that the NRC amend its regulations concerning emergency planning to include a requirement that emergency planning protective actions include sheltering, evacuation, and the prophylactic use of potassium iodide, which prevents thyroid cancer after nuclear accidents.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 27, 1995 (60 FR 58256). The public comment period closes on February 12, 1996. Resolution of the petition is scheduled for November 1996.

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

12. Petitioner/Petition Docket Number: U.S. Department of Energy (PRM-71-11)

Federal Register Citation: February 18, 1994 (59 FR 8143)

Subject: Packaging and transportation of radioactive materials

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

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

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

13. Petitioner/Petition Docket Number: Envirocare of Utah, Inc. (PRM-150-2)

Federal Register Citation: February 22, 1993 (58 FR 5992)

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

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

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

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

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

14. Petitioner/Petition Docket Number:

Measurex Corporation (PRM-150-3)

Federal Register Citation: October 5, 1994 (59 FR 50706)

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

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

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

October 5, 1994 (59 FR 50706). The comment period closed on December 19, 1994. Resolution of the petition is scheduled for denial. The notice of denial is scheduled to be published in the Federal Register in January 1996. This petition for rulemaking is considered medium priority.

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

(D) PETITIONS WITH DEFERRED ACTION

NONE

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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 semiannually.

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