
NRC Regulatory Agenda

Quarterly Report
January - March 1988

**U.S. Nuclear Regulatory
Commission**

Office of Administration and Resources Management



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NRC Regulatory Agenda

Quarterly Report
January - March 1988

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Preface

The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has proposed, or is considering action 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. Both sections have been updated through March 31, 1988. Section I, "Rules" includes: (A) Rules on which final action has been taken since December 31, 1987, the closing date of the last NRC Regulatory Agenda, (B) Rules published previously as proposed rules on which the Commission has not taken final action, (C) Rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) Unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking" includes: (A) Petitions denied or incorporated into final rules since December 31, 1987, (B) Petitions for which a notice of denial has been prepared and is scheduled to be published in the Federal Register next quarter, (C) Petitions incorporated into proposed rules, (D) Petitions pending staff review, and (E) Petitions with deferred action.

In Section I of the agenda, the rules are ordered from lowest to highest part within Title 10 Code of Federal Regulations (10 CFR). 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 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.

Rulemakings Approved by the Executive Director for Operations (EDO)

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

Rules that have received EDO approval to date are identified as indicated below. As additional rules receive EDO approval, they will be identified in subsequent editions of this agenda. Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal.

Symbols

Rules and Petitions for Rulemaking that appear on the agenda for the first time are identified by an asterisk (*). Rules that have been approved by the EDO are identified by the symbol (+).

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. - 4:15 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, between 7:45 a.m. - 4:15 p.m.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Betty Golden, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-8978, 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.

I-RULES

(A) Rules on which final action has been taken
since December 31, 1987



TITLE:

Revision to Ex Parte and Separation of Functions Rules Applicable to Formal Adjudicatory Proceedings

CFR CITATION:

10 CFR 0; 10 CFR 2

ABSTRACT:

The final rule amends the Commission's regulations dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions in formal adjudicatory proceedings by updating the agency's rules of practice and incorporating requirements imposed by the Government in the Sunshine Act. Changes are made in both the form and the substance of the existing rules to clarify their meaning and to aid agency adjudicatory officials in maintaining effective communication with NRC staff personnel and persons outside the agency while at the same time ensuring that proceedings will be conducted fairly and impartially. This rule encompasses a prior proposed rule entitled, "Ex Parte Communications and Separation of Adjudicatory and Non Adjuducatory Functions," published March 7, 1979 (44 FR 12428).

TIMETABLE:

Final Action Published 03/31/88 53 FR 10360
Final Action Effective 04/29/88 53 FR 10360

LEGAL AUTHORITY:

5 USC 554(d); 5 USC 557(d)

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:

Revision of Headquarters Office Locations

CFR CITATION:

10 CFR 1

ABSTRACT:

The Nuclear Regulatory Commission is amending its regulations pertaining to its statement of organization and general information to amend the name of one of its Headquarters Office Buildings and to add two new office locations to its list of offices. This amendment is being made to inform NRC licensees and members of the public of these changes.

TIMETABLE:

Final Action Published 01/22/88 53 FR 1745

Final Action Effective 01/22/88 53 FR 1745

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: None

CONTACT:

Donnie H. Grimsley
Nuclear Regulatory Commission
Office of Administration and Resources Management
Washington, DC 20555
301 492-7211

TITLE:

Change of Region I Address

CFR CITATION:

10 CFR 1; 10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 55; 10 CFR 70;
10 CFR 73

ABSTRACT:

The final rule amends the Commission's regulations to reflect the change of address for its Region I Office. The amendments are necessary to inform the public and affected licensees of the change in address.

TIMETABLE:

Final Action Published 02/10/88 53 FR 3861
Final Action Effective 02/10/88 53 FR 3861

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Donnie H. Grimsley
Nuclear Regulatory Commission
Office of Administration and Resources Management
Washington, DC 20555
301 492 7211

TITLE:

Enforcement of Nondiscrimination on the Basis of Handicap in Federal Assisted Programs

CFR CITATION:

10 CFR 4

ABSTRACT:

The proposed rule would amend regulations concerning the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in Federally assisted programs or activities to include a cross reference to the Uniform Federal Accessibility Standards (UFAS). This action is necessary because some facilities subject to the new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act. Therefore, reference to UFAS by all government agencies would diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards.

TIMETABLE:

Withdrawn 03/30/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Edward E. Tucker
Nuclear Regulatory Commission
Office of Small and Disadvantaged Business
Utilization/Civil Rights
Washington, DC 20555
301 492-7697

TITLE:

* Relocation of NRC Offices - NMSS, OI, and GPA

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71;
10 CFR 72; 10 CFR 73; 10 CFR 74; 10 CFR 110

ABSTRACT:

The Nuclear Regulatory Commission is amending its regulations to indicate that its Office of Nuclear Material Safety and Safeguards (NMSS) and Investigations (OI) and portions of the Office of Governmental and Public Affairs (GPA) have relocated at the agency's new office building located at One White Flint North in Rockville, Maryland. These amendments are being made to inform NRC licensees and members of the public of the relocation of these offices.

TIMETABLE:

Final Action Published 02/12/88 53 FR 4109
Final Action Effective 02/12/88 53 FR 4109

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

CONTACT:

Donnie H. Grimsley
Office of Administration and Resources Management
Nuclear Regulatory Commission
Washington, DC 20555
301 492 7211

TITLE:

General Criteria for Security Personnel

CFR CITATION:

10 CFR 73

ABSTRACT:

The final rule is in response to the outstanding request made in PRM 73 6 submitted by Wisconsin Electric Power Company, et al, which requested several changes in the qualifications for armed security personnel set out in 10 CFR Part 73, Appendix B. The petition was partially denied on September 3, 1987 (52 FR 33428). The final rule will grant that part of the petition which requested deletion of a scheduling link between the timing of the medical examination and the physical fitness test given at least annually to all armed security personnel. The amendment results in no impact on NRC resources and a cost savings to those licensees adversely impacted by the current requirement that all armed security personnel be subjected to an annual physical fitness test which must be preceded within 30 days by a medical examination.

TIMETABLE:

Final Action Published 01/07/88 53 FR 403

Final Action Effective 02/08/88 53 FR 403

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Lahs
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492 3774

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

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80, revises the EAJA and these revisions are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

TIMETABLE:

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

LEGAL AUTHORITY:

5 USC 504

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

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. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

TIMETABLE:

Proposed Action Published 06/08/81 46 FR 30349
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2239

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Trip Rothschild
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-1465

TITLE:

Rules of Practice for Domestic Licensing Proceedings-- Procedural Changes in Hearing Process

CFR CITATION:

10 CFR 2

ABSTRACT:

The Nuclear Regulatory Commission (NRC) is considering amendments to its rules of practice which address the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law, or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding. These proposals were initially developed by the Regulatory Reform Task Force and published for public comment, together with a number of other proposals, as suggestions for procedural changes in the licensing of nuclear power plants (49 FR 14698; April 12, 1984). The Commission has decided not to proceed with the April 1984 proposals, except to the extent that they were included in this proposed rule. Therefore, the April 1984 proposals have been deleted from the regulatory agenda.

The NRC is also considering related amendments on the process of intervention that were developed by Commissioner Asselstine. The staff is analyzing public comments received on the proposals and expects to forward a recommendation for the Commission's consideration.

TIMETABLE:

Proposed Action Published 07/03/86 51 FR 24365
Proposed Action Comment Period Extended to 10/17/86 51 FR 31340
Final Action 07/00/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Karen D. Cyr
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1637

TITLE:

Issuance or Amendment of Power Reactor License or Permit Following Initial Decision

CFR CITATION:

10 CFR 2

ABSTRACT:

The proposed rule would amend the Commission's "immediate effectiveness" regulation that specifies when an initial adjudicatory decision authorizing the issuance or amendment of a license or permit becomes effective. The proposed rule would (1) remove the existing provision governing the effectiveness of initial decisions regarding power reactor construction permits and (2) revise the Commission's existing practice regarding "effectiveness reviews" for full-power operating licenses. The proposed rule also would delete language in the existing regulation emanating from Three Mile Island-related regulatory policies, action upon which has now been completed.

The proposed rule supersedes two prior proposed rules entitled "Possible Amendments to 'Immediate Effectiveness' Rules," published May 22, 1980 (45 FR 43279), and "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule," published October 25, 1982 (47 FR 47260).

TIMETABLE:

Proposed Action Published 02/04/87 52 FR 3442
Proposed Action Comment Period End 05/06/87 52 FR 11475
Final Action 07/00/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:

+ Licensing Requirements for the 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 would revise existing regulations to establish 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.

Paragraph (d) of Section 141 of the NWPA provides that any monitored retrievable storage installation pursuant to Section 141 shall be subject to licensing by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in unnecessary delay in reviewing a license application if Congress authorizes construction of an MRS.

There is no appropriate alternative to rulemaking, the vehicle used by NRC to establish its licensing procedures.

The basic requirements for storage of spent fuel in an independent spent fuel storage installation (ISFSI) currently codified in 10 CFR Part 72 are not being changed, thus no incremental impact on NRC, industry, or the health and safety of the public is anticipated.

TIMETABLE:

Proposed Action Published 05/27/86 51 FR 19106
Proposed Action Comment Period End 08/25/86
Final Action to EDO 11/30/87
Final Action to Commission 12/15/87
Final Action Published 04/30/88

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

TITLE:

+ Licensing Requirements for the Storage of Spent Fuel and High-Level Radioactive Waste

AGENCY CONTACT:

Keith Steyer/Charles Nilsen
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3824/3834

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 three 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 one 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) 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 3000 hours of staff time at \$60 per hour for an estimated total of \$180,000.

TIMETABLE:

Proposed Action Published 10/28/87 52 FR 41442
Proposed Action Comment Period End 12/28/87 52 FR 41442
Final Action Published 04/30/88

LEGAL AUTHORITY:

42 USC 2201

TITLE:

Retention Periods for Records

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Brenda Shelton

Nuclear Regulatory Commission

Office of Administration and Resources Management

Washington, DC 20555

301 492-8132

TITLE:

+ Standards for Protection Against Radiation

CFR CITATION:

10 CFR 20

ABSTRACT:

Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly 30 years ago. Since Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action; delay for further guidance, and partial revision of the standards. These were rejected as ignoring scientific advancements; being unresponsive to international and national guidance; and correcting only some of the recognized problems with the present Part 20.

Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving the highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; providing an understandable health-risk base for protection; and placing constraints on collective dose evaluations at levels where risks are trifles.

Initial estimates of the cost of implementing the revision is about \$33 million for all NRC and Agreement State licensees in the initial year and about \$8 million in each subsequent year. This cost does not include any savings which might also be realized by the revision.

TITLE:

+ Standards for Protection Against Radiation

TIMETABLE:

ANPRM 03/20/80 45 FR 18023
ANPRM Comment Period End 06/18/80 45 FR 18023
Proposed Action Published 12/20/85 50 FR 51992
Proposed Action Comment Period End 05/12/86 51 FR 1092
Proposed Action Comment Period Extended to 10/31/86
Final Action for Division Review 02/15/88
Office Concurrence on Final Action Completed 05/31/88
Final Action Package to EDO 06/15/88
Final Action to Commission 06/30/88
Final Action Published 10/30/88

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:

Harold T. Peterson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3738

TITLE:

Informal Hearing Procedures for Materials Licenses Proceedings

CFR CITATION:

10 CFR 30; 10 CFR 32; 10 CFR 33; 10 CFR 34; 10 CFR 35;
10 CFR 40; 10 CFR 50; 10 CFR 61; 10 CFR 70; 10 CFR 71;
10 CFR 72

ABSTRACT:

This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. In addition, the proposed rule would encompass the objective of the proposed rule, "Jurisdiction of Adjudicatory Boards," identified as 3150-AA53, which has been deleted from OMB's Unified Agenda. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

TIMETABLE:

Proposed Action Published 05/29/87 52 FR 20089
Proposed Action Comment Period End 08/28/87 52 FR 27821
Final Action 06/00/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2111

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:

+ General Requirements for Decommissioning Nuclear Facilities

CFR CITATION:

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

ABSTRACT:

The proposed rule is intended to protect public health and safety by providing assurance that licensees fulfill their responsibility to dispose of licensed material including any associated contamination when they cease licensed activity. The proposed rule also intends to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning. It is necessary to address this issue by amending the regulations in order to achieve appropriate assurances that funds for decommissioning will be available and the decommissioning will be carried out in an orderly manner. The Commission has indicated a need for this rulemaking in other previous rulemakings.

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 non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an aggregate expenditure of 21 staff-years (\$1.6 million) spread over 5 years (or \$320,000 per year).

For the approximately 110 power reactors estimated to be affected (i.e., those with operating licenses and those under construction which are at least two-thirds complete) plus 75 research and test reactors, it is estimated that the major impact will result in an aggregate expenditure of 3.8 staff-years (\$288,000) 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
Proposed Action Published 02/11/85 50 FR 5600
Proposed Action Comment Period End 07/12/85 50 FR 23025
Final Action for Division Review 11/15/86
Office Concurrence on Final Action Completed 03/27/87
Final Action to EDO 08/26/87
Final Action to Commission 12/17/87
Final Action Published 04/29/88

TITLE:

+ General Requirements for Decommissioning Nuclear Facilities

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Keith G. Steyer/Frank Cardile
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3824/3817

TITLE:

+ Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 70

ABSTRACT:

The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would, among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard).

Currently the proposed requirements are, for the most part, required by order. However, the Commission decided that a regulation was needed for the long term. The cost of the rule to licensees was estimated to be between \$26,000 and \$73,000 per year per licensee. The cost to NRC was estimated to be \$4,000 per year per licensee. The NRC will expend about 2 staff-years of effort to promulgate the rule.

TIMETABLE:

ANPRM 06/03/81 46 FR 29712
ANPRM Comment Period End 08/03/81 46 FR 29712
Proposed Action Published 04/20/87 52 FR 12921
Proposed Action Comment Period End 07/20/87 52 FR 12921
Office Concurrence on Final Action Completed 10/16/87
Final Action to EDO 03/21/88
Final Action to Commission 03/31/88
Final Action Published 04/15/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

+ Safety Requirements for Industrial Radiographic Exposure Devices

CFR CITATION:

10 CFR 34

ABSTRACT:

The proposed rule would amend the present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 25-35 percent of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981 (American National Standard N432), it is not clear that all manufacturers are adopting the standard.

The alternatives considered were to take no action at this time; amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory guide endorsing the consensus standard, supplemented by such other performance standards deemed necessary; and incorporate the consensus standard by reference in the regulations supplemented by such other performance standards as deemed necessary, plus a requirement for radiographers to wear alarm dosimeters.

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed changes are estimated to be a one-time cost of \$1,525 per licensee to purchase alarm dosimeters and \$850 annually for replacement of devices and alarm dosimeters, annual calibration of dosimeters and annual maintenance costs. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

TIMETABLE:

Proposed Action Published 03/15/88 53 FR 8460
Proposed Action Comment Period Expires 05/16/88 53 FR 8460
Final Action Published 08/15/88

TITLE:

+ Safety Requirements for Industrial Radiographic Exposure Devices

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE:
Basic Quality Assurance in Radiation Therapy

CFR CITATION:
10 CFR 35

ABSTRACT:
The Nuclear Regulatory Commission is proposing to amend its regulations concerning the medical use of byproduct material. The proposed amendments would require its medical licensees to implement certain quality assurance steps that would reduce the chance of therapy misadministrations. The proposed action is necessary to provide for improved patient safety and serve as a basis for enforcement action in case of a therapy misadministration. The proposed amendment, which is intended to reduce the potential for and severity of therapy misadministrations, would primarily affect hospitals, clinics, and individual physicians.

TIMETABLE:
Proposed Action Published 10/02/87 52 FR 36942
Proposed Action Comment Period End 12/01/87 52 FR 36942
Final Action to EDO 04/22/88
Final Action to Commission 04/30/88
Final Action Published 07/30/88

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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

TITLE:

+ Control of Aerosols and Gases

CFR CITATION:

10 CFR 35

ABSTRACT:

The proposed rule is in response to PRM-35-6 which requests that the Commission remove the requirements in Part 35 that radioactive aerosols be administered in rooms that are at negative pressure relative to surrounding rooms. The petitioner states that the imposition of the negative room pressure requirement could have an adverse impact on the delivery of health care to certain patients with pulmonary disease and that this requirement is unnecessary to protect workers and public health and safety. The staff agrees and has developed a proposed rule change to remove the negative room pressure requirement for aerosols.

TIMETABLE:

Proposed Action Published 12/16/87 52 FR 47726
Proposed Action Comment Period End 01/15/88 52 FR 47726
Final Action to EDO 06/30/88
Final Action Published 07/31/88

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:

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

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, called station blackout, to the essential and nonessential switchgear buses for a specified duration. A regulatory guide (RG 1.155), "Station Blackout", has been prepared and provides guidance on how to evaluate plant coping capability for a specified duration. The proposed rule and Regulatory Guide were issued for comments and revised as necessary in response to comments. In addition, NUMARC has prepared guideline and technical bases for addressing station blackout coping capability (NUMARC-8700). The staff has reviewed this report and has referenced use of the report for providing guidance acceptable to the staff for assessing station coping capability as required by the proposed rule (10 CFR 50.63) and the guidance provided in RG 1.155.

The proposed requirements were developed in response to information generated by the staff's study of Unresolved Safety Issue A-44, Station Blackout. The technical findings are reported in NUREG-1032, "Evaluation of Station Blackout Accidents at Nuclear Power Plants." 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 was prepared and reported in NUREG 1109 "Regulatory Backfit Analysis for Resolution of Unresolved Safety Issue A-44 Station Blackout." The estimated public risk reduction is 145,000 person-rem over 25 years, and the estimated total cost for industry compliance with the rule is \$60 million. This results in an overall cost benefit ratio of about 2,400 person-rem per million dollars.

TIMETABLE:

Proposed Action Published 03/21/86 51 FR 9829
Proposed Action Comment Period End 06/19/86 51 FR 9892
Final Action for Division Review 03/05/87
Office Concurrence on Final Action Completed 04/06/87
Final Action to EDO 12/02/87
Final Action Published 03/00/88

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/A. W. Serkiz
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-8303/7487

TITLE:

+ Primary Reactor Containment Leakage Testing for
Water-Cooled Power Reactors

CFR CITATION:

10 CFR 50; Appendix J

ABSTRACT:

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

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

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight 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.

A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of \$14 million to \$300 million and an increase in occupational exposure of less than 1 percent per year per plant due to increased testing.

TIMETABLE:

Proposed Action Published 10/29/86 51 FR 39538
Proposed Action Comment Period Extended to 04/24/87 52 FR 2416
Final Action for Division Review 08/15/88
Office Concurrence on Final Action Completed 10/15/88
Final Action to EDO 12/15/88
Final Action to Commission 01/15/89
Final Action Published 02/15/89

TITLE:

+ Primary Reactor Containment Leakage Testing for
Water-Cooled Power Reactors

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Gunter Arndt
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301-492-3945

TITLE:

+ Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for Light Water Nuclear Power Reactors

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by allowing the use of realistic methods to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident. This action is proposed because research has shown that calculations performed under current requirements greatly underestimate the ability of the ECCS to protect the core. This restricts the operation of some nuclear reactors unnecessarily and increases the costs of generating electricity. The proposed rule would allow use of the best information currently available to demonstrate that the ECCS would protect the reactor core during a loss-of-coolant accident.

Use of the realistic evaluation model may result in up to a 5 percent power upgrade for some plants. The present value of energy replacement cost savings resulting from a potential upgrade has been estimated to range between \$5 and \$127 million depending on the location and age of a specific plant.

The proposed rule would apply to all applicants for and holders of construction permits for light water reactors. If they choose, holders of operator licenses could utilize the proposed rule.

Because the proposed rule represents a significant change in a regulatory requirement, the staff prepared and issued on May 15, 1987, a summary of ECCS research performed over the last 10 years which identifies the technical basis for the proposed rule. A regulatory guide was also prepared and issued on April 2, 1987. This guide provides a definition of what constitutes an acceptable best estimate model and acceptable methods of performing the uncertainty evaluation. The estimated cost to the NRC of this rulemaking is 2-3 staff-years and \$200,000 of contractor support.

The only option to rulemaking considered by the staff was the continued use of the current licensing approach described in SECY-83-412. At best, this is viewed as an interim solution because two separate calculations are required to meet the requirements of the current regulation and staff conditions for use of the licensing approach risks case-by-case litigation.

TITLE:

+ Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for
Light Water Nuclear Power Reactors

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
Proposed Action Published 03/03/87 52 FR 6334
Proposed Action Comment Period End 07/01/87 52 FR 6334
Final Action for Division Review 03/04/88
Office Concurrence on Final Action Completed 04/25/88
Final Action to EDO 06/01/88
Final Action to Commission 07/01/88
Final Action Published 08/24/88

LEGAL AUTHORITY:

42 USC 2132; 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:

Harry Tovmassian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
(301) 492-3566

TITLE:

+ Codes and Standards for Nuclear Power Plants

CFR CITATION:

10 CFR 50

ABSTRACT:

The Commission proposes to amend its regulations to incorporate by reference the Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section III, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1983 Addenda, Summer 1984 Addenda, Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section XI, Division 1 of the ASME Code. A limitation is placed on the use of paragraph IWB-3640 as contained in the Winter 1983 Addenda and Winter 1984 Addenda of Section XI, Division 1. This limitation requires that for certain types of welds, IWB-3640 be used as modified by the Winter 1985 addenda. This amendment recognizes certain improvements made to Section XI in the area of class 2 pipe weld examinations by limiting need to implement an existing NRC modification for Class 2 piping examinations. The sections of the ASME Code being incorporated provide rules for the construction of light-water-cooled nuclear power plant components and specify requirements for inservice inspection of those components. Adoption of these amendments would permit the use of improved methods for construction and inservice inspection of nuclear power plants.

TIMETABLE:

Proposed Action Published 06/26/87 52 FR 24015
Proposed Action Comment Period End 08/25/87 52 FR 24015
Final Action for Division Review 12/02/87
Office Concurrence on Final Action Completed 02/10/88
Final Action to EDO 04/15/88
Final Action Published 05/06/88

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Gilbert C. Millman
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3872

TITLE:

Backfit Requirement for Senior Operators at Nuclear Power Plants

CFR CITATION:

10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission is considering an amendment to its rule concerning the backfitting of nuclear power plants. This rulemaking action is necessary to bring the existing backfitting rule into unambiguous conformance with the decision of the United States Court of Appeals for the District of Columbia in the Union of Concerned Scientist, et al. v. U.S. Nuclear Regulatory Commission (Nos. 85-1757 and 86-1219 (August 4, 1987)). The rulemaking is intended to clarify when economic factors may be considered in making a decision as to whether or not a backfit requirement is imposed on a nuclear power plant.

This rule is currently before the Commission.

TIMETABLE:

Proposed Action Published 9/10/87 52 FR 34223
Proposed Action Comment Period End 10/13/87 52 FR 34223
Final Action to Commission 02/00/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Steven F. Crockett
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1600

TITLE:

Alternative Methods for Leakage Rate Testing

CFR CITATION:

10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission proposes a limited amendment to its regulations to clarify a question of interpretation in regard to leakage testing of containments of light-water cooled nuclear power plants. This proposed amendment would explicitly permit the continued use of a statistical data analysis technique that the NRC has considered to be an acceptable method of calculating containment leakage rates. Rulemaking is the only acceptable alternative for resolving this issue because the regulations specify the methods the NRC finds acceptable for calculating leakage rates. Because the proposed rule would simply make another method of calculating leakage rates available to the industry, there is no economic impact likely to result from this action.

TIMETABLE:

Proposed Action Published 02/29/88 53 FR 5985
Proposed Action Comment Period Expires 03/30/88 53 FR 5985
Final Action Published 08/15/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

E. Gunter Arndt
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492 3945

TITLE:

* Licensee Announcement of Inspectors

CFR CITATION:

10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission is proposing to amend its regulations to ensure that the presence of NRC inspectors on power reactor sites is not announced to licensee and contractor personnel without the expressed request to do so by the inspector. This change will allow the NRC inspector, who is badged at the facility, to observe ongoing activities as they are being performed without licensee or contractor personnel having advance notice of the inspection.

TIMETABLE:

Proposed Action Published 03/18/88 53 FR 8924
Proposed Action Comment Period Expires 04/18/88 53 FR 8924
Final Action 09/00/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

George Barber
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492 8324

TITLE:

+ Table S-3, Addition of Radon-222 and Technetium-99 Radiation Values and Addition of Appendix B, "Table S-3 Explanatory Analysis"

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 proposed rule would also modify or eliminate reference to the enrichment value of U-235 and the average level of fuel irradiation. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

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

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

The staff's estimate is that the completion of a final Table S-3 rule covering the new values for radon-222 and technetium-99, and the revised narrative explanation will be completed in FY 1989. A Commission paper presenting the final rulemaking plan and schedule was submitted on August 18, 1986 (SECY 86-242). On September 8, 1986, SECY 86-242 was approved by the Commission.

TITLE:

+ Table S-3, Addition of Radon-222 and Technetium-99 Radiation Values,
and Addition of Appendix B, "Table S-3 Explanatory Analysis"

TIMETABLE:

Proposed Action Published 03/04/81 46 FR 15154
Proposed Action Comment Period End 05/04/81
Proposed Action for Division Review 04/17/88
Office Concurrence on Proposed Action 06/10/88
Proposed Action to EDO/Commission 07/29/88
Proposed Action Published 08/26/88
Final Action Published 12/30/88

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William Pearson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3764

TITLE:

+ Elimination of Inconsistencies Between NRC Regulations and EPA Standards

CFR CITATION:

10 CFR 60

ABSTRACT:

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

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

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

Because the Federal Court invalidated the EPA standards, action on this rule, which is in response to the EPA standards is undetermined.

TIMETABLE:

Proposed Action Published 06/19/86 51 FR 22280
Proposed Action Comment Period End 08/18/86
Office Concurrence on Final Action Completed 07/15/87
Final Action to EDO 07/20/87
Final Action Published Undetermined

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Frank Costanzi/Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3810/3857

TITLE:

+ Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities

CFR CITATION:

10 CFR 62

ABSTRACT:

The proposed rule would establish procedures and criteria for fulfilling NRC's responsibilities associated with acting on requests by low-level radioactive waste generators, or State officials on behalf of those generators, for emergency access to operating, non Federal or regional, low-level radioactive waste disposal facilities under Section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPA). Section 6 of the LLRWPA authorizes the NRC to grant emergency access to any non Federal low-level waste disposal facility, if necessary, to eliminate the immediate and serious threat to the public health and safety or the common defense and security, provided the threat cannot be mitigated by any alternative.

TIMETABLE:

Proposed Action Published 12/15/87 52 FR 47578
Proposed Action Comment Period End 02/12/88 52 FR 47578
Office Concurrence on Final Action 05/00/88
Final Action to EDO 06/30/88
Final Action to Commission 07/00/88
Final Action Published 08/31/88

LEGAL AUTHORITY:

42 USC 2021

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Janet Lambert
Office of Nuclear Regulatory Research
Nuclear Regulatory Commission
Washington, DC 20555
301 492 3904

TITLE:

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

CFR CITATION:

10 CFR 73

ABSTRACT:

In a staff requirements memorandum dated June 8, 1987, the Commission directed the staff to publish a proposed rule within 120 days which would implement improved safeguards requirements based on the findings of a review team which compared DOE and NRC safeguards programs (SECY-87-28; CNSI). Primary focus is in the following areas: (1) security system performance evaluations, (2) night firing qualifications for guards, (3) 100 percent entrance searches, (4) armed guards at material access area control points, (5) two protected area fences, and (6) revision of the design basis threat.

TIMETABLE:

Proposed Action Published 12/31/87 52 FR 49418
Proposed Action Comment Period End 03/30/88 52 FR 49418
Office Concurrence on Final Action Completed 07/00/88
Final Action to EDO 08/15/88
Final Action to Commission 08/30/88
Final Action Published 10/30/88

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2167; 41 USC 2201; 42 USC 5841; 42 USC 5844

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

+ Criteria for an Extraordinary Nuclear Occurrence

CFR CITATION:

10 CFR 140

ABSTRACT:

The final rule will revise the ENO criteria to eliminate the problems that were encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

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

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

It is estimated that approximately 1.0 staff year of NRC time will be required to process the final rule. No contract funding is anticipated.

TIMETABLE:

Proposed Action Published 04/09/85 50 FR 13978
Proposed Action Comment Period End 09/06/85
Final Action For Division Review 02/17/87
Office Concurrence on Final Action Completed 11/25/87
Final Action Package to EDO 04/30/88
Final Action to Commission 05/15/88
Final Action Published 06/30/88

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
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3738

(C) - Advance Notices of Proposed Rulemaking

C

TITLE:

Radioactive Waste Below Regulatory Concern; Generic Rulemaking

CFR CITATION:

10 CFR 2; 10 CFR 20

ABSTRACT:

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

The timetable for this rule is on hold pending the decision on the staff's recommended action to terminate this rule and initial development of an interim policy statement.

TIMETABLE:

ANPRM 12/02/86 51 FR 43367
ANPRM Comment Period End 03/02/87 51 FR 43367
Final Action Undetermined

LEGAL AUTHORITY:

Pub. L. 99-240

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Stanley Neuder
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3737

TITLE:

Comprehensive Quality Assurance in Medical Use and a Standard of Care

CFR CITATION:

10 CFR 35

ABSTRACT:

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

TIMETABLE:

ANPRM Action Published 10/02/87 52 FR 36949
ANPRM Comment Period End 12/31/87 52 FR 36949
Proposed Action Published 12/30/88
Final Action Published 12/30/89

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE:

+ Degree Requirement for Senior Operators at Nuclear Power Plants

CFR CITATION:

10 CFR 50; 10 CFR 55

ABSTRACT:

The Commission is considering an amendment to its regulations to require that applicants for a senior operator license of a nuclear power plant hold a baccalaureate degree in engineering or a related science from an accredited institution four years after the effective date of this rule. Other baccalaureate degrees from an accredited institution may be accepted on a case-by-case basis. This contemplated rulemaking action is due to a Commission decision to enhance the levels of engineering and accident management expertise on shift.

The Commission is also considering issuing a policy statement concurrently with this rule related to utility implementation of the rule.

TIMETABLE:

ANPRM 05/31/86 51 FR 19561
ANPRM Comment Period Extended to 09/29/86
SECY 87-101 to Commission 04/16/87
Commission Approved Preparation of Proposed Rule 06/24/87
Proposed Action for Division Review 01/05/88
Office Concurrence on Proposed Action Completed 05/06/88
Proposed Action to EDO 06/05/88
Proposed Action to Commission 07/00/88
Proposed Action Published 08/05/88
Final Action for Division Review 12/30/88
Office Concurrence on Final Action Completed 02/28/89
Final Action to EDO 06/30/89
Final Action Published 08/05/89

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS: No

AGENCY CONTACT:

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

TITLE:

+ Definition of High-Level Radioactive Waste (HLW) in 10 CFR Parts 60 and 61

CFR CITATION:

10 CFR 60; 10 CFR 61

ABSTRACT:

The Commission instructed the staff to analyze the need to revise the definition of high-level radioactive waste (HLW) in Part 60 to conform with the definition in the Nuclear Waste Policy Act (NWPA). An ANPRM was published on February 27, 1987 (52 FR 5992), which recommended a revision based either wholly or partially on concentrations of radionuclides in the waste. After assessing the public comments on the ANPRM, and also taking into account recent information, the staff is now recommending against any revision of the definition of HLW. Instead, amendments to Part 61 are being recommended that would require geologic repository disposal of all above Class C low-level radioactive waste (LLW) unless an alternative has been approved by the Commission. This would accomplish the objective of establishing suitable disposal requirements for radioactive waste with a minimal impact on cost burdens.

Alternatives are: (1) revise the definition of HLW so that additional above Class C LLW is reclassified as HLW; or (2) make no change in the system of waste classification or required waste disposal options.

The public and industry would benefit from this clarification of waste disposal options for above Class C LLW. NRC staff time for preparing this rulemaking is estimated at two-staff years.

TIMETABLE:

ANPRM Action Published 02/27/87 52 FR 5992
ANPRM Comment Period End 04/29/87
ANPRM Comment Period Extended to 06/29/87 52 FR 16403
Office Concurrence on Proposed Action Completed 12/17/87
Proposed Action to EDO 02/05/88
Proposed Action to Commission 02/19/88
Proposed Action Published 04/30/88
Final Action Published 12/30/88

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Frank Costanzi/Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3801/3857

(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 has deferred further consideration of this proposal which would have revised the Commission's 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 statement of the Commission's procedural rules to reflect current practice. The changes in this proposed rule would enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participation in the proceedings.

TIMETABLE:

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

TITLE:
Availability of Official Records

CFR CITATION:
10 CFR 2

ABSTRACT:
The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790 (c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw pursuant to 10 CFR 2.790(c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

TIMETABLE:
Next Action Undetermined

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:

Storage of Spent Nuclear Fuel in NRC Approved Casks at Civilian Nuclear Power Reactor Sites

CFR CITATION:

10 CFR 2; 10 CFR 51; 10 CFR 72

ABSTRACT:

The proposed rule is in response to the Nuclear Waste Policy Act (NWPA) section 218 (a) which states in part, that the Secretary of DOE shall establish a demonstration program, in cooperation with the private sector for dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the Commission may, by rule, approve for use at sites of civilian nuclear power reactors. The NWPA also requires that the NRC establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor.

The staff anticipates a significant increase in the demand for use of dry spent fuel storage casks starting in the early 1990s, thus processing of this proposed rule would be timely. NRC resource requirements are anticipated to be about two staff years.

TIMETABLE:

Proposed Action for Division Review 03/25/88
Office Concurrence on Proposed Action Completed 05/24/88
Proposed Action to EDO 05/31/88
Proposed Action Published 07/30/88
Final Action Published 04/29/89

LEGAL AUTHORITY:

42 USC 10153; 42 USC 10198

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Pearson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3764

TITLE:

Negotiated Rulemaking on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-Level Radioactive Waste

CFR CITATION:

10 CFR 2; 10 CFR 60

ABSTRACT:

The Nuclear Waste Policy Act (NWPA) provides three years for the NRC to reach a decision on construction authorization for a high-level waste repository. In order for the NRC to be able to make its decision within the allotted time, ready access to all pertinent records must be assured to all parties in the licensing proceeding. The DOE has committed to develop an electronic information management system to be used for the licensing proceeding. The NRC staff intends to use the process of negotiated rulemaking to develop a proposed rule that would revise the Commission's discovery procedure and motion practice in 10 CFR Part 2 for the high-level waste licensing proceeding. This rule would require the DOE license application and all supporting records to be provided in a standardized electronic format. All parties to the licensing proceeding would be required to submit all relevant data to this system. In turn, all parties would have access to the data base.

Resource estimates currently under development.

TIMETABLE:

Notice Of Intent Published 12/18/86 51 FR 45338
Notice of Intent/Comment Period Expires 02/18/86
Notice of Formation of Negotiating Committee 08/05/87 52 FR 29024
Proposed Action Published 07/08/88
Final Action to Commission 09/19/88
Final Action Published 10/14/88

LEGAL AUTHORITY:

NWPA, AEA,

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: To be determined

AGENCY CONTACT:

Francis X. Cameron
Nuclear Regulatory Commission
Office of General Counsel
Washington, DC 20555
301 492-1623

TITLE:

*Revision of Definition of Meeting

CFR CITATION:

10 CFR 9

ABSTRACT:

The proposed rule would return the definition of "meeting" to its pre-1985 wording. The proposal is based on a study of comments submitted on an interim final rule published on May 21, 1985 (50 FR 20889) and the 1987 recommendations and report of the American Bar Association (ABA). Since the pre-1985 wording of the definition of meeting is fully adequate to permit the types of non-Sunshine Act discussions that the NRC believes would be useful, the proposal calls for the NRC to reinstitute its pre-1985 definition of meeting, with the intention of conducting its non-Sunshine Act discussions in accordance with the guidelines recommended by the ABA.

TIMETABLE:

Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Peter G. Crane
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-1634

TITLE:

+ Deletion of Part 11 Requirement for Renewal of "R" Clearances

CFR CITATION:

10 CFR 11

ABSTRACT:

The current regulations require licensees to renew "R" clearances every 5 years. This level of clearance corresponds to the "L" clearances used by NRC and DOE which do not require renewal. Because of this equivalence, the renewal requirement for the "R" level licensee clearance is deemed unnecessary. This rulemaking would delete that requirement from Part 11. The timetable for this rule has been placed on hold pending the publication of Executive Order 10450, "Security Requirements for Government Employees.

TIMETABLE:

Proposed Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201(i), 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

+ Residual Radioactive Contamination Limits for Decommissioning

CFR CITATION:

10 CFR 20

ABSTRACT:

The proposed rule would establish residual radioactive contamination limits (including induced and other volumetric radioactivity as well as removable and fixed surface contamination) which must be met before structures and lands can be released for unrestricted use. Structures and lands with residual radioactive contamination below these limits would be eligible for release without regulatory restrictions from a radioactivity standpoint.

The proposed amendments were considered necessary to provide licensees with quantitative criteria to use during decommissioning relative to cleanup and decontamination of structures and lands.

Alternatives to rulemaking would be continued reliance on the issuance of criteria as guidance. However, the current criteria are incomplete, decisions on implementation and compliance are often required on a case-by-case basis, and criteria issued by guidance may not be enforced in the manner of legally binding regulations. The proposed rule would relieve the administrative burden on NRC and licensees while providing a consistent and enforceable basis for agency action. NRC resource requirements were estimated at approximately 2 staff-years and a \$237,000 research contract which is ongoing at PNL. Staff is participating in an EPA-organized interagency working group developing Federal guidance on this subject; however, this activity has been dormant since January 1987.

The timetable for this rule is on hold pending the decision on the staff's recommended action to terminate this rule and initiate development of an interim policy statement.

TIMETABLE:

Proposed Action Published Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Dr. Stan Neuder
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3737

TITLE:

+ Disposal of Waste Oil by Incineration

CFR CITATION:

10 CFR 20

ABSTRACT:

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

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. There would be an estimated industry-wide economic savings of approximately \$5 million to \$18 million per year if such a rule were promulgated.

Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis. It is estimated that approximately 1-2 person years of NRC staff time will be required to process this rule.

TIMETABLE:

Proposed Action to EDO 04/15/88
Proposed Action Published 05/07/88
Office Concurrence on Final Action Completed 08/30/88
Final Action to EDO 09/30/88
Final Action to Commission 10/15/88
Final Action Published 12/30/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2167; 42 USC 2073

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

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), both of which require the reporting of safety defects by licensees. In addition, Part 21 requires reporting by non-licensees. This proposed amendment was prompted by TMI Action Plan Task II, J.4, and NRC staff experience with Part 21 and section 50.55(e) reporting. The main objectives of the rulemaking effort are: (1) elimination of duplicate evaluation and reporting of safety defects; (2) consistent threshold for safety defect reporting in Part 21 and section 50.55(e); (3) establishment of consistent and uniform content of reporting under Part 21 and section 50.55(e) and (4) establishment of time limits within which a defect must be evaluated and reported.

Approximately 500 reports are submitted to the Commission annually under Part 21. Approximately 1500 reports are submitted to the Commission annually under section 50.55(e). These reports identify both plant-specific and generic safety for further NRC regulatory action. Under current rules, these reports have formed the basis for NRC issuance of numerous NRC information notices and bulletins.

This proposed rulemaking will reduce the potential for duplicate reporting and evaluation of safety defects which now exist. The rulemaking will establish a more coherent regulatory framework that is expected to reduce industry reporting and evaluation burden significantly without reducing safety effectiveness.

Alternatives to this rulemaking approach which were considered, varied from establishment of a single rule for all reporting of safety defects and operating reactor events to maintaining the status quo for defect reporting. All alternatives were rejected since they would not substantially improve the current safety defect reporting situation.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at \$10.08 million annually for industry and \$1.74 million annually for NRC evaluations. It is anticipated that the industry reporting burden should be reduced by \$1.93 million; while NRC burden should remain the same. Additional industry burden, though minimal, is anticipated in the area of reissuing procedures for reporting and record keeping.

The Commission disapproved this proposed rule on 10/20/86 and provided direction to the staff to revise the proposed rule. The subsequent effort has proceeded based on Commission direction.

TITLE:

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

TIMETABLE:

Revised Proposed Action for Division Review 04/00/87
Office Concurrence on Revised Action Completed 07/24/87
Revised Proposed Action by EDO 02/16/38
Revised Proposed Action to Commission 03/09/88
Revised Proposed Action Published 04/00/88
Final Action Published 11/00/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Jones
Nuclear Regulatory Commission
Office of Analysis and Evaluation of
Operational Data
Washington, DC 20555
301 492-4442

TITLE:
Diagnostic Misadministration Report Form

CFR CITATION:
10 CFR 35

ABSTRACT:
The final rule amends the regulations governing the medical use of byproduct material to specify the form that is to be used by NRC medical licensees to report diagnostic misadministrations. The rule is intended to inform licensees that the form contemplated in the revision to these regulations (see the Federal Register of October 16, 1986; 51 FR 36932) has been developed and is now available for use.

TIMETABLE:
Final Action Published 06/00/88

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Norman L. McElroy
Nuclear Regulatory Commission
Office of Nuclear Materials Safety and Safeguards
Washington, DC 20555
(301) 492-3417

TITLE:

+ Criteria for Licensing the Custody and Long-Term Care of Uranium Mill Tailings Sites

CFR CITATION:

10 CFR 40

ABSTRACT:

The proposed rule would provide a procedure to license a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). This amendment would establish a general license for custody and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable. The general license would be formulated so that it would become effective for a particular site when (1) NRC concurs in the DOE determination that the site has been properly constructed and (2) a surveillance and maintenance plan that meets the requirements of the general license has been received by NRC. No impact to the public or industry is expected as a result of this proposed action.

TIMETABLE:

Proposed Action for Division Review 11/09/87
Office Concurrence on Proposed Action Completed 02/10/88
Proposed Action to EDO 02/10/88
Proposed Action Published 05/30/88
Final Action Published 12/30/88

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Mark Haisfield
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
(301) 492-3877

TITLE:

Amendment to Clarify Equivalent Control Capacity for Standby Liquid Control Systems (SLCS)

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would clarify the Commission's regulations pertaining to boiling water reactors (BWR). The current regulations require that all boiling water reactors must have a standby liquid control system (SLCS) with a minimum flow capacity and boron content equivalent in control capacity to 86 gallons per minute (gpm) of 13 weight percent of sodium pentaborate solution. In January 1985, a generic letter was issued to all appropriate licensees that provided clarification of the phrase "equivalent in control capacity" contained in section 50.62 (c)(4). This letter provided the basis for the flow and weight percent of sodium pentaborate decahydrate requirements and described how equivalency could be achieved for smaller plants. The NRC staff considers the contents of the generic letter to be technically correct and desired that this position be established in the regulations.

This proposed rule would clarify a Commission regulation; thus, no other procedure is appropriate. The technical proposals in the rule were analyzed for safety as part of the original rulemaking procedure, although they were not specifically mentioned. This rule will not adversely affect the health and safety of the public.

TIMETABLE:

Proposed Action for Division Review 11/30/87
Office Concurrence on Proposed Action Completed 04/15/88
Proposed Action to EDO 06/17/88
Proposed Action Published 07/15/88
Final Action Published 12/30/88

LEGAL AUTHORITY:

42 USC 2136; Section 106

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Pearson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492 3764

TITLE:

* Licensee Action During National Security Emergency

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would allow a licensee during a national security emergency to deviate from a license condition or a technical specification. The Commission previously has granted authority to nuclear power reactor licensees to take reasonable action that departs from a license condition or a technical specification in an emergency when the action is immediately necessary to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent. This proposed rule will provide the same flexibility to licensees, but for the purpose of attaining national security objectives during a declared national emergency due to nuclear war or natural disaster.

The proposed rule change does not significantly impact state and local governments, health, safety, and the environment; or costs to licensees.

TIMETABLE:

Proposed Action Published 08/00/88

Final Action Published 02/00/89

LEGAL AUTHORITY:

42 USC 5841, 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Joan Aron

Nuclear Regulatory Commission

Office of Assessment and Evaluation of Operational Data

Washington, DC 20555

301 492-9001

TITLE:

*Maintenance of Nuclear Power Plants

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would provide functional requirements for the maintenance of nuclear power plants and allow industry initiatives to develop the details of maintenance programs to meet such requirements. The proposed rule would apply to all components, systems and structures of nuclear power plants and would be applicable to existing and future plants. The proposed rule would also require each licensee to develop, implement and maintain a maintenance program, and to formally commit to follow the program.

The scope of maintenance activities addressed in the rule will be within the framework of the Commission's Policy Statement on Maintenance of Nuclear Power Plants which was issued on March 23, 1988 (53 FR 9430).

It is estimated that about 3 staff-years of effort and \$600,000 for contract services will be required to process the final rule.

TIMETABLE:

Office Concurrence on Proposed Action Completed 08/15/88
Proposed Action to EDO 10/01/88
Proposed Action to Commission 11/01/88
Proposed Action Published 12/01/88
Final Action Published 11/01/89

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Moni Dey
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3730

TITLE:

* Amendment of the Pressurized Thermal Shock (PTS) Rule

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would update the current PTS regulation that provides a screening criterion, which sets a limit on the degree of radiation embrittlement of PWR reactor vessel beltline materials beyond which operation cannot continue without additional plant specific analysis. The proposed rule prescribes how to calculate the degree of embrittlement as a function of the copper and nickel contents of the controlling material and the neutron fluence. The proposed rule revises the calculative procedure to be consistent with Revision 2 of Regulatory Guide 1.99 which provides an updated correlation of embrittlement data.

The need to amend the PTS rule to be consistent with the guide became apparent when it was found that some medium-copper, high-nickel materials embrittlement is worse now than predicted using the PTS rule. A number of PWR's will reach the screening criterion soon and three plants will need to make plant-specific analyses in the next ten years.

Immediate costs to industry will be those required for each utility to update the January 26, 1986, submittal required by the PTS rule, using fluence estimates that take account of flux reduction efforts in the interim and using the new procedures for calculating RT/PTS. In addition, three to five plants will need to make the expenditure of an estimated 2.5 million dollars for the plant-specific analysis in the 1990's instead of 10 to 15 years later.

TIMETABLE:

Proposed Action for Division Review 06/01/88
Proposed Action to CRGR 10/01/88
Proposed Action to EDO 12/01/88
Proposed Action Published 02/01/89
Final Action for Division Review 08/01/89
Final Action to CRGR 11/01/89
Final Action to EDO 01/01/90
Final Action Published 03/01/90

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS OF SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Pryor N. Randall
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-3842

TITLE:

Safety Related and Important to Safety in 10 CFR Part 50

CFR CITATION:

10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues.

Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission issuing a policy statement concerning the definitions and their usage.

Since the proposed rule is only clarifying existing requirements, there is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff years in developing the final rule over a two-year period. The manpower and time frame will depend on Commission guidance received on the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR.

The timetable is on hold based on a decision by the Commission.

TIMETABLE:

Proposed Action to Commission 05/29/86
Commission Decision on SECY 86 164 Undetermined

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

TITLE:

Safety Related and Important to Safety in 10 CFR Part 50

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Jerry N. Wilson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492 3729

TITLE:

+ Personnel Access Authorization Program (Part of Insider Package)

CFR CITATION:

10 CFR 50; 10 CFR 73

ABSTRACT:

The Commission has concluded that it is appropriate for each licensee who operates a nuclear power plant to establish an access authorization program to ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and do not pose a threat to commit radiological sabotage. Accordingly, the NRC published a proposed rule on August 1, 1984, which would require an access authorization program at nuclear power plants (49 FR 30726).

An alternative proposal by the Nuclear Utility Management and Resource Committee (NUMARC) was submitted as a public comment on this proposed rule. The alternative proposed a voluntary industry commitment to implement an access authorization program at nuclear power plants based upon industry guidelines. Major provisions of this program include background investigation, psychological evaluation, and behavioral observation.

On June 18, 1986, the Commission approved developing a policy statement endorsing industry guidelines as an alternative to the proposed rulemaking. Commitments to adhere to these guidelines would be formalized through amendments to the physical security plans and be subject to inspection and enforcement by NRC.

TIMETABLE:

Office Concurrence on Proposed Policy Statement Completed 10/30/87
Proposed Policy Statement/Guidelines to EDO 12/07/87
Proposed Policy Statement/Guidelines to Commission 12/15/87
Proposed Policy Statement Published 03/09/88 53 FR 7534
Proposed Policy Statement Comment Period End 05/09/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

TITLE:

+ Part 51; Conforming Amendments

CFR CITATION:

10 CFR 51; 10 CFR 60

ABSTRACT:

The proposed rule would provide procedures for performing an environmental review of High Level Waste geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental reviews which the NRC performs in licensing other types of nuclear facilities. This issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA.

TIMETABLE:

Proposed Action Published 05/15/88

Final Action Published 05/15/89

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

James R. Wolf
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492 1641

TITLE:

Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors

CFR CITATION:

10 CFR 52

ABSTRACT:

The Nuclear Regulatory Commission is considering adding a new part to its regulations to improve the reactor licensing process. The proposed rule would provide for the issuance of early site permits, standard design certifications, and combined construction permits and conditional operating licenses for nuclear power reactors. These procedural reforms are intended to improve the quality, effectiveness, and efficiency of nuclear power plant licensing without detracting from protection of the public health and safety or the public's ability to participate in the licensing process. They are designed to implement as much of the Commission's proposed "Nuclear Power Plant Standardization and Licensing Act of 1987" as is permissible under its existing statutory authority. The proposed legislation is based on an earlier proposal that was developed by the Commission's Regulatory Reform Task Force. If licensing reform legislation is ultimately enacted, the rules can be modified to implement that legislation fully.

TIMETABLE:

Proposed Action Published 06/00/88
Final Action to Commission 10/00/88
Final Action Published 12/00/88

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236;
42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 4842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Steve Crockett
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301 492-6100

TITLE:

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

CFR CITATION:

10 CFR 71

ABSTRACT:

The proposed rule would, in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 6, "Regulations for the Safe Transport of Radioactive Material," 1985 Edition. Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. Perhaps as important, the accident experience of every country that bases its domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as a routine updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, will be issued for public comment. The task will be scheduled over a 2-year interval ending January 1989 and will consume 2-3 staff-years of effort depending on the number and difficulty of conflicts to be resolved.

TIMETABLE:

Proposed Action for Division Review 09/04/87
Office Concurrence on Proposed Action Completed 02/12/88
Proposed Action to EDO 03/31/88
Proposed Action Published 04/29/88
Final Action Published 01/30/89

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

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

TITLE:

+ Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal

CFR CITATION:

10 CFR 150

ABSTRACT:

This rulemaking would establish NRC's sole authority for approving onsite disposal of low-level waste at all NRC-licensed reactors and at Part 70 fuel cycle facilities. There is a need to amend section 150.15 to authorize one agency (the NRC) to regulate all onsite disposal of low-level waste in order to provide a more comprehensive regulatory review of all onsite waste management activities and to avoid unnecessary duplication of effort. Uniform review by the NRC will provide for greater assurance that the radioactive material will not present a health hazard at a later date after the site is decommissioned.

TIMETABLE:

Proposed Action to EDO 04/15/88
Proposed Action Published 07/29/88
Final Action Published 03/24/89

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2021; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John Stewart
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492 3618

TITLE:

*Revision of Fee Schedule

CFR CITATION:

10 CFR 170; 10 CFR 171

ABSTRACT:

The proposed rule would revise the fees charged for licensing services provided by the NRC and charged to persons who operate nuclear power reactors. The proposed amendments would (1) remove fee ceilings, increase the amount charged for a license application, and revise the flat fees set out in Part 170; (2) revise the hourly rate for NRC professional time spent providing various regulatory services; (3) increase the ceiling on annual charges; (4) add a deadline for filing exemptions to 10 CFR 171.11; and (5) include monies from the Department of Energy High Level Waste Fund. Because the proposed regulation is necessary to implement the most recent fee legislation enacted by Congress, there is no suitable alternative to rulemaking for these actions. All applicants and licensees that are currently subject to fees collections under the current regulations would be affected by the proposed rule.

TIMETABLE

Proposed Action Published 06/00/88
Final Action Published 10/01/88

LEGAL AUTHORITY:

31 USC 9701; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

G. James Holloway, Jr.
Nuclear Regulatory Commission
Office of Administration and Resources Management
Washington, DC 20555
301 492-7725

11
PETITIONS

(A) - Petitions incorporated into final rules or
petitions denied since December 31, 1987

A

PETITION DOCKET NUMBER: PRM-40-25

PETITIONER: State of Alabama

PART: 40

OTHER AFFECTED PARTS: NONE

FEDERAL REGISTER CITATION: December 31, 1985 (50 FR 53335)

SUBJECT: Regulations Governing Unimportant Quantities of Source Material

SUMMARY: Description. The petitioner requests that the NRC amend its regulations governing unimportant quantities of source material. The petitioner suggests that the NRC examine the exemption from licensing for products or parts of products fabricated of or containing tungsten or magnesium-thorium alloys whose thorium content is less than 4 percent by weight and either remove the restriction on this exemption or set out the restriction as part of a general license. The petitioner believes that, in placing a restriction on an exemption, the NRC has created a structurally deficient regulation that may lead to unintentional violations by persons who may receive products covered by the exemption and be unaware of any further restrictions.

Objective. To ensure that a person who obtains an exempt product covered by the exemption is aware of any limitations placed on the use of the product.

Background. The comment period for this action closed March 3, 1986. Only one comment was received, and it opposed the petition.

On January 15, 1988, the State of Alabama requested withdrawal of its petition for rulemaking. The letter of withdrawal noted that the petitioner believes that the best approach is for NRC to consider the State's suggestions in the next revision to Part 40.

TIMETABLE: On March 30, 1988, (53 FR 10252) a notice denying this petition for rulemaking was published in the Federal Register.

CONTACT: Sterling Bell
Office of Nuclear Material Safety and Safeguards
301-492-0617

(B) - Petitions for which a notice of denial has been prepared and is scheduled to be published in the Federal Register next quarter

PETITION DOCKET NUMBER: PRM-40-24

PETITIONER: Union Carbide Corporation

PART: 40

OTHER AFFECTED PARTS: 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: The Office of Research has prepared a notice of denial for this petition for rulemaking.

CONTACT: Mark Haisfield
Office of Nuclear Regulatory Research
301-492-0617

PETITION DOCKET NUMBER: PRM-50-20

PETITIONER: Free Environment, Inc., et al.

PART: 50

OTHER AFFECTED PARTS: 100

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

SUBJECT: Reactor Safety Measures

SUMMARY: Description. The petition 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).

TIMETABLE: Resolution scheduled for completion in March 1988. This petition addressed three issues of which two have been resolved and closed. The remaining issue will be addressed in a notice of denial scheduled to be published in April 1988.

CONTACT: John Stewart
Office of Nuclear Regulatory Research
301-492-3618

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 PARTS: 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. On February 28, 1985, the State of Illinois sent a letter to the Secretary of the Commission withdrawing its petition for rulemaking (PRM-50-25). Attorneys for (PRM-50-25A) were contacted and they agreed to withdraw their petition. Because the attorneys for PRM-50-25A have failed after several request by the NRC to formally withdraw their petition and to avoid further delay, the NRC is preparing a notice of denial for this petition.

TIMETABLE: Complete. A Federal Register notice denying this petition is scheduled to be published in the month of April 1988.

CONTACT: Ronald M. Smith
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
301-492-1640

PETITION DOCKET NUMBER: PRM-100-2

PETITIONER: Public Interest Research Group, et al.

PART: 100

OTHER AFFECTED PARTS: 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 would be delayed until summer 1983 to await safety goal implementation and source term reevaluation.

Recent events, including the reactor accident at Chernobyl in the USSR, continued uncertainty over certain aspects of the accident source term work, and the lack of projected Construction Permit Applications have led the Commission's Executive Director for Operations to conclude that this rulemaking should be terminated. However, if the Commission

decides that further rulemaking on demographic criteria should be undertaken, the unresolved portions of the petition would be considered in the context of that rulemaking.

TIMETABLE: The staff has prepared a Federal Register package which contains a notice of denial for this petition for rulemaking. The notice is expected to be published in the near future.

CONTACT: John Stewart
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301-492-3618

(C) - Petitions incorporated into proposed rules

NONE

(D) - Petitions pending staff review

*PETITION DOCKET NUMBER: PRM-31-4

PETITIONER: Gene-Trak Systems

PART: 31

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: February 2, 1988 (53 FR 2853)

SUBJECT: Use of Phosphorus-32 in Salmonella and Listeria Assays

SUMMARY: The petitioner requests that the Commission amend its regulations to establish that 100 microcuries of phosphorus-32 used in Salmonella and Listeria assays by a food laboratory is an exempt quantity under a general license according to 10 CFR 31.11. The petitioner requests this action because the presence of phosphorus-32 in amounts exceeding currently exempt quantities would require those desiring to use DNA probe assays to apply for and obtain a specific license from the NRC that would authorize this use. The petitioner asserts that authorizing the use of the assays under a general license would assist food manufacturers and food laboratories by eliminating the licensing procedure. The paperwork burden on both the NRC and the industry would be reduced.

TIMETABLE: Resolution is scheduled for November 1988.

CONTACT: William Lahs
Office of Nuclear Regulatory Research
301 492-3774

PETITION DOCKET NUMBER: PRM-50-31

PETITIONER: Citizens' Task Force

PART: 50

OTHER AFFECTED PARTS: 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: Staff action on the response to the petitioner is scheduled for November 1988 (to be coordinated with the severe accident research program and publication of NUREG-1150); however, this is dependent upon the Commission's policy decision in the emergency planning area.

CONTACT: Michael T. Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301-492-3918

PETITION DOCKET NUMBER: PRM-50-45

PETITIONER: Kenneth G. Sexton

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: October 6, 1986 (51 FR 35518)

SUBJECT: Extending the Emergency Planning Zone

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require that current methodologies and analytical techniques be used to reevaluate the established Emergency Planning Zone (EPZ) for nuclear power plants. The petitioner is concerned that emergency planning for areas within and beyond the 10-mile distance provided in the Commission's regulations is inadequate because the current 10-mile EPZ was determined with what the petitioner considers outdated methodologies and data. The petitioner points out that advanced techniques and new information obtained through research in the last 10 years have produced improved calculations for determining the size of an EPZ.

Objective. The petitioner believes that there is overwhelming justification to request that the size of the EPZ be reevaluated on a site-specific basis, after allowing for review of the determination report by any interested parties.

Background. The comment period for this petition, originally to expire on December 5, 1986 has been extended to April 15, 1987.

TIMETABLE: Staff action on the petition is scheduled to be completed November, 1988.

CONTACT: Michael T. Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301-492-3918

PETITION DOCKET NUMBER: PRM-50-46

PETITIONER: State of Maine

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION : December 30, 1986 (51 FR 47025)

SUBJECT: Emergency Planning

SUMMARY: Description. The petitioner requests that the Commission amend its emergency planning regulations to (1) expand the emergency planning zone for the plume exposure pathway and for the ingestion pathway; (2) require that emergency planning be done before any construction of a nuclear facility is permitted and that the Governor of each affected State approve the emergency plans as a precondition to construction; and (3) require that offsite emergency preparedness findings be made before any fuel loading and/or low power operations are permitted.

Objective. To expand the emergency planning zone around nuclear power plants to ensure the protection of the public.

Background. The comment period expired March 2, 1987.

TIMETABLE: Staff action on the petition is scheduled to be completed in November 1988, but depends on the Commission policy decision in the emergency planning area.

CONTACT: Michael T. Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
301-492-3918

PETITION DOCKET NUMBER: PRM-50-47

PETITIONER: Quality Technology Company

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: January 12, 1987 (52 FR 1200)

SUBJECT: Establishing an Employee Concerns Program and Resolution of Employee-Identified Concerns at Nuclear Facilities

SUMMARY: Description. The petitioner requests that the Commission add to its regulations requirements that all utilities involved in a nuclear program establish and maintain an employee concerns program and report to the NRC's Office of Investigation all employee-identified concerns related to "wrongdoing activities." Based on the petitioner's experience with employee concerns programs, the petitioner contends that more than half of employee-identified concerns are substantiated and that adding these requirements to the NRC's regulations may ensure resolution of the issues related to these concerns.

Objective. To require that all utilities involved in a nuclear program (1) establish and maintain an employee concerns program and (2) report to the NRC's Office of Investigation all employee-identified concerns related to "wrongdoing activities."

Background. The petitioner conducted or participated in employee concerns programs at several utilities and thinks that such a program is an effective vehicle for obtaining accurate and insightful information about nuclear safety-related issues from employees involved in the construction or operation of a nuclear facility. The comment period closed March 13, 1987. The staff is currently reviewing the response to this petition.

TIMETABLE: The projected resolution of this petition is targeted for April 1988.

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

* PETITION DOCKET NUMBER: PRM-50-48

PETITIONER: University of Missouri

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: March 1, 1988 (53 FR 6159)

SUBJECT: Redefine "Testing Facility" Based on the Function of the Facility
Instead of its Power Level

SUMMARY: The petitioner requests that the Commission adopt a regulation that would add a definition for the term "research reactor" and redefine the term "testing facility" based on the function of the facility instead of its power level. The petitioner requests this action because the current definition of "testing facility" results in excessive and unnecessary routine regulatory requirements being applied to research reactors which is contrary to the intent of Congress in the Atomic Energy Act of 1954.

TIMETABLE: The resolution of the petitions is schedule for March 1989.

CONTACT: Stanley Turel
Office of Nuclear Regulatory Research
301 492-3739

(E) - Petitions with deferred action

PETITION DOCKET NUMBER: PRM-40-23

PETITIONER: Sierra Club

PART: 40

OTHER AFFECTED PARTS: 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 programs; (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 ensure 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 adequately 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 inactive uranium mill tailings sites. Title II of the Act authorizes NRC to regulate disposal of the tailings at active sites.

TIMETABLE: Resolution of this petition is on hold pending amendments to Part 40 dealing with the long-term care and custody of reclaimed mill tailings sites. Completion of this rulemaking is scheduled for December 1988. Resolution of the petition is scheduled for June 1989.

CONTACT: Mark Haisfield
Office of Nuclear Regulatory Research
301-492-0617

BIBLIOGRAPHIC DATA SHEET

SEE INSTRUCTIONS ON THE REVERSE

NUREG-0936, Vol. 7, No. 1

2 TITLE AND SUBTITLE

NRC REGULATORY AGENDA
QUARTERLY REPORT
JANUARY-MARCH 1988

3 LEAVE BLANK

4 DATE REPORT COMPLETED

MONTH

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1988

5 DATE REPORT ISSUED

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YEAR

July

1988

5 AUTHOR(S)

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b PERIOD COVERED (Inclusive Dates)

JANUARY-MARCH 1988

12 SUPPLEMENTARY NOTES

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.

14 DOCUMENT ANALYSIS - a KEYWORDS/DESCRIPTORS

COMPILATION OF RULES
PETITIONS FOR RULEMAKING

b IDENTIFIERS/OPEN ENDED TERMS

15 AVAILABILITY STATEMENT

UNLIMITED

16 SECURITY CLASSIFICATION

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I-RULES

Section I - Rules

A

Action Completed Rules

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B

Proposed Rules

C

**Advance Notice - Proposed
Rulemaking**

D

Unpublished Rules

**II
PETITIONS**

Section II - Petitions for Rulemaking

A

Petitions - Final or Denied

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