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NRC Regulatory Agenda

Quarterly Report
July - September 1984

U.S. Nuclear Regulatory Commission

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Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

TABLE OF CONTENTS

SECTION I - RULES

SECTION II - PETITIONS FOR RULEMAKING

Preface

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

Organization of the Agenda

The agenda consists of two sections. Section I, "Rules" includes: (A) Rules on which final action has been taken since June 30, 1984, the cutoff date of the last Regulatory Agenda, (B) Rules published previously as proposed rules and on which the Commission has not taken final action, (C) Rules published as advance notices of proposed rulemaking and for which neither a proposed nor final rule has been issued; and (D) Unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking" includes: (A) Petitions incorporated into final rules or petitions denied since June 30, 1984, (B) Petitions incorporated into proposed rules, (C) Petitions pending staff review, and (D) Petitions with deferred action.

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

The status and information included in Sections I and II of this agenda have been updated through September 30, 1984. The dates listed under the heading "Timetable" for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide increased notice and public participation in the rulemaking proceedings included on the Agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Regulatory Flexibility Act

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

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

Symbols

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

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, NW., Washington, DC between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed on the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Single copies of this agenda may be purchased from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555 at a cost of $6.00, payable in advance.

Additional Rulemaking Information

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

(A) Rules on which final action has been taken since June 30, 1984

A

TITLE
Elimination of Review of Financial Qualifications of Electric Utilities in Operating License Reviews and Hearings for Nuclear Power Plants

CFR CITATION
10 CFR 2; 10 CFR 50

ABSTRACT:
In response to a remand by the U.S. Court of Appeals for the D.C. Circuit, the Nuclear Regulatory Commission (NRC) has issued a final rule that eliminates financial qualifications review and findings for electric utilities that are applying for operating licenses for utilization facilities if the utility is a regulated public utility or is authorized to set its own rates. This final rule would not affect financial qualification review of a medical utilization, research and development, or a testing facility. The NRC is seeking comment on an alternative proposal that would eliminate financial qualification reviews for all NRC license or permit applicants.

TIMETABLE:
NPRM 04/02/84 49 FR 13044
NPRM Comment Period Begin 04/02/84
NPRM Comment Period End 06/28/84
Final Action 09/12/84 49 FR 35747
Final Action Effective 09/12/84 49 FR 35747

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT
Carole F. Kagan
Office of the General Counsel
Washington, DC 20555
202 634-1493

TITLE:
* Charges for the Production of Records

CFR CITATION:
10 CFR 9

ABSTRACT:
The Nuclear Regulatory Commission is amending its regulations by revising the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. The amendments are necessary in order to reflect the changes in copying charges resulting from the Commission's award of a contract for the copying of records. In addition, the amendments would provide for any future change in copying charges to become immediately effective for the interim period pending completion of the Commission's rulemaking to establish the new charge.

TIMETABLE:
NPRM 06/21/84 49 FR 25482
NPRM Comment Period Begin 06/21/84 49 FR 25482
NPRM Comment Period End 07/06/84
Final Action 07/31/84 49 FR 30457
Final Action Effective 07/31/84 49 FR 30457

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Francis X. Cameron
Office of the Executive Legal Director
Washington, DC 20555
301 492-8689

TITLE:
Revised Access Authorization Fees for Licensee Personnel

CFR CITATION:
10 CFR 25

ABSTRACT:
The final rule revises the fees charged to licensee personnel and others for access authorizations requested under 10 CFR Part 25. The revised fees reflect the costs of the current access authorization investigation charged to the NRC by the Office of Personnel Management plus a part of NRC's overhead associated with the processing of access authorization requests. This action is necessary to allow NRC to comply with OPM's recently modified fee schedule.

TIMETABLE:
Final Action 08/13/84 49 FR 32171
Final Action Effective 08/13/84

LEGAL AUTHORITY:
42 USC 2165; 42 USC 2201; 42 USC 5841; 31 USC 9701

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Richard A.Dopp
Office of Administration
Washington DC 20555
301 427-4549

TITLE:

* Application Consolidation to NRC Form 313; Application for Material License

CFR CITATION:

10 CFR 30; 10 CFR 33; 10 CFR 34; 10 CFR 35; 10 CFR 40

ABSTRACT:

The NRC is amending its regulations concerning the domestic licensing of source and byproduct material to provide for consolidation of five application forms into one simplified form for applications for material licenses. The consolidation simplifies the regional review process and provides an improved format for automatic data entry of information submitted.

TIMETABLE:

Final Action 07/09/84 49 FR 27923
Final Action Effective 07/09/84 49 FR 27923

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Bernard Singer
Office of Nuclear Material Safety and Safeguards, Washington, DC 20555
301 427-4236

TITLE:
Glass Enamel and Glass Enamel Frit Containing Small Amounts of Uranium

CFR CITATION:
10 CFR 40

ABSTRACT:
The final rule removes provisions of the NRC's regulations that exempt the possession and use of glass enamel and glass enamel frit containing uranium from the licensing requirements applicable to source material. These materials are used as a glaze to produce brightly colored surfaces on consumer products such as cloisonne jewelry. The final rule is necessary to prevent the unnecessary exposure to radiation that might be received by artists who use the materials or by consumers who use products containing the materials. The final rule prohibits the future domestic manufacture or importation of glass enamel and glass enamel frit containing small amounts of uranium unless specifically approved by the NRC.

On July 28, 1983 (48 FR 33697), the Nuclear Regulatory Commission suspended a portion of its regulations that provide an exemption from the licensing requirements applicable to the possession and use of source material. The suspended exemption covers glass enamel and glass enamel frit containing small amounts of source material. The suspension is superseded by the completion of this rulemaking.

TIMETABLE:
NPRM 04/30/84 49 FR 18308
NPRM Comment Period Begin 04/30/84 49 FR 18308
NPRM Comment Period End 06/29/84
Final Action 09/11/84 49 FR 35611
Final Action Effective 09/11/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Anthony N. Tse
Office of Nuclear Regulatory Research
Washington, DC 20555
301 4437902

TITLE:
Frequency of Emergency Preparedness Exercises for State and Local Governments

CFR CITATION:
10 CFR 50

ABSTRACT:
The final rule relaxes the frequency of State and local government participation in annual emergency preparedness exercises. The NRC staff has developed this rule to provide flexibility in the conduct of emergency preparedness exercises as a result of information gathered through past experience. The rule change retains the presently required annual exercise that licensees must conduct. However, the rule requires State and local government participation in emergency preparedness exercises every two years with a provision for remedial exercises to assure adequate correction of deficiencies. The NRC staff estimates that State and local governments would save approximately $200,000 for each exercise held in which they do not participate.

TIMETABLE:
NPRM 07/21/83 48 FR 33307
NPRM Comment Period Begin 07/21/83 48 FR 33307
NPRM Comment Period End 09/19/83
Final Action 07/06/84 49 FR 27733
Final Action Effective 08/06/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Michael T. Jamgochian
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7615

TITLE:
Requirements for Licensee Action Regarding the Disposition of Spent Fuel Upon Expiration of the Reactor's Operating License

CFR CITATION:
10 CFR 50; 10 CFR 51

ABSTRACT:
The final amendment to Part 50 provides procedures to be followed by nuclear reactor operating licensees to ensure the continued safe management of spent fuel beyond the expiration date of the reactor operating license. It requires licensees to submit plans concerning how spent fuel at these sites will be managed to NRC for review and approval five years before their operating licenses expire. The final amendment to Part 51 addresses the environmental aspects of extended spent fuel storage past the expiration date of reactor operating licenses; licensing for storage at the reactor site; or storage at an independent spent fuel storage installation.

TIMETABLE:
NPRM 10/25/79 44 FR 61372
NPRM 05/20/83 48 FR 50746
NPRM Comment Period Begin 05/20/83 48 FR 50746
NPRM Comment Period End 12/06/83
Final Action 08/31/84 49 FR 34658

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; 42 USC 5842; 42 USC 4332; 42 USC 4334; 42 USC 4335

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Dennis Rathbun or Clyde Jupiter
Office of Policy Evaluation
Washington, DC 20555
301 6343295

TITLE:
Clarification of General Physical Protection Requirements

CFR CITATION:
10 CFR 73

ABSTRACT:
The general physical protection requirement for fixed sites (Sec. 73.40(a)) is being amended to clarify that the threat of either radiological sabotage of theft, or both, must be treated in a licensee's physical security plan in accordance with the more detailed requirements of other sections of 10 CFR Part 73 which apply to specific classes of licensees or specific types of material. This action is being taken because an Atomic Safety and Licensing Board, in a recent ruling, has made an interpretation of the general requirement which is different from the interpretation currently being applied. This action will clarify the Commission's policy regarding the rule's intent and will codify present application of the general physical protection requirement. No economic impact on a licensee will result from this action.

In a memorandum dated June 13, 1984, the Commission declined staff's request to initiate a rulemaking proceeding which was made by the staff following the Licensing Board's interpretation of 10 CFR 73.40(a) which the staff stated was contrary to NRC licensing practice. The disputed interpretation arose out of proceedings regarding the license renewal of UCLA's Argonaut research reactor (LBP-83-25A, 17 NRC 927 (1983) and LBP-83-67, 18 NRC 802 (1983)).

TIMETABLE:
Final Action 06/13/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Carl J. Withee
Office of Nuclear Material Safety and
Safeguards
Washington, DC 20555
(301) 427-4768

(B) Proposed Rules

B

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

CFR CITATION:
10 CFR 1; 10 CFR 2

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

TIMETABLE:
NPRM 10/28/81 46 FR 53189
NPRM Comment Period Begin 10/28/81 46 FR 53189
NPRM Comment Period End 11/28/81
Next Action Undetermined

LEGAL AUTHORITY:
5 USC 504

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Beverly Segal
Office of the General Counsel
Washington, DC 20555
202 634-3224

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

CFR CITATION:
10 CFR 2

ABSTRACT:
The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. The content of this rule is being considered as part of the regulatory reform rulemaking package. The Commission decided in November 1983 to seek public comment on the package. The package proposals were published in the Federal Register on April 12, 1984.

TIMETABLE:
NPRM 06/08/81 46 FR 30349
Regulatory Reform Rule 12/00/84
Final Action 12/00/84

LEGAL AUTHORITY:
42 USC 2239

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James Tourtellote
Regulatory Reform Task Force
Washington, DC 20555
202 634-1465

TITLE:
Separation of Functions and Ex Parte Communications in On-the-Record Adjudications

CFR CITATION:
10 CFR 2

ABSTRACT:
The proposed rule would amend the Commission's rules of practice regarding the separation of functions and ex-parte communications in on-the-record adjudications. The proposed rule would allow the Commission greater flexibility in communicating with its staff by relaxing the restrictions on Commission-staff communications in initial licensing cases. The proposal would permit Commissioners to consult with staff members who were not personally involved in the proceeding and who did not consult privately with interested persons outside the agency. The proposed rule is intended to provide the Commission with better access to the expertise of its staff. It would replace the two options suggested by the Regulatory Reform Task Force. It would also supersede a prior proposed rule entitled "Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions" published in the Federal Register on March 7, 1979 (44 FR 12428). This issue is one that the Commission has indicated should receive high priority. NRC resources needed for this rulemaking are estimated at 500 staff hours.

TIMETABLE:
Previous NPRM 03/07/79 44 FR 12428
Next Action Undetermined

LEGAL AUTHORITY:
5 USC 554; 5 USC 557

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James R. Tourtellotte
Regulatory Reform Task Force
Washington, D.C. 20555
301 492-7678

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

CFR CITATION:
10 CFR 2

ABSTRACT:
The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic Safety and Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance.
The comment period closed November 24, 1982. Nine comments were received. Half of the comments favored the proposed rule while half opposed it. This proposed rule does not preclude further action on five alternatives for amending the "Immediate effectiveness" rule presented in an earlier notice on May 22, 1980 (45 FR 34279). The rule "Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" proposed by the Regulatory Reform Task Force will determine whether this proposed rule will become effective.

TIMETABLE:
NPRM 10/25/82 47 FR 47260
NPRM Comment Period Begin 10/25/82 47 FR 47260
NPRM Comment Period End 11/24/82
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Martin G. Malsch
Office of the General Counsel
Washington, DC 20555
202 634-1465

TITLE:
Exceptions to Notice and Comment Rulemaking Procedures

CFR CITATION:
10 CFR 2

ABSTRACT:
This proposed rule would amend the Commission's rules of practice by revising NRC procedures contained in Sections 2.804 and 2.805 to clarify the Commission's use of the exceptions to notice and comment rulemaking contained in the Administrative Procedure Act (5 U.S.C. 553(b)). Exception to notice and comment rulemaking may be applied (1) to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice (5 U.S.C. 553(b)(A)) or (2) when the agency for good cause finds that notice and comment are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). This clarification is necessary in light of the U.S. Court of Appeals for the District of Columbia decision in Union of Concerned Scientists v. Nuclear Regulatory Commission, No. 82-2000 (D.C. Cir. June 30, 1983) which vacated a Commission rulemaking on the Environmental Qualification of electrical equipment. The court held that by making the rule immediately effective, instead of providing for notice and comment, the NRC had among other things, violated 10 CFR 2.804 of the Commission regulations which the Court read as a requirement for notice and comment in all Commission rulemakings. The proposed rule will provide explicitly for Commission discretion to invoke, in appropriate situation the APA exceptions to notice and comment rulemakings cited above. There are no satisfactory alternatives to this proposed clarification. It will have little or no impact on the public or the regulated industry because it merely clarifies existing Commission practice. Development and promulgation of the rule will involve approximately 640 hours of NRC staff time, at $60 per hour for a total of $38,400.

TIMETABLE:
NPRM 04/02/84 49 FR 13043
NPRM Comment Period Begin 04/02/84 49 FR 13043
NPRM Comment Period End 05/02/84
Final Action 10/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Francis X. Cameron
Office of the Executive Legal Director
Washington, DC 20555
301 492-8689

TITLE:
Possible Amendments to "Immediate Effectiveness" Rules

CFR CITATION:
10 CFR 2; 10 CFR 50

ABSTRACT:
The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the original "immediate effectiveness" rule (36 FR 828, January 19, 1971) construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision was subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. Present rules provide for limited review of ASLB decisions by the Atomic Safety and Licensing Appeal Board (ASLAB) and the Commission prior to issuance of construction permits. This proposed rule would help to determine whether NRC should return to the former "immediate effectiveness" rule or adopt one of the following alternatives:(1) require the ASLAB to make a separate ruling on the question of effectiveness, or (2) require final ASLAB and Commission decisions on the merits of certain construction-related issues prior to authorizing issuances of the construction permit; (3) require final ASLAB and Commission decisions on the merits of all issues prior to authorizing issuances of the construction permit; and, return to the former "immediate effectiveness" rule, but relax the standards for obtaining a stay of the ASLAB decisions. The rule "Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" proposed by the Regulatory Reform Task Force will determine which of the alternatives proposed in this rule will become effective.

TIMETABLE:
NPRM 05/22/80 45 FR 34279
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Beverly Segal
Office of the General Counsel
Washington, DC 20555
202 634-3224

TITLE:
Notice and Comment on, Procedures for State Consultation on, and Standards for Making Determinations about Whether License Amendments Involve No Significant Hazards Considerations

CFR CITATION:
10 CFR 2; 10 CFR 50

ABSTRACT:
Two interim final rules implement PL 97-415 specifying criteria for notice and public comment on, procedures for State consultation on, and standards for making determinations about whether amendments to operating licenses for certain facilities involve no significant hazards considerations. In addition, the rules specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located. The rules permit the Commission to act expeditiously if circumstances surrounding a request for amendment require a prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved. The interim final rules were published on April 6, 1983 (48 FR 14868). A final rule will be issued by December 31, 1984.

TIMETABLE:
Interim Final Rule 04/06/83 48 FR 14876
Interim Rule Comment Period Begins 04/06/83 48 FR 14876
Interim Rule Comment Period Ends 05/06/83
Final Action 12/00/84

LEGAL AUTHORITY:
42 USC 2201; PL 97-415

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Thomas F. Dorian
Office of the Executive Legal Director
Washington, DC 20555
301 492-8690

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

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

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

TIMETABLE:
NPRM 04/09/80 45 FR 24168
NPRM Comment Period Begin 04/09/80 45 FR 24168
NPRM Comment Period End 06/09/80
Indefinitely postponed 00/00/00

LEGAL AUTHORITY:
42 USC 2201; 42 USC 4332; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
William R. Ott
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4615

TITLE:
Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors

CFR CITATION:
10 CFR 2; 10 CFR 72

ABSTRACT:
The proposed rule contains two options for implementing the hybrid hearing process in Section 134 of the Nuclear Waste Policy Act of 1982. That section sets forth a hybrid hearing process for certain contested proceedings on applications for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. Either version of the proposed rule would provide for an oral argument in the early stage of the hearing process and would designate only genuine and substantial issues for resolution in an adjudicatory hearing. Option 1 would add a new Subpart K to Part 2. Subpart K would require the use of hybrid procedures in all proceedings to which section 134 applies. It would also change the initial stages of the existing hearing process by allowing a person whose interest is affected to participate as a party and to obtain discovery without the need to plead contentions. Option 2 would permit the use of hybrid procedures at the request of any party to the proceeding. It would be implemented by means of an alternative form of summary disposition under a new Sec. 2.749a.

In all other respects, the existing Part 2 procedures would apply. The Commission is seeking comments on both proposals to aid in its choice of procedures for the final rule.
The hybrid hearing procedures are intended to simplify and expedite the licensing process for spent fuel storage facility expansions and transshipments. The proposed rule is needed to permit full realization of those statutory purposes. Because section 134 applies by its terms to applications filed after January 7, 1983, a final rule should be developed as soon as practicable. There are no alternatives to rulemaking that would meet the statutory objectives. The rule will simplify and expedite the hearing process resulting in less costly and shorter hearings for license applicants, intervenors, the NRC staff, and the Licensing Boards. Members of the public who seek to participate in NRC licensing proceedings will have an opportunity to request an oral argument but will be required to make a stronger showing of need in order to require that an adjudicatory hearing be held.

TITLE:

Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors

TIMETABLE:

NPRM 12/05/83 48 FR 54499
NPRM Comment Period Begin 12/05/83 49 FR 414
NPRM Comment Period Extended to
02/20/84 01/04/84 49 FR 414
NPRM Comment Period End 02/20/84
Final Action 12/00/84

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2239

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Linda S. Gilbert
Office of Executive Legal Director
Washington, DC 20555
301 492-7678

TITLE:
Nondiscrimination on Basis of Age in Federally Assisted Commission Programs

CFR CITATION:
10 CFR 4

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

TIMETABLE:
NPRM 09/21/81 46 FR 46582
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 6101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Hudson B. Ragan
Office of Executive Legal Director
Washington, DC 20555
301 492-8252

TITLE:

+ Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities

CFR CITATION:

10 CFR 9

ABSTRACT:

The proposed rule would add Subpart D to 10 CFR Part 9 to prescribe procedures with respect to the production of documents or disclosure of information in response to subpoenas or demands of courts or other judicial or quasi-judicial authorities in state and Federal proceedings. The proposed rule would clarify the procedures to be followed by Commission employees in responding to demands for testimony, information, or documents and would ensure that the responsibility for determining the response to the demands is placed on the appropriate Commission official.

TIMETABLE:

NPRM 07/10/84 49 FR 28012
NPRM Comment Period Begin 07/10/84 49 FR 28012
NPRM Comment Period End 08/09/84
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Richard L. Black
Office of General Counsel
Washington, DC 20555
202 634-1493

TITLE:
Lower Radiation Exposure Levels for Fertile Women

CFR CITATION:
10 CFR 19; 10 CFR 20

ABSTRACT:
The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements (NCRP) in Report No. 39 that the radiation exposure to an embryo or fetus be minimized. It would help provide assurance that radiation exposures of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involving radiation and radioactive material. The proposed rule would amend NRC regulations to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP. The issue will be dealt with in the comprehensive revision of Part 20 to be issued as a proposed rule in October 1984.

TIMETABLE:
Previous NPRM 01/03/75 40 FR 799
NPRM 10/01/84

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Walter Cool
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4579

TITLE:
Changes in Radiation Dose-Limiting Standards

CFR CITATION:
10 CFR 19; 10 CFR 20

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

The changes contained in the proposed rule are intended to benefit workers by increasing radiation protection for them and to encourage some NRC licensees to take further action to reduce occupational radiation doses. The content of this rule will be incorporated into the comprehensive revision of Part 20 to be issued as a proposed rule in October 1984.

TIMETABLE:
Previous NPRM 02/20/79 44 FR 10388
NPRM 10/01/84

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:
Authority for the Copying of Records and Retention Periods for Security Records

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

ABSTRACT:
The proposed rule would define more clearly the authority of an NRC inspector to copy and take away a licensee record that is needed for inspection and enforcement activities. It also would specify the period that a licensee physical security record must be maintained and codify guidelines for record retention periods. Because this action is only a clarification of an existing authority, and any copies to be made will be made at Commission expense, the impact is expected to be minimal. For that portion of the rule which codifies licensee practice for retention of physical security records, retention periods have been reduced in some instances, resulting in a savings of approximately $11,000 per year to the licensee.

TIMETABLE:
NPRM 11/22/82 47 FR 52452
NPRM Comment Period Begin 11/22/82 47 FR 52452
NPRM Comment Period End 01/21/83
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2073; 42 USC 2207

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Sandra Frattali
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7680

TITLE:
Reports of Theft or Loss of Licensed Material

CFR CITATION:
10 CFR 20

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

TIMETABLE:
NPRM 05/09/83 48 FR 20721
NPRM Comment Period Begin 05/09/83
NPRM Comment Period End 06/23/83
Final Action 03/00/85

LEGAL AUTHORITY:
42 USC 2073

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Don R. Hopkins
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:
+ Accreditation of Personnel Dosimeter Processors

CFR CITATION:
10 CFR 20

ABSTRACT:
The notice of proposed rulemaking seeks comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is accredited by NBS/NVLAP. The Commission considered five alternatives for establishing a regulatory program intended to improve personnel dosimetry processing. These alternatives included: no change in current requirements; requiring licensees to participate in performance testing without specifying a testing laboratory; requiring licensees to participate in performance testing conducted by an NRC-specified testing laboratory; a request from Congress for the authority for NRC to license personnel dosimetry processors directly; and requiring licensees to obtain dosimetry services from an NRC-operated or contracted dosimetry service.
An evaluation of estimated annual costs to the dosimetry processing industry resulting from an NRC rule requiring licensees to utilize dosimetry processors accredited under an NBS/NVLAP program was projected to be about $717,000. This would result in an estimated net annual increase in the cost of providing monitoring for each worker per year of $0.51, a 2.1% annual increase. The major benefit of the proposed rule would be increased accuracy and reliability of dose measurement to workers in licensed installations. Other benefits include continued assurance of personnel dosimeter processor competence with minimal NRC staff and resource allocation; formulation of a program that can easily be utilized by other agencies; value to the industrial licensee through legal credibility of a nationally-recognized accreditation program; and value to the worker through more accurate assignment of dose. The staff is currently analyzing the comments received on the NPRM.

TIMETABLE:
ANPRM 03/28/80 45 FR 20493
ANPRM Comment Period Begin 05/12/80 45 FR 31118
ANPRM Comment Period End 06/27/80
NPRM 01/10/84 49 FR 1205
NPRM Comment Period Begin 01/10/84 49 FR 1205
NPRM Comment Period End 03/12/84
Next Action Undetermined

TITLE:
+ Accreditation of Personnel Dosimeter Processors

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:
Don Nellis
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4588

TITLE:
Residual Contamination in Smelted Alloys

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

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

TIMETABLE:
NPRM 10/27/80 45 FR 70874
NPRM Comment Period Begin 10/27/80 45 FR 70874
NPRM Comment Period End 12/11/80
Environmental Impact Statement 04/30/84
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2021; 42 USC 2073; 42 USC 2077; 42 USC 2111; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
D. R. Hopkins
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:
Patient Dosage Measurement

CFR CITATION:
10 CFR 35

ABSTRACT:
In order to ensure the safe use of radiopharmaceuticals, the proposed rule would require that the activity of each radiopharmaceutical dosage be measured before it is administered to a patient. This is not an urgent rulemaking action because the measurements are currently required by a condition included in each medical license. The only way to impose a requirement on all medical licensees is by license condition or regulation; therefore, no alternative action was considered. The proposed rule will require licensees to measure each dosage and make a record of each measurement. Because the requirement is currently imposed by license condition, there will be no cost savings or additional burden; the industry and NRC will benefit by having a clear, concise requirement in the regulation. The proposed rule is being incorporated into a proposed revision of 10 CFR Part 35, "Human Uses of Byproduct Material". NRC resources and scheduling are noted there.

TIMETABLE:
NPRM 09/01/81 46 FR 43840
NPRM Comment Period Begin 09/01/81 46 FR 43840
NPRM Comment Period End 11/30/81
Next Action Undetermined

SUPPLEMENTAL TIMETABLE:
Next Action: Forward Proposed Rule to Director, NMSS

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Norman L. McElroy
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4108

TITLE:
Implementation of the Convention on the Physical Protection of Nuclear Material

CFR CITATION:
10 CFR 40; 10 CFR 70; 10 CFR 73; 10 CFR 110

ABSTRACT:
The NRC is amending its regulations in order to implement the provisions of the Convention on the Physical Protection of Nuclear Material. Since NRC is responding to implementing legislation enacted by Congress and signed by the President, no alternatives were considered. The proposed amendments would require (1) the physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel, (2) advance notification to NRC concerning the export of Convention-defined nuclear materials, and (3) advance notification and assurance of protection to NRC concerning the importation of Convention-defined nuclear materials from countries that are not parties to the Convention, and (4) advance notification and assurance of protection concerning transient shipments of Convention-defined nuclear material shipped between countries that are not party to the Convention. The adoption of the proposed amendments would result in improved security for Convention-defined nuclear material during international transport.
Compliance with the new regulations is expected to cost licensees about $230,000 annually. Public comments have been received and analyzed. A final rule is being drafted.

TIMETABLE:
NPRM 07/14/83 48 FR 32182
NPRM Comment Period Begin 07/14/83 48 FR 32182
NPRM Comment Period End 10/13/83
Final Rule to EDO 08/00/84
Final Rule to Commission 09/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Carl Sawyer
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4186

TITLE:
General Design Criteria for Fuel Reprocessing Plants

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would establish general criteria for designing fuel reprocessing plants in order to provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public. The general criteria contain the minimum requirements that an applicant must use in the selection of principal design criteria for a fuel reprocessing plant. The principal criteria would establish design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to the safety of the facility. This proposed rule was indefinitely deferred in 1975 by action of the Commission. The staff is planning to issue a notice of withdrawal for this proposed rulemaking.

TIMETABLE:
NPRM 07/18/74 39 FR 26293
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Charles W. Nilsen
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7910

TITLE:
Interim Requirements Related to Hydrogen Control

CFR CITATION:
10 CFR 50

ABSTRACT:
The final rule requires improved Hydrogen control systems for boiling water reactors (BWRs) with Mark III type containments and for pressurized water reactors (PWRs) with ice condenser type containments. Additionally, those of the above reactors which don't rely on an inerted atmosphere for hydrogen control would be required to show that certain important safety systems must be able to function during and following hydrogen burning.

TIMETABLE:
NPRM 12/23/81 46 FR 62281
NPRM Comment Period Begin 02/25/82 47 FR 08203
NPRM Comment Period End 04/08/82
Final Action 09/00/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Morton R. Fleishman
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7616

TITLE:
Technical Specifications for Nuclear Power Reactors

CFR CITATION:
10 CFR 50

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

TIMETABLE:
ANPRM 07/08/80 45 FR 45916
ANPRM Comment Period Begin 07/08/80 45 FR 45916
ANPRM Comment Period End 09/08/80
NPRM 03/30/82 47 FR 13369
NPRM Comment Period Begin 03/30/82 47 FR 13369
NPRM Comment Period End 06/01/82
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Cecil O. Thomas
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-7130

TITLE:
Fitness for Duty of Personnel with Access to Nuclear Power Plants

CFR CITATION:
10 CFR 50

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

TIMETABLE:
NPRM 08/05/82 47 FR 33980
NPRM Comment Period Begin 08/05/82 47 FR 33980
NPRM Comment Period End 10/04/82
Final Action 09/00/84

LEGAL AUTHORITY:
42 USC 2236; 42 USC 2237

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Thomas Ryan
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7656

TITLE:
Pressurized Thermal Shock

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would codify the NRC staff's recommended near-term actions for protection against pressurized thermal shock (PTS) events. Specifically, the provisions of the proposed rule would establish screening criteria for axial and circumferential welds; require licensees with operating plants to submit data concerning their reactor vessels to the NRC staff for review; require certain licensees to submit an analysis and schedule for implementation of flux-reduction programs; and require certain licensees with operating pressurized water reactors (PWRs) to submit a PTS safety analysis to the NRC staff for review. The issue of pressurized thermal shock arises because in PWRs, transients and accidents can occur that result in severe overcooling (thermal shock) of the reactor pressure vessel concurrent with, or followed by, repressurization. In these PTS events, rapid cooling of the reactor vessel internal surface results in thermal stress with a maximum tensile stress at the inside surface of the vessel. The provisions of the proposed rule would apply only to PWRs. The major considered alternative to the proposed rule was taking no action.
With the possible exception of a few plants where large flux reduction options may be initiated in the near future, the only significant costs will be future analysis costs for those few plants that are expected to approach the screening RT-NDT limit. A value-impact analysis will be prepared for those plants after receipt of the plant specific analysis and the resulting determination of the particular corrective regulatory action necessary and expedient for the plant. It is anticipated that the value of such identified corrective actions will be large in comparison to the relatively low cost of performing the analyses necessary to identify those actions, and therefore the presently proposed rule is justified.

TIMETABLE:
NPRM 02/07/84 48 FR 4498
NPRM Comment Period Begin 02/07/84 48 FR 4498
NPRM Comment Period End 05/07/84
Final Action 12/00/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:
Pressurized Thermal Shock

AGENCY CONTACT:
Roy H. Woods
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-4714

TITLE:
Protection of Contractor Employees

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would require 10 CFR Part 50 licensees, permittees, and applicants to ensure that procurement documents they issue or modify, specify that contractors and subcontractors post a notice to employees related to employee protection. The required notice would contain information notifying employees that an employer is prohibited from discriminating against an employee engaging in protected activities and that an employee may seek a remedy for prohibited discrimination by filing a complaint with the Department of Labor. The proposed amendment would affect licensees, permittees, applicants, and their contractors and subcontractors who are contractually responsible for construction of basic components or production and utilization facilities.

TIMETABLE:
NPRM 07/06/83 48 FR 31050
NPRM Comment Period Begin 07/06/83 48 FR 31050
NPRM Comment Period End 09/06/83
Interim Final Rule 03/31/84
Final Action 01/00/85

LEGAL AUTHORITY:
42 USC 2236; 42 USC 2282; 42 USC 5851

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Anthony J. DiPalo
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7613

TITLE:
Environmental Qualification of Safety-Related Electrical Equipment

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule, to be published in response to a ruling by the Court of Appeals for the District of Columbia Circuit, would delete from NRC regulations a June 30, 1982, deadline for environmental qualification of safety-related electrical equipment imposed upon certain nuclear power plant licensees by previous Commission order. The Commission seeks to obtain public comment on the issue of whether, as a generic matter, the justifications for continued operation now on file are adequate to support deletion of the June 30, 1982, deadline for the affected nuclear power plants.

TIMETABLE:
NPRM 03/07/84 48 FR 8445
NPRM Comment Period Begin 03/07/84 48 FR 8445
NPRM Comment Period End 08/13/84
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N/A

AGENCY CONTACT:
William Shields
Office of the Executive Legal Director
Washington, DC 20555
301 492-8693

TITLE:
Limiting The Use of Highly Enriched Uranium in Domestic Research and Test Reactors

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would require that non-power reactors use only low-enriched uranium fuel (LEU), with certain exceptions. The proposed rule is intended to reduce the traffic in high-enriched uranium fuel (HEU) and thereby reduce the potential for theft or diversion. The majority of licensees affected by the proposed rule would be universities operating research and training reactors.

TIMETABLE:
NPRM 07/06/84 49 FR 27769
NPRM Comment Period Begin 08/06/84
NPRM Comment Period End 11/02/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N/A

AGENCY CONTACT:
William R. Lahs
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7874

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

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

ABSTRACT:
When the Commission approved the set of final physical protection requirements for fuel cycle facilities possessing formula quantities (five formula kilograms or more) of strategic special nuclear material (SSNM), they exempted nonpower reactors from these requirements, and, instead specified a set of interim requirements. At that time the staff was directed to develop a set of permanent physical protection requirements for this class of nonpower reactors. This rulemaking is needed to replace the current interim regulations and establish permanent physical security requirements for nonpower reactor licensees who possess a nonexempt formula quantity of SSNM, to provide protection against insiders and to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity. The staff is using a performance- oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. Not more than three facilities are expected to have to implement these requirements at an estimated cost increase of $1,100 to $5,100 for improvements and $300 to $7,900 for annual operating costs per facility. Public comments on the new NPRM have been received and analyzed. Further action has been deferred pending resolution of other related issues.

TIMETABLE:
Interim Final Rule 11/28/79 44 FR 68199
Previous NPRM 09/18/81 46 FR 46333
NPRM 07/27/83
NPRM Comment Period Begin 07/27/83 48 FR 34056
Proposed Rule limited to Part 73 07/27/83 48 FR 34056
NPRM Comment Period End 11/28/83
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2071; 42 USC 2073; 42 USC 2133; 42 USC 2134; 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

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

AGENCY CONTACT:

Carl J. Withee
Office of Nuclear Materials Safety
and Safeguards
Washington, DC 20555
301 427-4768

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

CFR CITATION:
10 CFR 50; 10 CFR 73

ABSTRACT:
The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. On March 17, 1977, the NRC published in the Federal Register (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM) at both nuclear reactors and fuel cycle facilities. Written comments were invited and received. On December 28, 1977, the NRC published a notice of public hearing (42 FR 64703) on the proposed rulemaking. Subsequently, the NRC established a Hearing Board to gather additional testimony. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended publication of a final rule, based on the 1977 proposed rulemaking, for fuel cycle facilities and transportation licensees only. (The final rule was published on November 21, 1980; 45 FR 76968.) The Hearing Board further recommended that a new access authorization program be established for and administered by nuclear power plant licensees. The proposed rule will provide for this program and will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants. The staff briefed the Commission on the proposed rulemaking on October 4, 1983. As a result, the staff was directed by the Commission to investigate alternatives to the various access authorization program elements. It is expected that the staff will provide the revised rule package to the Commission by March 15, 1983. The screening program would cost each individual applicant and licensee approximately $155,000 initially and $300,000 per year thereafter.

TIMETABLE:
NPRM 08/01/84 49 FR 30726
NPRM Comment Period Begin 08/01/84 49 FR 30726
NPRM Comment Period End 12/07/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Personnel Access Authorization Requirements for Nuclear Power Plants (Part of Insider Package)

AGENCY CONTACT:

Kristina Z. Jamgochian
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7687

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

CFR CITATION:
10 CFR 51

ABSTRACT:
The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts (e.g., environmental dose commitments, health effects, socioeconomic 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. The proposed rule was published for public review and comment in 1981 (46 FR 15154, March 4, 1981) but 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. Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision on April 27,1982 invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983, and the proposed rule to provide a narrative explanation for Table S-3 is being revised to reflect new developments and the passage of time while the rulemaking was deferred.

TIMETABLE:
NPRM 03/04/81 46 FR 15154
NPRM Comment Period Begin 03/04/81 46 FR 15154
NPRM Comment Period End 05/04/81
Court invalidates Table S-3 rule 04/27/82
Petition for Rehearing Denied 06/30/82
Appeal to Supreme Court filed 09/27/82
Supreme Court reverses the 04/27/82
court decision 06/06/83
Final Action 09/00/84

LEGAL AUTHORITY:
42 USC 2011; 42 USC 4321

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Explanation to Table S-3 Uranium Fuel Cycle Environmental Data

AGENCY CONTACT:

Glenn A. Terry
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4211

TITLE:
Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity

CFR CITATION:
10 CFR 53

ABSTRACT:
The proposed rule would implement procedures and criteria that the NRC would use to determine whether a person owning and operating a civilian nuclear power plant would be able to store the spent nuclear fuel generated at the plant. This determination is necessary before the Secretary of the Department of Energy may enter into a contractual arrangement with the owner of the plant to provide interim Federal storage for limited amounts of spent fuel that the owner is unable to store. The proposed rule is necessary to meet NRC responsibilities under the Nuclear Waste Policy Act of 1982.

TIMETABLE:
NPRM 04/29/83 48 FR 19382
NPRM Comment Period Begin 04/29/83 48 FR 19382
NPRM Comment Period End 06/28/83
Final Action 10/00/84

LEGAL AUTHORITY:
42 USC 2011; 42 USC 2092; 42 USC 2201; 42 USC 4332; 42 USC 5801; 42 USC 5841; 42 USC 5847; 42 USC 10152; 42 USC 10155

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Donald R. Hopkins
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:
Additional Technical Criteria for the Disposal of High-Level Radioactive Wastes in Geological Repositories Located in the Unsaturated Zone

CFR CITATION:
10 CFR 60

ABSTRACT:
The Nuclear Regulatory Commission (NRC) is considering amending its rules on the disposal of high-level radioactive wastes (HLW) in geologic repositories so that the technical criteria for geologic disposal in the saturated zone may be equally applicable to disposal within the unsaturated zone. The amendments are being proposed in response to public comments on the proposed technical criteria for geologic disposal in the saturated zone. Final technical criteria adopted by the Commission for disposal of HLW in the saturated zone were published in the Federal Register on June 21, 1983 (48 FR 28194).

TIMETABLE:
NPRM 02/16/84 49 FR 5934
NPRM Comment Period Begin 02/16/84 49 FR 5934
NPRM Comment Period End 04/16/84
Interim Final Rule 12/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5842; 42 USC 10141

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Dr. Colleen Ostrowski
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4343

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

CFR CITATION:
10 CFR 70

ABSTRACT:
Under currently applicable regulations, material control and accounting (MC&A) requirements for low enriched uranium (LEU) and strategic special nuclear material (SSNM) differ very little. However, both NRC-sponsored and independent studies have concluded that safeguards risks associated with LEU are far less significant than risks associated with SSNM. Current requirements do not sufficiently reflect this fact. The objective of this rule is to eliminate unnecessarily burdensome regulatory requirements. Because of the generic application of this action, it should be accomplished through rulemaking rather than through individual license conditions. This rulemaking action will establish more cost effective MC&A requirements for LEU and reduce these requirements to a level commensurate with the material's low safeguards significance.
Although MC&A requirements for LEU will be reduced by this rulemaking, the public will not be affected since the new requirements provide appropriate protection for the public health and safety consistent with the low strategic significance of the material. The total estimated savings for the industry is of $3.2M per year with an additional potential gain of $725,000 resulting from additional operating time from the elimination of one inventory per year. Since the rule is in the latter stages of development, the bulk of NRC resources yet to be expended will be approximately 0.5 staff year for review of the fundamental nuclear material control plans submitted in response to the new requirements.

TIMETABLE:
NPRM 12/14/82 47 FR 55951
NPRM Comment Period Begin 12/14/82 47 FR 55951
NPRM Comment Period End 02/14/83
Final Action 11/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUS.NESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Carl J. Withee
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4768

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

CFR CITATION:
10 CFR 70

ABSTRACT:
The proposed rulemaking would replace existing material control and accounting (MC&A) requirements for fuel cycle facilities, including reprocessing plants, that are authorized to possess and use formula quantities of strategic special nuclear material (SSNM). It would establish a performance oriented regulation that emphasizes timely detection of formula quantity SSNM losses and provides for more conclusive resolution of discrepancies than is currently achievable. Experience with existing regulations has demonstrated weaknesses in the area of alarm resolution principally because of a lack of timely detection of anomalies and poor loss localization capabilities. The rulemaking would alleviate these liabilities by requiring tests on a more timely basis on small plant subdivisions. An alternative to rulemaking would be to implement the concepts through license amendments for the four involved licensees; however, such an action would be inconsistent with the Administrative Procedures Act and the direction provided in NRC's Policy and Program Guidance document. The protection of the public health and safety will be enhanced through earlier detection and more prompt resolution of anomalies potentially indicative of an SSNM loss. The initial cost to the industry will be offset by the reduction or elimination of unnecessary requirements with the principal one being a reduction in the frequency of physical inventories. The cost to NRC to complete this rulemaking is estimated to be four staff years which includes time for the review of the plans submitted in response to the rule.

TIMETABLE:
ANPRM 11/18/81 46 FR 45144
ANPRM Comment Period Begin 11/18/81 46 FR 56625
ANPRM Comment Period End 02/09/82
NPRM 02/02/84 49 FR 4091
NPRM Comment Period Begin 02/02/84 49 FR 4091
NPRM Comment Period End 09/05/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

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

AGENCY CONTACT:

C. W. Emeigh
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4769

TITLE:
Modification of Protection Requirements for Spent Fuel Shipments

CFR CITATION:
10 CFR 73

ABSTRACT:
The rule would moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The alternatives considered were: (1) let the current interim requirements continue in force; (2) moderate the current requirements; and (3) eliminate all interim requirements. The alternative of moderating the requirements was selected. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated reactor fuel cooled less than 150 days. The benefit of the proposed rule would be the elimination of unnecessarily strict requirements which presently apply to spent fuel shipments.
It is estimated that the modified requirements will result in a savings to licensees of about $20,000 to $30,000 annually, assuming the present rate of 135 shipments annually. Adoption of the proposed amendments would free about 1.5 NRC staff-years annually for other assignments and would reduce NRC travel cost by about $8,000 annually. A proposed rule has been published for public comment.

TIMETABLE:
NPRM 06/08/84 49 FR 23867
NPRM Comment Period Begin 06/08/84
NPRM Comment Period End 09/10/84
Final Rule to Commission 02/00/85

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Carl B. Sawyer
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4186

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

CFR CITATION:
10 CFR 73

ABSTRACT:
The proposed rule would require in Nuclear Power Plants (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, (4) revised requirements for key and lock controls, and (5) revised searches of hand-carried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas." Initial development ofa final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This proposed rule and the other components of the insider rule package were reviewed by the NRC Safety/Safeguards Review Committee which considered a number of alternative approaches to vital island configurations and provided recommendations that are reflected in the proposed rule.

Since requirements for protecting vital areas have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation.
Costs for these improvements are estimated at $850K per site. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans and Inspection and Enforcement staff support time. Initial cost to the NRC is estimated to be $299.5K and estimated annual cost in subsequent years is $37.4K.

TIMETABLE:
Previous NPRM 03/12/80 45 FR 15937
NPRM 08/15/84
NPRM Comment Period Begin 08/15/84
NPRM Comment Period End 11/15/84
Final Action 06/00/85

LEGAL AUTHORITY:
42 USC 2101; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

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

AGENCY CONTACT:

Tom R. Allen
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4910

TITLE:
Searches of Individuals at Power Reactor Facilities (Part of Insider Package)

CFR CITATION:
10 CFR 73

ABSTRACT:
The proposed rule would revise the search requirements for individuals entering the protected area of nuclear power plants. Under the proposed requirements, all persons would be subject to equipment searches for firearms, explosives and incendiary devices. Physical searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material. Random searches were considered as an alternative, but were deemed to be possibly disruptive. Since licensees already possess the necessary equipment, this rule will affect only licensee procedures at negligible additional cost.

Since requirements for searches have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation.

The impact on NRC operations will occur in the area of licensing review of amended licensee security plans. Initial cost to the NRC is estimated to be $46.1K and estimated annual cost in subsequent years is $5.8K.

TIMETABLE:
NPRM 08/15/84 FR
NPRM Comment Period Begin 08/15/84 FR
NPRM Comment Period End 11/15/84
Final Action 06/00/85

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Tom R. Allen
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4010

TITLE:
Export/Import of Nuclear Equipment and Material

CFR CITATION:
10 CFR 110

ABSTRACT:
The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective by expanding or establishing general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. The proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals. The proposed rule would increase international commerce and reduce the regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security. The proposed rule would reduce NRC's minor case licensing workload by about 75%. The information collection burden would be reduced approximately 35% annually for licensees affected by this proposed rule. An estimated 212 hours annually associated with the filing of export license applications and other information collection requirements would be saved (12,730). Preparing and publishing this rule will cost NRC approximately 450 hours of staff time $60 per hour for an estimated total of $27,000.

TIMETABLE:
NPRM 03/01/84 49 FR 7572
NPRM Comment Period Begin 03/01/84 49 FR 7572
NPRM Comment Period End 04/17/84
Final Action 10/00/84

LEGAL AUTHORITY:
42 USC 2073; 42 USC 2074; 42 USC 2077; 42 USC 2092; 42 USC 2094; 42 USC 2111; 42 USC 2112; 42 USC 2139; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Marvin R. Peterson
Office of International Programs
Washington, DC 20555
301 492-4599

(C) Advance Notices of Proposed Rulemaking

C

TITLE:
Rules of Practice for Domestic Licensing Proceedings: Role of NRC Staff in Adjudicatory Licensing Hearings

CFR CITATION:
10 CFR 2

ABSTRACT:
The Commission is considering amending its Rules of Practice concerning what role the NRC staff should have in adjudicatory licensing hearings to most effectively contribute to the protection of the public health and safety. This notice invites public comments and suggestions on four options and related questions, briefly described below. Option 1 would limit staff participation in contested initial licensing proceedings to only those controverted factual issues it disagrees with on a technical basis or rationale. This option is similar to the proposal of a Part 2 unpublished rule (3150-AB08), "Participation of the NRC Staff in Initial Licensing Proceedings," published in NRC's October-December 1983 agenda. Option 2 would require the NRC staff to supply the Commission and the Licensing Board with its views and analyses on every substantive issue raised in an initial licensing proceeding but would prohibit the staff's participation in any procedural matter. Option 3 would retain status quo, i.e., the NRC staff would participate as full party on all issues. Option 4 would expand public involvement in the prehearing stage of initial licensing proceedings, and this option could be used in conjunction with any of the first three options. The staff would subsequently address each substantive issue raised in the Safety Evaluation Report. The ANPR seeks to address what role is appropriate for the NRC staff in adjudicatory licensing proceedings, taking into account such factors as the staff's obligation to protect the public health and safety, the effective use of staff resources, and public perception of the staff's role. It is one of the reforms suggested by the Commission's Regulatory Reform Task Force, which the Commission has indicated should receive expedited treatment. Alternatives to rulemaking could include a policy statement or no action, depending on the option chosen. The possible means of addressing this issue through rulemaking are discussed above. The effects of the rulemaking, including benefits and costs, will depend on the option chosen. NRC resources needed for this rulemaking are estimated at 500 staff hours.

TIMETABLE:
ANPRM Comment Period Extended to
01/03/84 48 FR 54243
ANPRM 11/02/83 48 FR 50550
ANPRM Comment Period Begin 11/02/83 48 FR 50550
ANPRM Comment Period End 12/02/84

TITLE:
Rules of Practice for Domestic Licensing Proceedings: Role of NRC Staff in Adjudicatory Licensing Hearings

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2231

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James R. Tourtellotte
Regulatory Reform Task Force
Washington, DC 20555
301 492-7678

TITLE:
Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities

CFR CITATION:
10 CFR 2; 10 CFR 50

ABSTRACT:
This proposed rule would amend thirty-three sections of two parts affecting the hearing process associated with the issuance of licenses. In the screening process, the most significant changes would (1) establish a screening Atomic Safety and Licensing Board (ASLB) to act as a clearing house for all requests for hearings, petitions for leave to intervene, and proposed contentions, (2) require a participant in a hearing to show that he or she has an interest to protect in the proceeding, and (3) require evidence of a factual dispute for a contention to be admitted. During the conduct of hearings, the most significant changes would (1) not hear discovery requests requiring the staff to support positions other than its own, (2) permit the ASLB to decide the case on the basis of written material, (3) permit the ASLB to appoint a panel of technical experts if needed, (4) allow presiding officers to raise issues on their own motion (sua sponte) only in unusual cases, (5) allow summary disposition motions to be filed at any stage of the proceeding, (6) allow the Commission to designate a hearing examiner in lieu of a three-member ASLB, and (7) require the filing of cross examination plans. During the decision-making process, the most significant changes would (1) remove the ASLB as an independent appeal board but place it organizationally directly under the Commission to review, as before, ASLB decisions, and give its recommendations to the Commission, (2) allow any generic issue resolved in an initial licensing proceeding to be codified, allowing a 45 day comment period, (3) allow an intervenor to participate in discussing only those items he or she introduced, and (4) reinstate the immediate effectiveness of an ASLB decision on an operating license, construction permit, or work authorization.
The proposals, submitted by the Commission's Regulatory Reform Task Force, represent suggestions for improving the reactor licensing process. The Commission is seeking public comment on the proposals before deciding whether it should consider adopting any or all of them. Although they are in the form of proposed rules, the proposals may change in light of the comments received. It is not possible to state how the various issues presented will be addressed through rulemaking.

TIMETABLE:
ANPRM 04/12/84 49 FR 14698
ANPRM Comment Period Begin 04/12/84 49 FR 14689
ANPRM Comment Period End 06/11/84
Next Action Undetermined

TITLE:
Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2231; 42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James R. Tourtellotte
Regulatory Reform Task Force
Washington, DC 20555
301 492-7678

TITLE:
+ Standards for Protection Against Radiation

CFR CITATION:
10 CFR 20

ABSTRACT:
The advance notice of proposed rulemaking seeks comments on a proposal to completely revise NRC's standards for protection against radiation (Part 20). This regulation applies to all NRC licensees and establishes standards for protection against radiation hazards under licenses issued by the NRC. Incorporated into the Part 20 revision is a proposed rule previously published under the title "Procedures for Picking Up, Receiving, and Opening Packages," which will broaden the requirements for monitoring packages used to transport radioactive material and thus provide increased radiological protection for transportation workers and the general public. The proposed revision reflects a comprehensive and systematic review of Part 20 and incorporates current standards for radiation protection into the revised regulation.

TIMETABLE:
ANPRM 03/20/80 45 FR 18023
ANPRM Comment Period Begin 03/20/80 45 FR 18023
ANPRM Comment Period End 06/18/80
NPRM 10/01/84

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:
Robert E. Baker
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4570

TITLE:

+ Decommissioning Criteria for Nuclear Facilities

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 72

ABSTRACT:

The advance notice of proposed rulemaking sought comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licenses. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning. Although it is planned to provide additional guidance through regulatory guides, it is necessary to amend the regulations in order to achieve appropriate assurances of funds for decommissioning. The major cost impact of the proposed rule would involve proper planning at all stages of nuclear facility operation. Proper planning includes providing for (1) financial assurance that funding will be available for decommissioning, (2)maintenance of records that could affect decommissioning, and (3) careful planning of procedures at the time of decommissioning. For the roughly 1500 non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an overall expenditure of 85 man-years ($6.4 million) spread over 5 years.

For the approximately 80 operating reactors plus 75 research and test reactors, it is estimated that the major impact will result in an overall expenditure of 8.5 man-years ($638,000) spread over 3 years. These expenditures will ensure that adequate measures have been taken to protect the health and safety of occupational workers, the public, and the environment within the confines of optimum cost benefit consideration.

TIMETABLE:

ANPRM 03/13/78 43 FR 10370
NPRM 12/00/84

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Keith G. Steyer/Catherine Mattsen
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7910

TITLE:
+ Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees

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

ABSTRACT:
The advance notice of proposed rulemaking sought comments on a proposal that would increase emergency preparedness requirements for fuel cycle and other radioactive materials licensees with the potential for accidents involving radioactive materials that might involve exposures to the public in excess of EPA's protective action guides. The issues being considered in this rulemaking include--(1) Whether increased emergency preparedness is needed for various types of facilities; (2) Whether State and local plans are necessary; and (3) Whether FEMA should review emergency preparedness requirements.

TIMETABLE:
ANPRM 06/03/81 46 FR 29712
ANPRM Comment Period Begin 06/03/81 46 FR 29712
ANPRM Comment Period End 08/03/81
NPRM 02/00/85

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:
Stephen A. McGuire
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7695

TITLE:
Certification of Industrial Radiographers

CFR CITATION:
10 CFR 34

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

TIMETABLE:
ANPRM 05/04/82 47 FR 19152
ANPRM Comment Period Begin 05/04/82 47 FR 19152
ANPRM Comment Period End 09/03/82
Staff to withdraw Rule pending reexamination of problem 12/01/84
Final Action 12/01/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:
Bernard Singer
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4236

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

CFR CITATION:
10 CFR 50

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

TIMETABLE:
ANPRM 12/06/78 43 FR 57157
ANPRM Comment Period Begin 12/06/78 43 FR 57157
ANPRM Comment Period End 02/05/79
NPRM 12/00/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Morton R. Fleishman
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7616

TITLE:
Severe Accident Design Criteria

CFR CITATION:
10 CFR 50

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

TIMETABLE:
ANPRM 10/02/80 45 FR 65474
ANPRM Comment Period Begin 10/02/80 45 FR 65474
ANPRM Comment Period End 12/31/80
Policy Statement Comment Per. Beg 04/13/83 48 FR 16014
Policy Statement Comment Per. Ends 07/09/83 48 FR 16014
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Morton R. Fleishman
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7616

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

CFR CITATION:
10 CFR 50

ABSTRACT:
The advance notice of proposed rulemaking was published to seek comments on a proposal that would make the procedure for facility licensing more predictable by (1) defining more clearly the limitations on what changes a construction permit holder may make to a facility during construction and (2) controlling the ways a construction permit holder implements NRC criteria. The proposal is intended to improve the present licensing process and to develop specific descriptions of essential facility features to which a construction permit holder is bound.Existing and proposed improvements in the NRC's regulations and licensing procedures for nuclear power plants in the post-construction permit stage combined with cancellations and indefinite postponements of nuclear power plants have eliminated the need to continue this specific rulemaking proceeding .

TIMETABLE:
ANPRM 12/11/80 45 FR 81602
ANPRM Comment Period Begin 12/11/80 45 FR 81602
ANPRM Comment Period End 02/09/81
Final Action 11/00/84

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James J. Henry
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7614

TITLE:
Mandatory Property Insurance for Decontamination of Nuclear Facilities

CFR CITATION:
10 CFR 50

ABSTRACT:
An advance notice of proposed rulemaking requested comments on the Long Report (NUREG-0891) entitled "Nuclear Property Insurance: Status and Outlook," in order to determine the adequacy of the NRC's property insurance requirements. This report, prepared by Dr. John D. Long, Professor of Insurance at Indiana University, was written as an outgrowth of the Three Mile Island-2 accident after it became apparent that nuclear utilities may need more property insurance than has previously been required. Based on comments responding to the advance notice, the staff prepared SECY-82-211, which forwarded a final rule entitled "Changes in Property Insurance Requirements for NRC Licensed Nuclear Power Plants" for the Commission"s approval. The Commission did not accept certain recommendations made by the staff in the SECY paper, but instead directed the staff to increase the amount of insurance required and to evaluate the legal issues of Federal preemption of state prohibitions against utilities buying certain types of insurance and of a decontamination priority. A newly written proposed rule was submitted to the Commission July 28, 1984.

TIMETABLE:
ANPRM 06/24/82 47 FR 27371
ANPRM Comment Period Begin 06/24/82 47 FR 27371
ANPRM Comment Period End 09/22/82
Next Action Undetermined

SUPPLEMENTAL TIMETABLE:
Revised Rule: 07/28/84
submitted to the Commission

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Robert S. Wood
Office of State Programs
Washington, DC 20555
301 492-9085

TITLE:
Revision of Backfitting Process for Power Reactors

CFR CITATION:
10 CFR 50

ABSTRACT:
The ANPRM seeks public comment on a number of broad policy questions regarding the establishment of specific procedures for the long term management of the Commission's process for the imposition of new regulatory requirements for power reactors. This process, commonly referred to as "backfitting", includes both plant-specific and generic changes that are proposed for one or more classes of power reactors. The Commission intends, as the outcome of the proceeding, to replace its existing regulation (10 CFR 50.109) with a new rule.

TIMETABLE:
ANPRM 09/28/83 48 FR 44217
ANPRM Comment Period End 10/28/83
A summary of the public comments has been sent to the Commission 03/00/84
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2021; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 4332; 42 USC 4334; 42 USC 4335; 42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James Tourtellotte
Regulatory Reform Task Force
Washington, DC 20555
301 492-8693

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

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

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

TIMETABLE:
ANPRM 07/29/80 45 FR 50350
NPRM 03/00/86

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
William R. Ott
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4615

TITLE:
Seismic and Geologic Siting Criteria for Nuclear Power Plants

CFR CITATION:
10 CFR 100

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

TIMETABLE:
ANPRM 01/19/78 43 FR 2729
NPRM 12/00/87

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

(D) Unpublished Rules

D

TITLE:
Revised Rules of Practice for Domestic Licensing Proceedings

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

ABSTRACT:
The Nuclear Regulatory Commission is proposing an amendment that would revise its procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would comprehensively restate current practice, retitle the hearing office, and revise and reorganize the Commission's procedural rules. The changes set out in this proposed rule are intended to enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
B. Paul Cotter, Jr.
Atomic Safety and Licensing Board Panel
Washington, DC 20555
301 492-7787

TITLE:
Jurisdiction of Adjudicatory Boards

CFR CITATION:
10 CFR 1; 10 CFR 2

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

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2241

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
William M. Shields
Office of the Executive Legal Director
Washington, DC 20555
301 492-8693

TITLE:
Independent Storage of Spent Fuel and High-Level Radioactive Waste

CFR CITATION:
10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

ABSTRACT:
The proposed rule will revise existing regulations to cover specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program

TIMETABLE:
NPRM 11/00/84

LEGAL AUTHORITY:
42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Dennis W. Reisenweaver
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7910

TITLE:
Nondiscrimination on the Basis of Handicap in Nuclear Regulatory Commission Programs

CFR CITATION:
10 CFR 4

ABSTRACT:
The proposed rule would provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, in programs or activities conducted by the Nuclear Regulatory Commission. The proposed rule would make it unlawful for the NRC to discriminate, on the basis of handicap, in employment or the conduct of its activities. The proposed rule would place the same obligations on the NRC that are placed on the recipients of Federal financial assistance.

TIMETABLE:
NPRM 12/00/84

LEGAL AUTHORITY:
42 USC 2021; 42 USC 2201; 42 USC 5841; 29 USC 794; 29 USC 706

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Edward E. Tucker
Office of Small and Disadvantaged
Business Utilization/Civil Rights
Washington, DC 20555
301 492-7697

TITLE:
Nondiscrimination on the Basis of Sex - Title IX of the Education Amendments of 1972, as Amended

CFR CITATION:
10 CFR 4

ABSTRACT:
The proposed rule would implement the provisions of Title IX of the Education Amendments of 1972, as amended, that prohibit discrimination on the basis of sex in programs and activities receiving Federal financial assistance from the Nuclear Regulatory Commission. The proposed rule sets out the requirements necessary to comply with the legislation and the procedures to be followed by appropriate officials within the NRC in enforcing the requirements. The requirements of the proposed rule would apply to each recipient of Federal financial assistance from the NRC.

TIMETABLE:
NPRM 12/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; 20 USC 1681; 20 USC 1682; 20 USC 1683; 20 USC 1685; 20 USC 1686

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Edward E. Tucker
Office of Small and Disadvantaged
Business Utilization/Civil Rights
301 492-7697

TITLE:
Retention Periods for Records

CFR CITATION:
10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

ABSTRACT:
This proposed rule would establish a specific retention period for certain NRC-required records. It would also provide a uniform standard acceptable to the NRC for the condition of a record throughout a specified retention period. Further, the rule would establish throughout NRC regulations, with some exceptions, uniform retention periods of two years, five years, ten years, and the life of a license. This rule would bring NRC regulations into compliance with the Office of Management and Budget's (OMB) regulation (5 CFR 1320.6) that requires a specified retention period for each required record. It also implements NRC's 1982 commitment to OMB to establish a record retention period of determinable length for each required record. Amending twenty parts of NRC regulations to specify clearly what records to retain, how long to retain them, and the condition of a record useful for NRC inspection, will be mutually beneficial to applicants and licensees and to the NRC. Recordkeeping labor for NRC's approximately 6,700 licensees who would be affected by the rule can be divided into four functions: (1) preparing the report, (2) storing the report, (3) maintaining the report files, and (4) retrieving the report information. The principal savings to the licensee, dispersed over the period licensed, would be in physical storage space and associated storage equipment and materials. The burden of recordkeeping would be reduced approximately 10 percent annually for these licensees by the proposed rule. An estimated 466,323 hours associated with recordkeeping or $28,000,000 annually would be saved. Preparing and publishing this rule would cost NRC approximately 500 hours of staff time at $60 per hour for an estimated total of $30,000.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Brenda Jo. Shelton
Office of Administration
Washington, DC 20555
301 492-8585

TITLE:
Performance Testing of Bioassay Labs

CFR CITATION:
10 CFR 20

ABSTRACT:
The proposed rule would require licensees, who provide bioassay services for individuals to assess internal radiation exposure, to use accredited laboratories after an accreditation program is established. The proposed rule would reduce unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories that analyze materials for radioactivity. Thus, the accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material would be improved. An expert, primarily industry-based, committee of the Health Physics Society has written a draft standard. The draft standard has been revised to take into account early comments that the NRC solicited and received from industry. The NRC, in cooperation with the DOE, has established a performance testing study to test the standard, to provide the information necessary to complete the standard, and to design and set up an accreditation program. Results of Phase 1 of the study, involving tests of laboratory accuracy for measuring radioactivity in human excretion samples, have shown that ways must be found for more uniform quality control of analytical methods, or that some criteria of the standard may be more restrictive than appropriate for these kinds of analyses. The majority of persons in the affected industry still appear to favor a rule requiring accreditation (with testing) of laboratories providing radiobioassay services to NRC licensees. However, comments on the proposed rule, as well as further information to be obtained from the NRC-DOE study, will be used to determine the most cost-effective and reasonable manner for improving the measurements needed to determine internal radiation exposures.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Allen Brodsky
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4394

TITLE:
Residual Radioactive Contamination Limits for Decommissioning

CFR CITATION:
10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 70

ABSTRACT:
The proposed rule would establish residual radioactive contamination limits that must be met before buildings, structures, equipment, materials, and lands may be released for use on an unrestricted basis. Licensed facilities with residual levels of radioactive contamination below these limits would be eligible for unrestricted release and termination of the license. The proposed amendments are necessary to provide licensees with quantitative criteria to use in the decommissioning and cleanup of buildings, structures, equipment, materials, and lands used in NRC licensed activities. The proposed rule is intended to ensure that buildings, structures, equipment, materials, and lands used in NRC licensed activities will be decommissioned and decontaminated in a manner that protects public health.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Don R. Harmon
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4566

TITLE:
Conforming Amendments to Prenotification, Quality Assurance, and Package Monitoring Requirements

CFR CITATION:
10 CFR 20; 10 CFR 71

ABSTRACT:
The proposed amendments would revise the requirement for advance notification of waste shipments to provide a more uniform level of hazard at which the report is required. The proposed level of hazard is expected to conform to the level at which the Department of Transportation imposes motor vehicle routing requirements. The proposed amendments would also clarify which of the general licenses in 10 CFR Part 71 require quality assurance programs. The proposed amendments would also adjust the limits for package monitoring on receipt in 10 CFR 20.205 to conform to the new A1/A2 system of Part 71.

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Donald R. Hopkins
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:
Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance

CFR CITATION:
10 CFR 21; 10 CFR 50

ABSTRACT:
This proposed rule would amend Part 21 and Sec. 50.55(e) of Part 50, both of which require the reporting of safety defects by licensees. This effort was prompted by TMI Action Plan Task II,J. 4 and has as its main objectives: (1) elimination of duplicate reporting among all requirements, (2) consistent reporting among all reporting requirements, (3) establishment of uniform and clear definitions for defects which need to be reported, (4) establishment of uniform time limits within which a defect must be reported and evaluated and, (5) establishment of a uniform format for reporting of defects. Approximately 300 and 5000 reports are issued annually under Part 21 and Sec. 50.55(e) respectively. The reports identify plant specific safety concerns and potential generic safety concerns for further NRC followup. These reports form the basis for numerous NRC bulletins and information notices. This proposed rulemaking will reduce the potential for duplicate reporting and evaluation that now exists and will establish a more coherent regulatory framework that is expected to reduce industry and NRC burden in this area without sacrificing safety effectiveness. Alternatives to this approach varied from establishment of a single rule for all reporting to maintaining a Status Quo for defect reporting. All alternatives were rejected since they would not result in any substantial improvement to the present regulatory framework. Current costs of reporting under Part 21 and 50.55(e) are estimated at $5,000,000 annually for industry and $2,600,000 annually for NRC evaluations. It is anticipated that industry reporting burden with the proposed rulemaking will be reduced by 219,750 hours or $2,570,000 while NRC burden should be reduced by 79,800 hours or $876,000. Additional burden to industry and NRC, while minimal, is anticipated in the areas of adherence to time schedules and enforcement, respectively.

TIMETABLE:
NPRM 02/00/85

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:
Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance

AGENCY CONTACT:
John Zudans
Office of Inspection and Enforcement
Washington, DC 20555
301 492-8030

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

CFR CITATION:
10 CFR 25; 10 CFR 95

ABSTRACT:
The proposed rule would incorporate a recently approved exception to the personnel security background investigation requirement for access to Communications Security (COMSEC) information, provide additional instruction for the processing of access authorization applications for immigrant aliens, and adopt a more flexible stance regarding the suspension of facility security approval for situations not directly endangering the common defense and security. These amendments are necessary to incorporate experience gained under the current regulations and implement an exception to current policy recently approved by the National Communications Security Committee.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2165; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Richard A. Dopp
Office of Administration
Washington, DC 20555
301 427-4549

TITLE:
Periodic and Systematic Reevaluation of Parts 30 and 32

CFR CITATION:
10 CFR 30; 10 CFR 32

ABSTRACT:
The proposed rule would be an editorial revision of the regulations governing the domestic licensing of byproduct material and the exemptions from domestic licensing requirements. The proposed rule would reflect the application of good regulatory drafting practices. The proposed rule would simplify and clarify the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them. From the time of publication of the criteria for the periodic and systematic review of regulations in 10 CFR Chapter I on January 23, 1981 (46 FR 7388), through the present time, the NRC has amended or proposed to amend 10 CFR Parts 30 and 32 to such an extent that the NRC has met the objective of this Agenda entry, i.e., a comprehensive review of the regulations in 10 CFR Parts 30 and 32. Accordingly, there is no longer a need to continue this specific rulemaking proceeding.

TIMETABLE:
Final Action 10/00/84

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
James J. Henry
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7614

TITLE:
+ Licensing of Sources and Devices

CFR CITATION:
10 CFR 30; 10 CFR 32; 10 CFR 40; 10 CFR 70

ABSTRACT:
The proposed rule would require manufacturers or distributors of sealed sources or devices containing sealed sources to obtain a license from the NRC prior to the initial transfer of the sealed sources or devices to specific licensees. The rule would also require manufacturers or distributors of sealed sources or devices to provide the NRC with information on such products relating to design, manufacture, testing, operation, safety and hazards as a condition for obtaining a license.

TIMETABLE:
NPRM 06/00/85

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201; 42 USC 2071; 42 USC 2092

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:
Donald R. Hopkins
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:
Revision of Consumer Product Approval Criteria and Regulations

CFR CITATION:
10 CFR 30; 10 CFR 40

ABSTRACT:
The Nuclear Regulatory Commission is currently reevaluating the policy, criteria, and regulations that govern the use of radioactive material in consumer products. This action was taken in order to determine whether a proposed rule was needed to: (1) codify the NRC policy on consumer product approval criteria; (2) review and revise regulations in Part 30 providing exemptions for consumer products; (3) review, revise, and reorganize regulations in Part 40 providing exemptions for consumer products. The NRC has decided to terminate this rulemaking effort because (1) the consumer product approval criteria, although not codified, has been used satisfactorily for nearly 20 years, and (2) consumer product regulations appear, in most cases, to be adequate. However, the need for a proposed rule in this area will be re-considered after one year.

TIMETABLE:
Final Action 12/00/84

LEGAL AUTHORITY:
42 USC 2093; 42 USC 2111; 42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Anthony N. Tse
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7902

TITLE:
Financial Responsibility of Materials Licensees for Cleanup After Accidental and Unexpected Releases

CFR CITATION:
10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

ABSTRACT:
The advance notice of proposed rulemaking (ANPRM) seeks comments on the advisability of having NRC require a mechanism to assure financial capability on the part of certain NRC materials licensees (e.g., fuel fabricators and users of sealed radiation sources) to undertake prompt cleanup of accidental releases or contamination, both on and off site. The cited regulations do not address this responsibility. Estimates for cleanup costs in the recent past have ranged up to $2 million for a single event. To date, cleanup has been conducted by the state or Federal government, but frequently public monies are used only after lengthy delays. Use of an alternative, i.e., the 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is effectively blocked by EPA policy. CERCLA provides funds for cleanup if the owner or operator is unable to do so and if the release is not covered by "Price-Anderson" provisions, which address liability and do not provide funds for cleanup per se. EPA maintains that NRC has full authority to require cleanup of accidental releases by licensees; thus, CERCLA public funds should not be used for this purpose.
Costs to licensees of the possible different financial assurance mechanisms are based on proprietary information. Staff is inviting comments in response to the ANPRM to address costs aspects, as well as scope of coverage and availability of alternative mechanisms.

TIMETABLE:
ANPRM to States in 09/00/84
ANPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:
Mary Jo Seeman
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4647

TITLE:
Radiation Surveys and In-House Inspection Systems in Radiography

CFR CITATION:
10 CFR 34

ABSTRACT:
The proposed rule would require that the in-house inspection description in a radiography license application specify a method for inspecting each radiographer and radiographer's assistant's knowledge of applicable regulations, license conditions, and performance of established procedures at intervals not exceeding three months. This action is intended to further ensure that radiographic operations are conducted safely.
The cost of performing the inspection is estimated to be $432,960 per year for the entire industry. There is no impact on the NRC staff. The proposed rule would also require a licensee to perform and record a radiation survey of a radiographic exposure device made when storing the device after use instead of recording the results of the radiation survey made after the last exposure. This action, which is taken in response to petition for rulemaking (PRM-34-3) is intended to provide an acceptable procedure for assuring that the sealed source has been properly stored within the device.
Alternatives to rulemaking were considered including preparation of guidance recommending a time- of-storage survey or license condition. These approaches would not have a regulatory basis and also would not be adaptable by agreement states Requiring an additional radiation survey at the time of storage provides additional assurance that accidental exposures will not occur to members of the public as well as workers. The cost of this survey requirement to the entire industry is estimated to be $541,200 annually. There are no additional recordkeeping costs. Impact on NRC staff is negligible since inspectors will review the time-of-storage survey record rather than the last use survey record. NRC staff time for processing this rule to final publication is estimated to be 0.4 staff-years.

TIMETABLE:
Petition for Rulemaking (PRM-34-3) 11/23/82 47 FR 52722
NPRM 09/00/84

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:
Donald O. Nellis
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4588

TITLE:
* Physician's Use of Radioactive Drug: Sulfur Colloid

CFR CITATION:
10 CFR 35

ABSTRACT:
The proposed rule would provide an exception to the NRC's requirement that a physician follow FDA approved labeling for (1) chemical and physical form, (2) route of administration, and (3) dosage range when using an FDA approved drug for a non-approved procedure. The proposed rule would allow a physician to use technetium-99m labeled "sulfur colloid" for gastresophageal imaging without regard to the restrictions concerning FDA labeling.

TIMETABLE:
NPRM 09/00/84

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Vandy L. Miller
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4232

TITLE:
+ Human Uses of Byproduct Material

CFR CITATION:
10 CFR 35

ABSTRACT:
The proposed rule would revise Part 35 to modify the process for licensing and regulating the medical use of radioactive byproduct material. Requirements that apply to medical licensees are scattered in the regulations, license conditions, the individual licensee's application, and licensing branch policy statements. The purpose of the proposed rule is to codify all requirements that apply to one or more medical user groups listed in the regulation. Although not urgent, the staff believes that the proposed rule will result in a clearer understanding of NRC requirements for all medical licensees. The only way to impose requirements on all licensees is by license condition or regulation; therefore no alternative action was considered. The essential elements of the current requirements have been codified in the proposed regulations. Because most of the requirements contained in this proposed regulation are currently imposed by regulation or license condition, there will be no significant cost savings or additional burden; the industry and NRC will benefit by having a clear, concise, complete regulation. The NRC will use about 0.3 staff-year to complete the proposed revision and forward it to the Commissioners for their consideration in the fall.

TIMETABLE:
NPRM 01/31/85

LEGAL AUTHORITY:
42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:
Norman L. McElroy
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4108

TITLE:
Licenses and Radiation Safety Requirements for Well-logging Operations

CFR CITATION:
10 CFR 39

ABSTRACT:
The proposed rule would establish specific radiation safety requirements applicable to licensees who perform operations such as well-logging, mineral-logging, radioactive markers, and subsurface use of radioactive materials in tracer studies. The proposed rule is necessary because current NRC regulations address these operations in a general way without providing the specific guidance necessary to ensure that these operations are performed safely. As an alternative to the status quo, the proposed rule would adopt the requirements in the Suggested State Regulations for Control of Radiation Part W as new NRC regulations. The potential costs for industry to implement these requirements would be about $1,000,000/yr. However, because most of the requirement is already imposed by license conditions, the net increase in cost would be about $80,000 per year for the industry or about $500 per licensee. The proposed rule would establish a consistent, comprehensive set of requirements that would minimize the effort required to obtain reciprocity for NRC licensees to operate in Agreement States or vice versa. The proposed rule would require about one professional staff-year effort by NRC.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Anthony N. Tse
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7902

TITLE:
Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues

CFR CITATION:
10 CFR 40

ABSTRACT:
The advance notice of proposed rulemaking seeks comment on NRC's tentative approach to making further amendments to its uranium mill tailings regulations. The contemplated rulemaking proceeding is intended to incorporate groundwater provisions and other requirements established by the Environmental Protection Agency for similar hazardous wastes into NRC regulations. This action is necessary to make NRC regulations consistent with EPA standards as required by the Uranium Mill Tailings Radiation Control Act. No alternatives to this action need to be considered. Comments on the ANPRM will help define the nature and scope of the action. EPA has estimated that compliance with their groundwater standards and with the stability, radon release, and other requirements recently promulgated will cost the industry from about $310 million to $540 million for all tailings generated by the year 2000. The range depends on the eventual cost of groundwater protection for future tailings. The EPA regulations are binding on NRC licensees in the interim. NRC resources and schedules are still being developed.

TIMETABLE:
ANPRM 09/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; 42 USC 7901 Note

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Kitty S. Dragonette
Office of Nuclear Material Safety and Safeguards
Washington, D.C. 20555
301 427-4300

TITLE:
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards

CFR CITATION:
10 CFR 40

ABSTRACT:
The proposed rule would revise the Nuclear Regulatory Commission's regulations governing the disposal of uranium mill tailings to conform them to regulations recently published by the Environmental Protection Agency that set standards for protecting the environment from these wastes. The proposed rule would remove inconsistencies between NRC and EPA requirements and incorporate in NRC regulations the stability, radon release, and other provisions of the EPA standard not related to groundwater. This action is necessary to comply with provisions of the Uranium Mill Tailings Radiation Control Act and the NRC Authorization Act for FY 1983; therefore no alternatives to this action need to be considered. EPA has estimated that compliance with their recently published regulations would cost the uranium milling industry from about $310 million to $540 million to dispose of all existing tailings and tailings to be generated by the year 2000. This includes the costs of the groundwater protection provisions which are to be addressed in future NRC rule changes. The EPA regulations are binding on NRC licensees in the interim. The final rule should be in place within 6 months after publication of the proposed rule and require only nominal (less than 0.2 FTE) NRC staff resources.

TIMETABLE:
NPRM 09/00/84

LEGAL AUTHORITY:
42 USC 2014; 42 USC 2092; 42 USC 2093; 42 USC 2094; 42 USC 2095; 42 USC 2111; 42 USC 2113; 42 USC 2114; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282; 42 USC 2021; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Kitty S. Dragonette
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4300

TITLE:
Additional Scram System Requirement for Westinghouse Nuclear Power Plants

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would require an improvement in the design of light-water-cooled nuclear power plants manufactured by Westinghouse. A specific provision contained in the proposed rule requires the installation of a diverse scram system from sensor output to interruption of power to the control rods. The NRC staff estimates that the proposed scram system would cost all affected licensees and CP holders combined a total of $50 million. The benefit of the proposed action is that the diverse scram system would reduce the likelihood of an accident if the existing reactor protection system fails to shut down the reactor following an anticipated transient. The regulatory analysis for this is contained in SECY-83-293. One alternative to adoption of the proposed rule would be to accept the risk of ATWS after the modifications required by the recently issued final rule (40 FR 26086) are implemented. Another alternative would be to adopt a reliability assurance program as recommended in the preamble of the ATWS final rule. (See 3150-AA19).

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
David W. Pyatt
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7631

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

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed revised rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. It is proposed to revise the rule as noted to make it current and improve its usefulness. The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leaktight integrity of containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended. Still remaining are resolution of issues peripheral to, but important to, the rule, presentation of the proposed rule for public comment and integration of appropriate public comments.

TIMETABLE:
NPRM 02/00/85

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Gunter Arndt
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7860

TITLE:
Communications Procedures Amendments

CFR CITATION:
10 CFR 50

ABSTRACT:
This proposed rule would amend the regulations which establish the procedures for submitting correspondence, reports, applications, or other written communications pertaining to the domestic licensing of production and utilization facilities. The proposed amendments are expected to resolve confusion regarding submittal procedures and improve the communication process with the affected applicants and licensees.
The proposed amendments would (1) simplify the procedures for making Part 50 submittals to the NRC; (2) facilitate the timely dissemination of Part 50 submittals to NRC staff; (3) reduce postage and copying costs for applicants and licensees by requiring fewer copies of submittals; (4) establish a central NRC receipt point for Part 50 submittals; (5) include the NRC Resident Inspectors in the formal communications; and (6) supersede all outdated submittal directions contained in other sources of submittal guidance, such as Regulatory Guide 10.1 (Revision 4) and NRR Generic Letter 82-14. Although these documents addressed the problem, they did not entirely resolve the confusion. Moreover, subsequent changes in the organizational structure of NRC were not reflected in the guidance documents.
The current regulations also cause unnecessary delays in the dissemination of information to NRC staff. For example, any document submitted to an NRC Regional Office will not usually be disseminated to NRC Headquarters staff until two weeks later. These problems can be resolved only by amending 10 CFR Part 50, since the current regulations are the source of the problems. The proposed rule is expected to reduce postage and copying costs for licensees and applicants subject to 10 CFR Part 50. An annual savings of $140,000 is estimated. In addition, the NRC is expected to realize a small savings in postage costs. Preparing and publishing this rule would cost NRC approximately 320 hours of staff time at $60 per hour for a total of $19,200.

TIMETABLE:
NPRM 09/00/84

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Communications Procedures Amendments

AGENCY CONTACT:

Michael D. Collins
Office of Administration
Washington, DC 20555
301 492-4955

TITLE:
General Design Criterion on Human Factors

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would establish a new general design criterion on human factors considerations. The specific factors to be addressed include operability, surveillance, maintainability, and human engineering criteria. The revised human factors criterion is necessary because post-TMI reviews and operating experience indicate that the human factors discipline is rarely applied when needed at the design and construction stage. Alternatives to the proposed criterion are described in the Regulatory Analysis and include: (1) continuation of the current ad hoc requirements; (2) modification to specific existing criteria in 10 CFR Part 50, Appendix A; and (3) delaying action until the development of an industry standard and preparing a regulatory guide to document the NRC position.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N/A

AGENCY CONTACT:
James P. Jenkins
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7657

TITLE:
Station Blackout

CFR CITATION:
10 CFR 50

ABSTRACT:
NRC is proposing to amend its regulations to require light water nuclear power plants to be capable of withstanding a total loss of alternating current (AC) electrical power to the essential and nonessential switchgear buses called Station Blackout for a specified duration. A proposed regulatory guide, to be issued at the same time as the proposed rule, would provide guidance on how to determine the duration.

The proposed requirements were developed in response to information generated by the Commission's study of Unresolved Safety Issue A-44, Station Blackout. The proposed rule is intended to provide further assurance that a loss of both off-site and emergency on-site electric AC power systems will not adversely affect the public health and safety.

A regulatory analysis has been prepared for the proposed rule. The estimated public risk reduction is 580,000 person-rem over 25 years; the estimated total cost for industry to comply with the proposed rule is $150 million; and the overall value-impact ratio is about 3,900 person-rem per million dollars.

The alternatives to this proposed rulemaking are to take no action or to provide only guidance for plants to be able to cope with a station blackout period. The former alternative would not yield any deduction in public risk from station blackout events. Since there is presently no requirement for nuclear power plants to be able to cope with a total loss of AC power, the guidance in the later alternative would not have any basis in existing regulations. The proposed rule is the recommended alternative based, in part, on the favorable value-impact ratio.

Resources and scheduling requirements to complete development and promulgation of the proposed rule are estimated to be approximately 2.5 professional staff years over the next 18 months.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N/A

AGENCY CONTACT:
Alan Rubin
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-8303

TITLE:
Experience Requirements for Senior Operators at Nuclear Power Plants

CFR CITATION:
10 CFR 50

ABSTRACT:
The NRC is proposing to amend its regulations to require (1) that all applicants for a senior operator's license have been licensed as an operator for at least one year, including 250 hours at the controls of an operating commercial nuclear power plant; and (2) that each shift have at least one senior operator who has served as a licensed senior operator at an operating commercial nuclear power plant for one year. The amendment would promote the protection of the health and safety of the public by improving the capability of the plant staff to detect and respond to unanticipated occurrences under the direction of experienced senior members of the licensed operating crew. The lack of operating experience of members of the shift crew has been found to be a problem at new plants. The proposed rule will ensure consistent and minimum levels of operating experience for all senior licensed operators who are responsible for directing the activities of other members of the shift crew. Implementation of the proposed rule would be required two years after publication of the final rule.

A regulatory analysis is being prepared to compare several alternatives to the proposed rule. Alternatives to be evaluated as part of the regulatory analysis include (1) the base case, i.e., current experience requirements for senior licensed operators as specified in the H.R. Denton letter to all licensees of March 28, 1980; (2) the proposed amendment to 10 CFR 50; (3) NRC endorsement of an industry proposal on operating crew experience and qualifications presented to the Commission on February 24, 1984; and (4) revisions to Regulatory Guide 1.8, "Personnel Qualification and Training for Nuclear Power Plants." Resources and scheduling requirements to complete development and promulgation of the proposed rule are estimated to be approximately 1.2 professional staff years over the next 18 months.

TIMETABLE:
NPRM 11/00/84
Final Action 10/00/85

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; 42 USC 5843; 42 USC 10152; 42 USC 10155; 42 USC 10226

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Experience Requirements for Senior Operators at Nuclear Power Plants

AGENCY CONTACT:

Jennifer Koontz
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-8682

TITLE:
Requirements for Senior Managers at Nuclear Power Plants

CFR CITATION:
10 CFR 50

ABSTRACT:
NRC is proposing to amend its regulations to require that licensees of nuclear power plants have on each shift a senior manager responsible for integrated management of shift operations who holds a bachelor's degree in engineering or a related physical science from an accredited institution, has five years nuclear power operating experience, and holds a senior operator's license. A schedule for implementation of this requirement would have to be submitted within six months of the effective date of the rule. The objective of the new senior manager position is to increase on-shift management involvement for all aspects of plant operations (e.g., maintenance, health physics, chemistry, operation, security). The amendment would promote the protection of the health and safety of the public by (1) increasing management involvement in actual operations and (2) improving the plant operating staff's capabilities to detect an abnormal condition or an unanticipated occurrence and promptly and appropriately respond.
The proposed rulemaking was prepared in response to the Commission's direction to expedite resolution of the degree on shift issue, and it is further addressed in TMI Action Plan Item I.A.2.6. and Human Factors Program Plan Item 1.2.
A regulatory analysis has been prepared which compares four alternatives to the existing base case. These are: (1) the proposed rule, eliminate the STA and implement a requirement for a senior manager in charge of integrated shift operations; (2) a degreed shift supervisor, eliminate the STA and implement a requirement for the shift supervisor to hold a bachelor's degree in engineering or a related science or the equivalent; (3) a shift engineer, replace the STA with a shift engineer position; and (4) no degree, eliminate the STA.

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; 42 USC 5843; 42 USC 10152; 42 USC 10155; 42 USC 10226

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Clare Goodman
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-4894

TITLE:
Extension of Construction Completion Date

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would clarify the provision of Section 50.55(b) which describes both the procedure for renewal of a construction permit for a nuclear power plant following its expiration (a showing of "good cause") and the circumstances under which the Commission will consider granting a request for an extension of a construction completion date. The proposed rule would also address two essentially identical petitions for rulemaking filed with the Commission by the State of Illinois (PRM-50-25) and the Porter County Chapter of the Izaak Walton League of America, et al. The petitioners requested that Section 50.55(b) be amended or rescinded, and that the Commission promulgate a regulation which would not limit a "good cause" showing to the reasons why construction was not completed before the latest completion date specified in the construction permit.

TIMETABLE:
NPRM 12/00/84

LEGAL AUTHORITY:
42 USC 2235

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Linda S. Gilbert
Office of the Executive Legal Director
Washington, DC 20555
301 492-7678

TITLE:
Refinement of Emergency Planning Regulations

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would amend the Commission's emergency planning regulations to reflect experience gained since 1980 and reorganize the emergency planning requirements for clarity. Research studies on reactor risk and practical emergency planning experience have led to a refined portrayal of reactor risks and consequences. The proposed rule would require a graduated emergency response capability to reflect a more realistic program for dealing with radiological emergencies at nuclear power plants.

TIMETABLE:
NPRM 01/00/85

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:
Michael Jamgochian
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7615

TITLE:
Extension of Criminal Penalties

CFR CITATION:
10 CFR 50

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

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Colleen Ostrowski
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4580

TITLE:
* Codes and Standards for Nuclear Power Plants (1983 Edition, Winter 1982 through Summer 1984 Addenda)

CFR CITATION:
10 CFR 50

ABSTRACT:
The proposed rule would incorporate by reference the Winter 1982 Addenda, 1983 Edition, Summer 1983 Addenda, Winter 1983 Addenda, and the Summer 1984 Addenda of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code. The ASME Code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction and inservice inspection of nuclear power plants. Incorporating by reference the latest edition and addenda of the ASME Code will establish the NRC staff position on these Code rules on a generic basis, thereby minimizing the need for case-by-case evaluations and reducing the time and effort required for applicant/licensee submittal preparations and staff license reviews.

TIMETABLE:
NPRM 11/19/84

LEGAL AUTHORITY:
42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Gilbert C. Millman
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7860

TITLE:
Radon and Technetium Estimates for Table S-3

CFR CITATION:
10 CFR 50; 10 CFR 51

ABSTRACT:
In a Federal Register notice published on April 14, 1979 (43 FR 15613) the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated. Table S-3 had not shown a separate estimate for technetium-99, but included it in the category of "Other Fission Products. Pending rulemaking action to provide new estimates for radon-222 and technetium-99 in Table S-3, the environmental effects of these radionuclides are subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 and technetium-99 in individual nuclear power plant licensing proceedings. The only alternative to generic treatment of the environmental impacts of Rn-222 and Tc-99 is to continue to allow these environmental impacts to be brought into litigation in individual licensing cases. By the proposed rulemaking action, new estimates for the environmental releases of RN-222 and Tc-99 will be added to Table S-3, and the narrative explanation of Table S-3 will be modified accordingly. This will complete Table S-3 and will remove all environmental impacts of the uranium fuel cycle from further consideration and litigation in individual nuclear power plant licensing cases.

This rulemaking action will not impose additional work or requirements on the public, the industry, license applicants, or the Commission staff. It will reduce the time required and the effort needed to complete nuclear power plant licensing proceedings. NRC resources to develop the rulemaking are estimated to be 0.5 FTE scientific staff, with no contractual support.

Estimates of technetium-99 releases and their environmental impacts have been given in individual nuclear power plant licensing proceedings and upheld by the hearing boards.

TIMETABLE:

NRC Appeal to Supreme Court Filed	09/27/82
Supreme Court Reverses Decision	06/06/83
EPA's New Standards Promulgated	10/01/83
Revise NRC's Milling Regulations	09/30/84
New Emissions Estimate for Table S-3	12/31/84

SUPPLEMENTAL TIMETABLE:

U.S. (D.C. Circuit Court)	04/27/82
Invalidates Table S-3	

TITLE:
Radon and Technetium Estimates for Table S-3

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
William E. Thompson
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-9024

TITLE:
Training and Qualifications of Nuclear Power Plant Personnel and Operators' Licenses

CFR CITATION:
10 CFR 50; 10 CFR 55

ABSTRACT:
The Nuclear Regulatory Commission is proposing to amend its regulations to (1) require each holder of and each applicant for a license to operate a commercial nuclear power plant to establish and use a systems approach in developing training programs and establishing qualifications requirements for civilian nuclear power plant operators, supervisors, technicians, and, as appropriate, operating personnel; (2) clarify the regulations for the issuance of licenses to operators and senior operators; (3) revise the requirements and scope of written examinations and operating tests for operators and senior operators; (4) codify procedures for the administration of requalification examinations; and (5) describe the form and content for operator license applications. The proposed rule is necessary to meet NRC responsibilities under Section 306 of the Nuclear Waste Policy Act of 1982. A regulatory analysis was performed which shows a public risk reduction of 268,000 person-rem at a cost of $240.4 million dollars resulting in a value/impact ratio of 1,100 person-rem/$million. The major alternative considered was guidance rather than regulation. The total safety impact would have been lower if this alternative were chosen. Coordinated industry objections to the rulemaking were the subject of a Commission meeting on April 9, 1984. Industry's proposal was for an NRC policy rather than a rule. Staff is going forward with a proposed rule for Commission consideration, because a Policy Statement would not be enforceable. However, in view of industry objections, staff will propose inclusion in the rule of the INPO Accreditation Program as the major means of fulfilling the rule requirements. Resources and scheduling requirements to complete development and promulgation of the proposed rule are estimated to be approximately 1.5 professional staff years over the next 18 months.

TIMETABLE:
NPRM 09/00/84
Final Action 11/00/85

LEGAL AUTHORITY:
42 USC 2137; 42 USC 2201; 42 USC 5841; 42 USC 10226

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Training and Qualifications of Nuclear Power Plant Personnel and Operators' Licenses

AGENCY CONTACT:

Julius Persensky
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-4892

TITLE:
Update of Table S-4, Part 51

CFR CITATION:
10 CFR 51

ABSTRACT:
Table S-4 helps provide a means for meeting the NEPA requirements for an environmental assessment at the construction permit stage of a new reactor. The technical basis for this table, WASH-1238, was published in 1972. A revised and updated version of WASH-1238 (NUREG/CR-2325) that includes current transportation data and impacts was published in December 1983. In addition, staff calculations are available on the impacts of the higher burnups and increased enrichments currently in use in many reactors. The proposed rule would amend Table S-4 to include the impacts from these two studies and ensure that the table reflects the current environmental impacts. Prior to developing this rule, an Environmental Impact Assessment will be developed to satisfy the requirements of the National Environmental Policy Act of 1969.

TIMETABLE:
NPRM 03/00/85

LEGAL AUTHORITY:
42 USC 2201; 42 USC 4332

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
William R. Lahs
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7874

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

CFR CITATION:
10 CFR 60

ABSTRACT:
The proposed rule would revise procedures regarding NRC reviews of license applications for disposal of high-level radioactive wastes in geologic repositories. The procedures are being revised principally to conform to the provisions of the Nuclear Waste Policy Act of 1982. Specifically, the proposed rule would clarify that NRC begins its review in this licensing process after DOE provides NRC a site characterization plan and that usual rules of practice apply to licensing of these repositories. It would also provide that the NRC may publish a notice of receipt of a site characterization plan and a notice inviting comments on its analysis of a plan.

TIMETABLE:
NPRM 09/00/84

LEGAL AUTHORITY:
42 USC 2071; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 5842; 42 USC 5846; 42 USC 2021a; 42 USC 5851; 42 USC 4332; 42 USC 10141; 42 USC 2273; 42 USC 2201(o)

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Enrico F. Conti
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4616

TITLE:
Financial Responsibility Standards for Long Term Care for Low Level Waste Disposal Sites

CFR CITATION:
10 CFR 61

ABSTRACT:
The proposed rule would provide standards that would ensure that each licensee responsible for the disposal of low-level radioactive waste possess an adequate bond, surety, or other financial arrangement to permit completion of all requirements established by the Commission for decontamination, decommissioning, and site closure. Section 151 of the Nuclear Waste Policy Act authorizes the NRC to develop standards for financial arrangements for low-level radioactive waste site closure. Comments on the ANPRM will help define the nature and scope of the action. NRC resource scheduling is being developed.

TIMETABLE:
NPRM 09/00/85

LEGAL AUTHORITY:
42 USC 10171

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Mary Jo Seeman
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4647

TITLE:
Material Status Reports

CFR CITATION:
10 CFR 70

ABSTRACT:
The NRC is amending its regulations in section 70.53 to require additional information, pertaining to inventory difference (ID) and limit of error in inventory difference (LEID) figures, to be included in the semiannual Material Status Reports. Licensees who will be affected by the proposed regulations are those who are authorized to possess at any one time special nuclear material (SNM) in a quantity exceeding one effective kilogram and operation of a nuclear reactor. In the past, this information has been sent voluntarily in narrative form to the Regional Offices as an attachment to the Material Status Reports. In conjunction with this rulemaking, the form that is used for the Material Status Reports is being updated to allow for the inclusion of the required additional information.

TIMETABLE:
NPRM 09/30/84

LEGAL AUTHORITY:
42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Sandra Frattali
Office of Nuclear Regulatory Research
301 443-7680

TITLE:
Rule to Amend the Transportation Provisions Pertaining to the Shipment of Low Specific Activity (LSA) Material

CFR CITATION:
10 CFR 71

ABSTRACT:
The proposed amended rule would define two classes of LSA materials with specified shipping or packaging requirements. The two classes represent a consolidation of five classes of LSA materials and solid contamination objects (SCO) proposed in draft 1984 regulations of the International Atomic Energy Agency (IAEA). In addition, the proposed rule provides special consideration for the inherent safety associated with the shipment of solid, nonflammable objects which are not dispersible in water. A new requirement of the amended rule would impose a dose rate limit on LSA materials. This requirement, which is philosophically consistent with the proposed IAEA regulations, is considered necessary to keep current and future LSA shipments within the envelope of safety originally conceived for such materials. This proposed rule would be responsive to PRM-71-1, PRM-71-2 and PRM-71-4.

TIMETABLE:
NPRM 06/00/85

LEGAL AUTHORITY:
42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Donald R. Hopkins
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:
Clarification of General Physical Protection Requirements

CFR CITATION:
10 CFR 73

ABSTRACT:
The general physical protection requirement for fixed sites (Sec. 73.40(a)) is being amended to clarify that the threat of either radiological sabotage or theft, or both, must be treated in a licensee's physical security plan in accordance with the more detailed requirements of other sections of 10 CFR Part 73 which apply to specific classes of licensees or specific types of material. This action is being taken because an Atomic Safety and Licensing Board, in a recent ruling, has made an interpretation of the general requirement which differs from the interpretation currently being applied. This action will clarify the Commission's policy regarding the rule's intent and will codify present application of the general physical protection requirement. No economic impact on a licensee will result from this action.

TIMETABLE:
NPRM 09/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Carl J. Withee
Office of Nuclear Material Safety and
Safeguards
Washington, DC 20555
301 427-4040

TITLE:
Reporting Requirements for Safeguards Events

CFR CITATION:
10 CFR 73

ABSTRACT:
The proposed rule would amend reporting requirements of section 73.71 for reports of unaccounted for shipments, suspected thefts, unlawful diversion, and other safeguards events. The staff has found the present requirements confusing to licensees and, therefore, difficult for licensees to properly implement. These difficulties have contributed to safeguards event reports that lack uniformity and contain insufficient data for NRC analysis purposes. Safeguards event reporting requirements are necessary to permit timely response by the NRC to safeguards incidents and to identify possible generic deficiencies in safeguards systems. Until the requirements for reporting are clarified and simplified, the problems identified above will continue to exist. This is considered to be a matter of moderate urgency. An alternative to rulemaking is issuance of additional or revised guidance on the present requirement. However, such guidance would lack regulatory authority. Since the problems have arisen over the abstract nature of the present requirement, it appears the best solution is to correct the source of the problem by amending the existing rule. The proposed amendments redefine, in clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour telephonic notification is deleted. All events would be either telephonically reported within one hour or logged in licensee records to be submitted to the NRC quarterly. Concurrent with the rule revision, a revised regulatory guide is being developed which provides a format for reporting to the NRC and gives examples of what types of events should be reported and under what category.
The public would benefit from the proposed rule because of the NRC's improved capability to assess safeguards adequacy at subject facilities. Cost impacts to the public are expected to be negligible. Benefits to licensees will be clearer, simpler regulations, a reduction in telephonic report-making, and use of standardized report formats. However, due to an increase in detail to reports, it is estimated that a net cost increase to industry of $495,000 will be incurred on an annual basis.

TIMETABLE:
NPRM 10/00/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:
Reporting Requirements for Safeguards Events

AGENCY CONTACT:
Priscilla A. Dwyer
Office of Nuclear Material Safety and
Safeguards
Washington, DC 20555
301 427-4773

TITLE:
Physical Protection Requirements for Independent Spent Fuel Storage Installations (ISFSIs)

CFR CITATION:
10 CFR 73

ABSTRACT:
Requirements for the physical protection of spent nuclear fuel at independent storage sites are currently contained in 10 CFR 73.50. Those requirements were originally developed for a broad range of materials and facilities, and were not developed specifically for independent spent fuel storage installations. (ISFSIs). Preliminary studies, some of which are related to transportation and require extrapolations to fixed installations, indicate that some of the current requirements for ISFSIs may not be at the appropriate level. If ongoing assessments confirm that existing regulations should be changed to be more commensurate with the consequences of a sabotage attack, a proposed performance-oriented rule would be developed to allow licensees the flexibility of using the most cost-effective measures available to meet the regulatory requirements. The necessity and urgency of addressing this issue is because licensing the first ISFSI is scheduled to be completed in 1984 or 1985. An alternative to rulemaking is to continue use of the existing regulations, issuing exemptions and adding license conditions as necessary.
In accordance with NRC Policy and Planning Guidance, rulemaking is to be utilized when numerous licensees are affected. As work on resolution of the technical issues continues, analyses regarding the effects of the rule on the public, industry and NRC will be developed. It will take about one year to publish a final rule after the Commission approves the proposed rule for publication. The estimated resources needed from now until a final rule is prepared are approximately 1-1/2 staff years.

TIMETABLE:
NPRM 12/31/85

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Frank Davis
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-4765

TITLE:
Criteria for an Extraordinary Nuclear Occurrence

CFR CITATION:
10 CFR 140

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

TIMETABLE:
NPRM 10/10/84

LEGAL AUTHORITY:
42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Harold Peterson
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4578

II
PETITIONS

(A) - Petitions incorporated into final rules
or petitions denied since June 30, 1984

A

PETITION DOCKET NUMBER: PRM-50-32, PRM-50-32A, PRM-50-32B

PETITIONER: Ohio Citizens for Responsible Energy; Marvin I. Lewis; and Mapleton Intervenors

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: June 24, 1982 (47 FR 27371); November 24, 1982 (47 FR 53030)

SUBJECT: Protection Against the Effects of Electromagnetic Pulse (EMP)

SUMMARY: Description. The petitioners request that the Commission amend its regulations to require applicants for construction permits and operating licenses for nuclear power plants to provide for design features to protect against the effects of electromagnetic pulse (EMP). The petitioners state that electromagnetic pulses are generated by high altitude nuclear explosions and could cause current or voltage to flow through electricity-conducting materials, thereby either destroying or temporarily disrupting control systems in a nuclear power plant that are essential for safety.

Objective. To ensure that structures, systems, and components of nuclear power plants that are important to safety are protected against the effects of electromagnetic pulse.

Background. The original comment period for PRM-50-32 closed August 23, 1982. Fifteen letters of comment were received plus three requests for extension of the comment period. In the Federal Register notice of receipt for PRM-50-32A and PRM-50-32B, which requested public comment for a 60-day period ending January 24, 1983, the Commission reopened the comment period for PRM-50-32 to run concurrently with the comment period for PRM-50-32A and PRM-50-32B. A total of 32 letters of comment were received during the combined comment periods. The staff has reviewed these comments and a response to the petitioners has been prepared. The Commission reviewed and unanimously approved the staff's report on the effects of EMP on nuclear power plant systems in November 1983.

TIMETABLE: Complete. A notice denying these petitions for rulemaking was published in the Federal Register on July 12, 1984 (49 FR 28409).

CONTACT: Faust Rosa
Office of Nuclear Reactor Regulation
(301) 492-7141

PETITION DOCKET NUMBER: PRM-50-33

PETITIONER: National Emergency Management Association

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: July 6, 1982 (47 FR 29252)

SUBJECT: Emergency Training Exercises at Nuclear Power Plants Involving State and Local Governments

SUMMARY: Description. The petitioner requests that the Commission amend Appendix E to Part 50 to reduce the current requirement for an annual emergency training exercise at a nuclear power plant with full-scale participation of state and local agencies. The petitioner proposes that the training exercises be held at less frequent intervals with varying degrees of participation. The petitioner's proposed amendment would require an emergency training exercise (1) at least once every 2 years with full participation by local agencies and partial participation by States within the plume exposure emergency planning zone (EPZ) and (2) at least once every 7 years with full participation by local agencies within the plume exposure EPZ and State agencies within the plume exposure and ingestion EPZ. Exercises should be held more frequently than every 7 years if necessary to include each State within a plume exposure pathway EPZ at least once every 2 years.

Objective. To reduce the frequency of emergency training exercises at nuclear power plants and the degree of involvement of State and local governments from the current requirement for an annual full-scale exercise.

Background. The petitioner, NEMA, which comprises directors of State emergency services programs, acknowledges the need for appropriate plans, training, drills, and exercises to prepare for emergencies. However, the petitioner believes that the current requirement for full-scale local and State participation in an annual emergency preparedness exercise is placing an impossible financial burden on State resources.

TIMETABLE: Complete. The final rule addressing this petition was published in the Federal Register on July 6, 1984 (49 FR 27733).

CONTACT: Michael T. Jamgochian
Office of Nuclear Regulatory Research
(301) 443-7615

PETITION DOCKET NUMBER: PRM-50-34

PETITIONER: State of South Carolina

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 10, 1982 (47 FR 50918)

SUBJECT: Frequency of Nuclear Power Plant Emergency Training Exercises Requiring Local Government Agency Participation

SUMMARY: Description. The petitioner proposes that the Commission's regulations be amended to reduce the frequency of nuclear power plant emergency training exercises that involve the participation of local government agencies. The petitioner contends that the requirement for annual participation in emergency training exercises for local governments within a plume exposure pathway EPZ places an undue burden on trained volunteer participants and a financial burden on local government resources. The petitioner states that while the county in which a nuclear power reactor is located derives revenue from the reactor owner to help offset the cost of an annual full-scale exercise, other affected counties derive little or no revenue from the reactor owner, and, for these counties, the cost of an annual full-scale exercise is an additional expense.

Objective. To reduce the frequency of nuclear power plant emergency training exercises requiring local government agency participation and, thus, reduce the burden on volunteer participants and local government financial resources.

Background. The comment period closed January 10, 1983.

TIMETABLE: Complete. The final rule addressing this petition was published in the Federal Register on July 6, 1984 (49 FR 27733).

CONTACT: Michael T. Jamgochian
Office of Nuclear Regulatory Research
(301) 443-7615

(B) - Petitions incorporated into proposed rules

B

PETITION DOCKET NUMBER: PRM-50-22

PETITIONER: Public Interest Research Group, et al.

PART: 50

OTHER AFFECTED PART(S): None

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

SUBJECT: Decommissioning of Nuclear Power Plants

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

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

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

TIMETABLE: Commission action on a proposed rule is scheduled for December 1984.

CONTACT: Catherine Mattsen
Office of Nuclear Regulatory Research
(301) 443-7910

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

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

PART: 71

OTHER AFFECTED PART(S): None

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

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

SUMMARY: Description. The petitioners requested that the Commission amend its regulations at §§71.7 and 71.10 to exempt "low specific activity material," as defined in §71.4(g), from the requirements of Part 71. The petitioners stated that the Department of Transportation (DOT) Hazardous Materials Regulations, 49 CFR 170-189, provide a specific exemption for "low specific activity material" in which these materials are exempted from the normal packaging requirements. Petitioners further stated that this exemption would make Part 71 more consistent with both the 1967 regulations of the International Atomic Energy Agency (IAEA) and with the 1972 revised edition of the IAEA regulations.

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

Background. Comments were received on these petitions over a period of one and one-half years. Altogether, five favorable comments were received. In July 1979, the Commission approved a proposed revision (SECY-79-192) to the NRC transportation regulations in 10 CFR Part 71 to make them more compatible with those of the IAEA, including the requested revision to §71.7 to exempt "low specific activity material" from the requirements of Part 71. The proposed rule change was published in the Federal Register on August 17, 1979 (44 FR 48234). During the development of the final rule, however, the transportation program office (NMSS) reversed its earlier decision to exempt "low specific activity material" from Part 71 until a deficiency in the rule is corrected and directed that action on the petitions be delayed until a new rulemaking action is initiated to correct the deficiency. That new proposed rule is scheduled for completion by June 1985.

TIMETABLE: Commission action on the petition is scheduled for June 1985.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
(301) 443-7878

PETITION DOCKET NUMBER: PRM-73-2

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 15, 1977 (42 FR 46431)

SUBJECT: Elimination of "Pat Down" Physical Searches of Individuals at Nuclear Power Plants

SUMMARY: Description. The petitioners request elimination of the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary in that comparable highly sensitive facilities such as those used to store nuclear weapons do not have such a requirement. The petitioners state that their petition would permit "pat down" searches and that individuals entering a protected area would be put on notice that they are subject to these searches. Existing requirements for the use of detection equipment would not be affected. The petition includes proposed amendatory text to Part 73. The petitioners also have submitted a memorandum in support of the petition.

Objective. To eliminate the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant.

Background. The comment period closed October 17, 1977. Approximately 100 comments were received. Eighty comments were from utilities and supported the petition. The other 20 disagreed with the petition. Currently effective regulations require, in part, that licensees conduct physical "pat down" searches of their employees and other persons before allowing them to enter a protected area of a power reactor facility. However, NRC has extended to licensees relief from this requirement while a proposed rulemaking proceeding in physical searches is conducted. The most recent notice granting a continuation of this relief was published in the Federal Register on December 1, 1980 (45 FR 79492). The Commission notified the petitioner that action on the petition has been delayed pending resolution of the rulemaking proceeding to modify requirements for physical searches at nuclear power plants. Implementation of the proposed revised pat-down search rule would not represent any increased costs to individual licensees.

TIMETABLE: Commission action on the petition for rulemaking is pending issuance of the final rule on personnel access authorization. The proposed rule was published in the Federal Register on August 1, 1984 (49 FR 30738).

CONTACT: Philip Ting
Office of Nuclear Regulatory Research
(301) 443-7988

PETITION DOCKET NUMBER: PRM-73-3

PETITIONER: KMC, Inc., et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 10, 1978 (43 FR 29635)

SUBJECT: Physical Security Requirements at Nuclear Power Plants

SUMMARY: Description. The petitioner requests amendment of §73.55 to include a statement that, if a nuclear power reactor licensee meets the specific requirements for physical protection against an insider threat, as provided for in the Commission's regulations, a licensee will also meet the general performance requirements for physical protection provided in §73.55. The petitioner contends that while §73.55(a) permits licensees to suggest alternative measures that would achieve equivalent levels of physical protection, experience has shown that these proposed alternatives have not been accepted by the NRC staff. The petitioner states that the NRC has required additional features, beyond the requirements in §73.55, to meet the general performance requirements for physical security protection. Specifically, the petitioner requests amendment of paragraph (a)(2) of §73.55 that provides requirements for protection against "insider" threat (that is, a threat from an individual inside a plant, including an employee of the utility). The requested change would state that a utility that meets the specific requirements in paragraphs (b) through (h) of §73.55 would satisfy the general performance requirements for physical security in §73.55. The petitioner provides specific amendatory language in the petition and also has submitted a memorandum in support of the petition.

Objective. To limit NRC staff from imposing on utilities additional requirements for physical security protection above those requirements in §73.55 by stating that a utility, when it satisfies the specific requirements for physical protection against an insider threat (as provided in the Commission's regulations), will also meet the general performance requirements for physical protection against an insider threat.

Background. The comment period closed September 8, 1978. Four comments on the petition were received. On November 11, 1978, the NRC notified the petitioner that action on the petition would be delayed because the currently effective physical security requirements in § 73.55 were under review.

The NRC has extended to licensees partial relief from the physical security requirements in §73.55. The most recent notice extending this relief was published in the Federal Register on December 1, 1980 (45 FR 79410). The NRC published a proposed rule in the Federal Register on December 1, 1980 (45 FR 79492), which would modify the physical security requirements in §73.55. Action on the petition is delayed pending resolution of policy questions raised by the petition in current rulemakings.

TIMETABLE: Commission action on the petition for rulemaking is pending issuance of the final "Insider Rule." The proposed rule was published in the Federal Register on August 1, 1984.

CONTACT: Philip Ting
Office of Nuclear Regulatory Research
(301) 443-7983

PETITION DOCKET NUMBER: PRM-73-7

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

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

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

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

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

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. Action on the petition is delayed pending resolution of policy questions in current rulemakings.

TIMETABLE: Commission action on the petition will follow publication of the final "Insider Rule." The proposed rule was published in the Federal Register on August 1, 1984 (49 FR 39735).

CONTACT: Philip Ting
Office of Nuclear Regulatory Research
(301) 443-7988

PETITION DOCKET NUMBER: PRM-73-8

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

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

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

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

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

Background. The comment period closed April 19, 1982. Ten comments on the petition were received. Action on the petition is delayed pending resolution of policy questions in current rulemakings.

TIMETABLE: Commission action on the petition will follow publication of the final "Insider Rule." The proposed rule was published in the Federal Register on August 1, 1984 (49 FR 30738).

CONTACT: Philip Ting
Office of Nuclear Regulatory Research
(301) 443-7988

(C) - Petitions pending staff review

C

PETITION DOCKET NUMBER: PRM-20-6

PETITIONER: Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): None

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

SUBJECT: Radiation Protection Standards

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

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

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

to this petition and PRM-20-6A will be prepared following Commission action on the revised Part 20 rule.

TIMETABLE: Commission action on the final rule is scheduled for May 1985.

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

PETITION DOCKET NUMBER: PRM-20-6A

PETITIONER: Rosalie Bertell

PART: 20

OTHER AFFECTED PART(S): None

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

SUBJECT: Standards for Protection Against Radiation

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

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

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

TIMETABLE: Commission action on a final rule is scheduled for May 1985.

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

PETITION DOCKET NUMBER: PRM-20-7

PETITIONER: Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): 61

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

SUBJECT: Shallow Land Disposal of Low-Level Radioactive Waste

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

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

Background. The comment period closed on November 22, 1976. Fourteen of the fifteen responses from industry recommended denial of the petition. The NRC staff analyzed the petition and concluded that no compelling potential health and safety hazard existed to warrant immediate NRC reassumption of regulatory authority from the states, or immediate implementation of interim regulations as proposed by the petitioner. Consequently, a notice denying immediate issuance of interim requirements for shallow land disposal of radioactive wastes was issued by the Commission and published in the Federal Register on July 25, 1979 (44 FR 4354). However, several issues raised by the petitioner are being considered as part of a comprehensive rulemaking affecting 10 CFR Part 61 entitled "Licensing Requirements for Land Disposal of Radioactive Waste."

The final rule addressing these issues was approved by the Commission on October 28, 1982, and published in the Federal Register December 27, 1982 (see 47 FR 57446). The final Environmental Impact Statement was published in November 1982.

TIMETABLE: A Federal Register notice addressing the disposition of this petition is scheduled for publication in September 1984.

CONTACT: Kenneth Jackson
Office of Nuclear Material Safety and Safeguards
(301) 427-4500

PETITION DOCKET NUMBER: PRM-20-14

PETITIONER: The University of Utah

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 30, 1984 (49 FR 3667)

SUBJECT: Disposal of Very Low Concentrations of Short-Lived Radionuclides

SUMMARY: Description. The petitioner proposed an amendment of §20.306 and the addition of §20.307 to alleviate a number of problems that many licensees are experiencing under current regulations with the disposal of experimental animal waste material and certain radionuclide components. The petitioner states that the changes would substantially reduce nonradiological risks related to the collection, storage, packaging, and shipping of certain biological and chemical wastes without compromising or reducing radiation protection.

Objective. To obtain additional options for the disposal of very low concentrations of short-lived radionuclides.

Background. The comment period closed March 30, 1984. Forty-five comment letters were received, including one from the petitioner that revised the initial petition and offered a second version that was based on the petitioner's analysis of the comment letters. Most of the comment letters favored the petition. Approximately one-fourth of the comment letters contained data that was solicited when the notice of receipt of the petition was published. This data will be used to help evaluate the merit of the petition. The staff is currently analyzing the data, the petition, the revised petition, and other comment letters.

TIMETABLE: The staff proposal in response to this petition is scheduled for completion in June 1985.

CONTACT: Harold Peterson
Office of Nuclear Regulatory Research
(301) 427-4578

PETITION DOCKET NUMBER: PRM-20-15

PETITIONER: Edison Electric Institute (EEI) and Utility Nuclear Waste Management Group (UNWMG)

PART: 20

OTHER AFFECTED PART(S): NONE

FEDERAL REGISTER CITATION: September 19, 1984 (49 FR 36653)

SUBJECT: New Methods of Disposal of Radioactively Contaminated Waste Oil from Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission issue a regulation governing the disposal of radioactively contaminated waste oil from nuclear power plants by establishing radionuclide concentrations in waste oil at which disposal may be carried out without regard to the radioactive material content of the waste. Each year, the petitioners state, quantities of waste oil containing very low levels of radioactive contamination are produced at nuclear power plants. The petitioners maintain that the currently used method of disposal (which is absorption or solidification, transportation to, and burial at a licensed disposal facility) is costly, inconsistent with NRC's policy in favor of volume reduction, and represents an inefficient use of resources. In order to provide efficient, environmentally acceptable, and cost beneficial methods, the petitioners propose six disposal methods with specific gross activity limits for itemized radionuclides to be included in a new Appendix E to Part 20.

Objective. To develop a *de minimis* standard of 1 mrem/yr. for disposal of waste oil generated in nuclear power plants which is consistent with Commission and ACRS support for the development of regulatory cutoff levels.

Background. The comment period closes November 19, 1984.

TIMETABLE: Staff action on this petition is unscheduled, pending closure of the comment period.

CONTACT: Don Harmon
Office of Nuclear Regulatory Research
(301) 427-4577

PETITION DOCKET NUMBER: PRM-30-55

PETITIONER: State of New Jersey, Department of Environmental Protection

PART: 30

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

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

SUBJECT: Radiation Standards for Uses of Byproduct Material

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

Objective. The petitioner proposes that the Commission take the following actions to reduce unnecessary public exposure to radioactive substances emitted from byproduct material facilities:
1. Establish criteria to quantify the "as low as reasonably achievable" emission reduction policy for major facilities using byproduct materials from man-made fission reactions and require existing plants to meet these criteria.
2. Establish siting criteria for these facilites that would form a basis for evaluating the acceptability of new plant locations in terms of radiation doses to the public.
3. Require new and existing byproduct facilities to develop and implement offsite environmental surveillance programs to provide information on levels of radioactivity in the environment around these facilities

Background. The comment period closed October 11, 1977. Six comments were received, all opposing the petition. The staff is developing a final position on the petition. This petition was combined with an earlier petition (PRM-50-10) from the State of New Jersey that dealt with similar issues. PRM-50-10 was withdrawn on September 15, 1983 (48 FR 41429).

TIMETABLE: Disposition of this petition is pending ongoing discussions with the petitioner.

CONTACT: Richard P. Grill
Office of Nuclear Regulatory Research
(301) 443-7629

PETITION DOCKET NUMBER: PRM-34-3

PETITIONER: Chicago Bridge and Iron Company

PART: 34

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 23, 1984 (47 FR 52722)

SUBJECT: Final Radiation Survey of a Radiographic Exposure Device

SUMMARY: Description. The petitioner proposes an amendment to Commission regulations that would specify added requirements for the last radiation survey of a radiographic exposure device that is made after the device has been used. The petitioner would require that the survey be made by a radiation survey instrument at a point on the surface of the device while the device is stored. This survey would occur at or near the place of storage and would become the recorded survey. Currently, the regulations specify only that the last survey made after the device is used be recorded. The petitioner contends that the suggested amendments would indicate safe storage of the device and provide a more accurate record.

The staff agrees with the petitioner and a rule has been proposed which would provide a recorded survey that would be useful in determining that the radiographic exposure device is stored with the sealed source in its safe location in the device.

TIMETABLE: A proposed rule addressing this petition is scheduled for publication in September 1984.

CONTACT: Donald O. Nellis
Office of Nuclear Regulatory Research
(301) 427-4588

PETITION DOCKET NUMBER: PRM-35-2

PETITIONER: The American Association of Physicists in Medicine

PART: 35

OTHER AFFECTED PART(S): None

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

SUBJECT: Intervals Between Required Dosimetry System Calibrations

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

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

Background. The comment period closed March 30, 1982. The staff met with representatives of the National Bureau of Standards on January 21, 1982, to discuss the extent of and reasons for the instrument calibration backlog. Pending final resolution, affected licensees will receive relief in the form of rulemaking or variances as an interim solution. Medical licensees may benefit by not having to have dosimetry equipment claibrated so frequently. In response to the petition, a proposed rule is being incorporated into a proposed revision of 10 CFR Part 35, "Human Uses of Byproduct Material"; NRC resources are noted there.

TIMETABLE: The proposed rule is scheduled to be published in January 1985.

CONTACT: Norman L. McElroy
Office of Nuclear Material Safety and Safeguards
(301) 427-4108

PETITION DOCKET NUMBER: PRM-35-5

PETITIONER: Nuclear Radiation Consultants

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: March 8, 1984 (49 FR 8621)

SUBJECT: Criteria for Becoming a Licensed User of a Medical Diagnostic Device

SUMMARY: Description. The petitioner proposes that the Commission amend its regulations governing the human uses of byproduct material to permit any health professional with appropriate training and experience to obtain a license authorizing the use of a medical diagnostic device containing a radioactive source. This device is a dual photon spine scanner also known as a bone mineral analyzer. Current regulations require that persons authorized to use the device be physicians who meet the training and experience requirements outlined in Policy and Guidance Directive FC 83-24. The petitioner's requested amendment would allow any health professional with the training and experience required by FC 83-24 to become licensed to use a bone mineral analyzer.

Objective. To permit a greater number of health professionals to become licensed to use the device without any increased risk to public health and safety.

Background. The comment period closes May 7, 1984. The petitioner contends that a person need not be a physician to use the device because use of the device does not constitute the practice of medicine.

TIMETABLE: Commission action on the petition is unscheduled.

CONTACT: Judith Foulke
Office of Nuclear Regulatory Research
(301) 427-4563

PETITION DOCKET NUMBER: PRM-50-21

PETITIONER: Northern States Power Company and Wisconsin Electric Power Company

PART: 50

OTHER AFFECTED PART(S): 2

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

SUBJECT: Plant Security Information

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

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

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

TIMETABLE: Commission action on the petition is scheduled for November 1984.

CONTACT: Philip Ting
Office of Nuclear Regulatory Research
(301) 443-7988

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

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

PART: 50

OTHER AFFECTED PART(S): None

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

SUBJECT: Extension of Construction Completion Date

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

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

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

TIMETABLE: The staff proposal is scheduled for submission to the Commission in December 1984.

CONTACT: Linda Gilbert
Office of the Executive Legal Director
(301) 492-7678

PETITION DOCKET NUMBER: PRM-50-31

PETITIONER: Citizens' Task Force

PART: 50

OTHER AFFECTED PART(S): 70

FEDERAL REGISTER CITATION: March 24, 1982 (47 FR 12639)

SUBJECT: Emergency Preparedness

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require that (1) the present ten-mile emergency planning zone radius be extended to twenty miles and include any towns bordering on or partially within this zone; (2) all communities with a population in excess of 5,000 persons be provided by the respective utility with the funding to purchase, install, and operate radiological monitoring equipment to reach and maintain the level of preparedness deemed necessary by the affected municipalities; and (3) utilities be required to finance the emergency planning efforts of municipalities located near nuclear reactors.

Objective. To establish an effective notification and evacuation system in communities located near nuclear reactors.

Background. The comment period closed May 24, 1982.

TIMETABLE: Commission action on the response to the petitioner is scheduled for March 1985 (to be coordinated with the severe accident research program).

CONTACT: Stephen A. McGuire
Office of Nuclear Regulatory Research
(301) 443-7695

PETITION DOCKET NUMBER: PRM-50-36

PETITIONER: Nuclear Utility Backfitting and Reform Group (NUBARG)

PART: 50

OTHER AFFECTED PART(S): 73

FEDERAL REGISTER CITATION: June 21, 1983 (48 FR 28282)

SUBJECT: Reporting Requirements in NRC Regulations and Documents

SUMMARY: Description. The petitioner requests that the Commission amend its regulations in 10 CFR Parts 50 and 73 to eliminate what the petitioner believes are duplicative and unnecessarily burdensome reporting requirements. The petitioner also requests that the Commission amend the technical specifications in licenses of nuclear power plant licensees and revise existing NRC guidance documents to reduce what the petitioner feels are duplicative reporting provisions contained in those documents. The petitioner specifically requests that revisions be made to §§50.54(p), 50.54(q), 50.55(e), 50.59(b), 73.71, and Appendix E to 10 CFR Part 50; NUREG-0103, -0123, -0212, and -0452; and licensees' technical specifications. In support of its proposed amendments, the petitioner states that the requested revisions would permit licensees to make more efficient use of their personnel resources and allow licensees' employees to concentrate their attention on matters of public health and safety.

Objective. To reduce the regulatory burden on nuclear power plant licensees through amendment of existing reporting requirements to eliminate duplicative and unnecessarily burdensome provisions.

Background. The comment period closed August 23, 1983. The comments on this petition and the petitioner's request will be considered in the NRC's ongoing evaluation and revision of the reporting and recordkeeping burden required of NRC licensees.

TIMETABLE: The staff proposal in response to this petition is scheduled for completion in September 1984.

CONTACT: R. Stephen Scott
Office of Administration
(301) 492-8585

PETITION DOCKET NUMBER: PRM-50-37

PETITIONER: Lillian McNally

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: October 31, 1983 (48 FR 50083)

SUBJECT: Standards for the Levels of Deuterium and Tritium in Water Circulated In and Around Nuclear Power Plants

SUMMARY: Description. The petitioner requests that new standards be set for all water circulated in and around nuclear power plants. The petitioner specifically proposes that water circulated in and around nuclear power plants not contain levels of deuterium and tritium which exceed the natural environmental concentration of these elements for a period of one year; that one year later the concentration levels be limited to less than one part by weight in 10,000 parts; and that the level of contaminants be reviewed annually thereafter to determine the attainable purity of circulating water.

Objective. The petitioner requests the limit on deuterium to reduce the formation of tritium from deuterium by neutron absorption.

Background. The comment period closed December 30, 1983. These comments are being analyzed and a response is being prepared.

TIMETABLE: Commission action on this petition is scheduled for June 1985.

CONTACT: Harold T. Peterson, Jr.
Office of Nuclear Regulatory Research
(301) 427-4578

PETITION DOCKET NUMBER: PRM-51-6

PETITIONER: Catherine Quigg

PART: 51

OTHER AFFECTED PART(S): None

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

SUBJECT: Environmental Assessment for High Burnup Nuclear Fuel

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

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

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

TIMETABLE: Environmental Assessment is scheduled for completion by December 1984.

CONTACT: C. Prichard
Office of Nuclear Regulatory Research
(301) 427-4586

PETITION DOCKET NUMBER: PRM-71-6

PETITIONER: Critical Mass Energy Project, et al.

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: December 1, 1977 (42 FR 61089)

SUBJECT: Emergency Planning and Response for Transportation Accidents Involving Radioactive Materials

SUMMARY: Description. The petitioners request that the Commission require licensees who transport radioactive materials to (1) use special routes to avoid densely populated areas and mountainous terrain; (2) adopt emergency plans involving their cargo, including the organization of emergency response units to carry out the plan and semi-annual drills with State and local law enforcement officials; (3) assume financial responsibility for any shipping accident that involves the dispersal of their radioactive cargo; and (4) develop a plan for informing the drivers of the vehicles about the nature of the material they are shipping and emergency actions they should undertake in the event of an accident. The petitioners state that NRC regulations should also require that all licensees be in compliance with these regulations within 60 days of their promulgation and that each licensee be required to demonstrate to the Commission within 60 days after the effective date of the regulation that the licensee possesses the capability to deploy emergency response units promptly to an accident scene.

Objective. To improve the emergency response capability of licensees and the shippers who transport radioactive material to respond to accidents.

Background. The comment period closed January 30, 1978. Forty comments were received, the majority of which oppose the petition. On June 7, 1978, the NRC informed the petitioners that the NRC was delaying action on the petition until a request by Congressman Wirth for a special joint study by the NRC and DOT on Package Requirements and Emergency Response was completed. The final report on this study, NUREG-0535, was published in July 1980. A staff response to the petition was prepared and forwarded to the Commission for action. The staff paper has been subsequently withdrawn pending resolution of the New York lawsuit on the DOT's highway routing rule. The U.S. Court of Appeals rendered a decision on August 10, 1983, upholding DOT's routing rule. Both the City and State of New York have appealed this decision to

the Supreme Court. The Supreme Court refused to hear the case, thereby upholding the August 10, 1983, U.S. Court of Appeals decision. The staff is reviewing the response to this petition.

TIMETABLE: Commission action on the petition is scheduled for October 1984.

CONTACT: Anthony Tse
Office of Nuclear Regulatory Research
(301) 443-7902

PETITION DOCKET NUMBER: PRM-73-6

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

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

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

SUMMARY: Description. The petitioners request that the Commission eliminate the requirement that armed security personnel at nuclear power plants or other facilities licensed to handle special nuclear material (1) carry an extra pair of eyeglasses and (2) undergo an annual medical examination within the preceding 30 days of an annual physical fitness test. The petitioners contend that these requirements are "excessive and unreasonable" when compared to similar requirements for security personnel in other government agencies or in operations with security requirements comparable to those of nuclear power plants. The petition includes proposed amendatory text which would achieve these modified requirements.

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

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. Action on the petition is delayed pending publication of a revision to a regulatory guide on training, equipping, and qualifying of guards and watchmen.

TIMETABLE: Commission action on the petition will follow publication of a revision to Regulatory Guide 5.20 scheduled for June 1985.

CONTACT: Stanley Turel
Office of Nuclear Regulatory Research
(301) 443-7679

PETITION DOCKET NUMBER: PRM-140-1

PETITIONER: Public Citizen Litigation Group and Critical Mass Energy Project

PART: 140

OTHER AFFECTED PART(S): None

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

SUBJECT: Extraordinary Nuclear Occurrence

SUMMARY: Description. The petitioners request that the NRC (1) find that the accident at Three Mile Island was an extraordinary nuclear occurrence (ENO) and (2) amend Subpart E of Part 140 to make less stringent the criteria used for determining that an extraordinary nuclear occurrence has occurred. Part 140 of the Commission's regulations provide procedures and requirements for determining the financial protection required of licensees and from the indemnification and limitation of liability of licensees. Subpart E of Part 140 sets forth the procedures the Commission will follow and the criteria the Commission will apply in determining whether there has been an ENO.

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

Background. The comment period closed on December 31, 1979. One comment was received. The petitioners are property owners in the vicinity of TMI and contend that their property was sharply decreased in value as a result of the accident. In addition, the petitioners contend that "the Commission's established criteria have been easily met" in that the damages resulting from the accident exceed those levels necessary to be considered an ENO. This portion of the petition was considered to be a public comment on the Commission's request for information on the TMI ENO determination and was resolved by the Commission's ENO decision of April 16, 1980. Finally, the petitioners request that additional criteria be added to Part 140 to permit accidents of much smaller proportions than TMI to be considered ENOs.

TIMETABLE: The proposed response is currently under Commission review and is expected to be published in September 1984.

CONTACT: Harold T. Peterson, Jr.
Office of Nuclear Regulatory Research
(301) 427-4578

(D) - Petitions with deferred action

D

PETITION DOCKET NUMBER: PRM-40-23

PETITIONER: Sierra Club

PART: 40

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 25, 1981 (46 FR 14021);
May 2, 1983 (48 FR 19722)

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

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to license the possession of uranium mill tailings of inactive storage sites. The petitioner proposes the following regulatory action to ensure that the public health and safety is adequately protected: (1) repeal the licensing exemption for inactive uranium mill tailings sites subject to the Department of Energy's remedial program; (2) require a license for the possession of byproduct material on any other property in the vicinity of an inactive mill tailings site if the byproduct materials are derived from the sites; or, in the alternative, (3) conduct a rulemaking to determine whether a licensing exemption of these sites or byproduct materials constitutes an unreasonable risk to public health and safety. On March 23, 1983, the petitioner filed an amendment to the original petition. In the amendment, the petitioner requests that, in the event that NRC denies the earlier requests, NRC take further action to insure that the management of byproduct material located on or derived from inactive uranium processing sites is conducted in a manner that protects the public health and safety and the environment. The petitioner also requests that the NRC take action to govern the management of byproduct material not subject to licensing under section 81 of the Atomic Energy Act.

Objective. To license the protection of uranium mill tailings at inactive storage sites or take other regulatory action to protect the public health and safety and the environment from the radiological and nonradiological hazards associated with the tailings. The petitioner believes that this action is necessary if NRC is to adeqately fulfill its statutory responsibilities under the Uranium Mill Tailings Radiation Control Act.

Background. The comment period closed April 27, 1981. Three comments were received, all stating the petition should be denied. The comment period on the amendment to the petition closed June 30, 1983. Uranium mill tailings are regulated under the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604, 42 U.S.C. 7901, et seq.). Title I of the Act

directs that the Department of Energy, in consultation with NRC, conduct a remedial action program at certain inactive uranium mill tailings sites. Title V of the Act authorizes NRC to regulate disposal of the tailings at active sites. The staff is preparing a response to the petition.

TIMETABLE: Action on the petition is to be considered in the revision of uranium mill tailings regulations (see the memorandum from the Chairman to the Executive Director for Operations dated October 13, 1982).

CONTACT: John Stewart
Office of Nuclear Regulatory Research
(301) 427-4609

PETITION DOCKET NUMBER: PRM-40-24

PETITIONER: Union Carbide Corporation

PART: 40

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 30, 1982 (47 FR 53889)

SUBJECT: Revised Criteria for Operation of Uranium Mills and Disposition of Tailings or Wastes

SUMMARY: Description. The petitioner proposes that the Commission amend its regulations setting out criteria for the operation of uranium mills and the disposition of tailings or wastes resulting from uranium milling activities. The petitioner suggests specific amendments to the criteria governing the selection of new tailings disposal sites or the adequacy of existing tailings disposal sites, the seepage of toxic materials into the groundwater, the earth cover to be placed over tailings or wastes to prevent the surface exhalation of radon, and the charge imposed on each mill operator to cover the cost of long-term surveillance. The petitioner supports its suggested amendments with information it says was not available to the Commission at the time the regulations were issued.

Objective. To significantly reduce the compliance costs incurred by the petitioner in the operation of its uranium milling facilities while continuing to adequately protect public health, safety, and the environment.

Background. The comment period that originally closed January 31, 1983, was extended until May 2, 1983. The petitioner is a New York-based corporation engaged in uranium exploration, milling, and mining. The regulations the petitioner seeks to amend were issued as part of NRC's regulations implementing the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604, 42 U.S.C. 7901, et seq.). These regulations were published in the Federal Register on October 3, 1980 (45 FR 65531).

TIMETABLE: Action on the petition is to be considered in the revision of uranium mill tailings regulations (see the memorandum from the Chairman to the Executive Director for Operations dated October 13, 1982).

CONTACT: John Stewart
Office of Nuclear Regulatory Research
(301) 427-4609

PETITION DOCKET NUMBER: PRM-50-20

PETITIONER: Free Environment, Inc., et al.

PART: 50

OTHER AFFECTED PART(S): 100

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

SUBJECT: Reactor Safety Measures

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

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

Background. The comment period closed July 18, 1977. Three comments were received. The first three parts of the petition (see Description section above) were incorporated with PRM-50-19 for staff action purposes. A notice of denial for the third part of the petition was published in the Federal Register on February 2, 1978 (43 FR 4466). A notice of denial for the first two parts of the petition was published April 19, 1978 (43 FR 16556). NRC staff work on the fourth part of the petition will be carried out in connection with the ongoing Part 100 rulemaking on demographic criteria. Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983, to await safety goal information and source term reevaluation. Subsequent action on the safety goal resulted in issuance of a Policy Statement on Safety Goals for the Operation of Nuclear Power Plants and information about the Safety Goal Development Program for public comment on March 14, 1983 (48 FR 10772). A two-year trial implementation and evaluation period of the preliminary goals and objectives in the statement is planned after which development of revised siting regulations may be resumed.

TIMETABLE: Development of demograph c criteria will resume in March 1985.

CONTACT: William R. Ott
Office of Nuclear Regulatory Research
(301) 427-4615

PETITION DOCKET NUMBER: PRM-51-1

PETITIONER: New England Coalition on Nuclear Pollution

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 16, 1976 (41 FR 2448)

SUBJECT: Environmental Impacts of the Uranium Fuel Cycle

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking to amend its summary of environmental considerations in the uranium fuel cycle presented in Table S-3 of Part 51. The petitioner declares that (1) the current Table S-3 seriously underestimates the impact on human health and safety by disregarding the long-term effects of certain radionuclides, particularly thorium-230 which decays into radon gas; (2) the health effects of krypton-85 and tritium releases from fuel reprocessing plants are underestimated; (3) releases of carbon-14 from the fuel cycle should be included; (4) the term "man-rems" does not provide a meaningful representation of health effects, at least in terms of radionuclides involved in this petition, and that human deaths from man-rem exposures provide a more comprehensible consequence of fuel cycle activities; and (5) the magnitude of the potential death toll from mill tailings alone alters previous judgments and requires a reassessment of previous conclusions to authorize construction and operation of nuclear reactors and the postponement of all pending applications for construction or operating authority until final resolution of the issue by the Commission.

Objective. The petitioner proposes action to amend Table S-3 in ways that they claim will more accurately reflect the impact of the long-term effects of certain long-lived radionuclides on human health and safety. The petitioner also proposes to suspend all activities related to nuclear power plant construction and operation until the Commission reassesses the health and safety effects of mine tailings.

Background. The Commission acted on all items of the petition on April 14, 1978 (46 FR 15613) except for a future rulemaking proceeding to amend the Table S-3 value for radon. The Federal Register notice of April 14, 1978, removed the radon value from Table S-3 and made it subject to litigation in individual licensing proceedings. Litigation on the radon environmental

impacts in cases pending before the Commission's Atomic Safety and Licensing Appeal Board was heard in a combined hearing in February 1980. The Appeal Board's initial decision (ALAB-640 May 13, 1981) upheld the staff's estimates of radon releases from the nuclear fuel cycle, and the final decision (ALAB-701, November 19, 1982) affirmed the staff's conclusion that radon releases would not cause significant health effects. This decision was appealed to the Commissioners for review, and the Commissioners deferred their review until the new EPA standards for radon have been analyzed and the NRC's milling regulations revised as necessary to conform to them.

Rulemaking to add the new value for radon-222 in Table S-3 will be affected by the new EPA standards that were promulgated October 7, 1983. NRC must revise its uranium mill tailings regulations to conform to the new EPA standards. The rulemaking to add a new estimate for radon-222 to Table S-3 can be undertaken after the revision of the NRC's uranium mill tailings regulations, and can be completed by December 31, 1984. The purpose of the Table S-3 rule is to consider the environmental effects of the uranium fuel cycle generically to eliminate repetitive analyses of these same effects in individual nuclear power plant licensing cases. This will reduce the time required for public hearings in the licensing process and will shorten the time and reduce the cost of licensing nuclear power plants. On April 27, 1982, the U.S. Court of Appeals for the D.C. Circuit decided a case filed by the Natural Resources Defense Council challenging the NRC's evaluation of the environmental impacts of nuclear power plants. The decision invalidated the entire Table S-3 rule. The NRC appealed the decision to the Supreme Court and the Supreme Court reversed the Appeals Court decision on June 6, 1983, eliminating this holdup to the revision of the radon-222 estimate.

TIMETABLE: New radon-222 estimate to be added to Table S-3 in December 1984.

CONTACT: William E. Thompson
Office of Nuclear Material Safety and Safeguards
(301) 427-4211

PETITION DOCKET NUMBER: PRM-100-2

PETITIONER: Public Interest Research Group, et al.

PART: 100

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 1, 1976 (41 FR 27141)

SUBJECT: Population Density Criteria Near Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission amend its regulations to prohibit the construction of nuclear reactors where the population in the surrounding area exceeds or will exceed specified numerical limits. The petitioners' proposed criteria would limit permissible population density to 400 people per square mile within a 40-mile perimeter. The petitioners state that they regard these proposed criteria as interim standards to be used until the Commission is able to generate its own numerical standards on population density.

Objective. To restrict utilities from building nuclear reactors too close to metropolitan areas.

Background. The comment period closed August 30, 1976. Twelve comments were received. An NRC staff paper (SECY-78-624) was submitted to the Commission on December 4, 1978. In a memorandum to the Executive Director for Operations dated February 15, 1979, the Commission deferred action on the population density siting criteria issue pending submission of the Siting Policy Task Force report. The petitioners were notified of this deferral by letter dated March 9, 1979. The petitioners were notified by letter (in July 1980) that the petition would be considered in the context of the rulemaking on siting criteria. Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983 to await safety goal implementation and source term reevaluation. Subsequent action on the safety goal resulted in issuance of a Policy Statement on Safety Goals for the Operation of Nuclear Power Plants and information about the Safety Goal Development Program for public comment on March 14, 1983 (48 FR 10772). A two-year trial implementation and evaluation period of the preliminary goals and objectives in the statement is planned after which development of revised siting regulations may be resumed.

TIMETABLE: Development of demographic criteria will resume in March 1985.

CONTACT: William R. Ott
Office of Nuclear Regulatory Research
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13. ABSTRACT (200 words or less)

The NRC Regulatory Agenda is a compilation of all rules on which the NRC has proposed or is considering action and all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission. The Regulatory Agenda is updated and issued each quarter. The Agendas for April and October are published in their entirety in the Federal Register while a notice of availability is published in the Federal Register for the January and July Agendas.

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I-RULES **Section I - Rules**

A **Action Completed Rules**

B **Proposed Rules**

C **Advance Notice - Proposed Rulemaking**

D **Unpublished Rules**

II PETITIONS **Section II - Petitions for Rulemaking**

A **Petitions - Final or Denied**

B **Petitions - Incorporated into Proposed Rules**

C **Petitions - Pending**

D **Petitions - Deferred Action**