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# NRC Regulatory Agenda

Quarterly Report  
July - September 1988

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**U.S. Nuclear Regulatory  
Commission**

Office of Administration and Resources Management



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Manuscript Completed: October 1988  
Date Published: October 1988

Division of Freedom of Information and Publications Services  
Office of Administration and Resources Management  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555







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## Preface

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

### Organization of the Agenda

The agenda consists of two sections that have been updated through September 30, 1988. Section I, "Rules," includes (A) rules on which final action has been taken since June 30, 1988, the closing date of the last NRC Regulatory Agenda; (B) rules published previously as proposed rules on which the Commission has not taken final action; (C) rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking," includes (A) petitions denied or incorporated into final rules since June 30, 1988; (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 the lowest to the highest part within Title 10, Chapter 7, of the Code of Federal Regulations (Title 10). If more than one rule appears under the same part, the rules are arranged within that part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest affected part. In Section II of the agenda, the petitions are ordered from the lowest to the highest part of Title 10 and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within that part of Title 10.

The dates listed under the heading "Timetable" for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide the public early



notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

#### Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to most effectively achieve 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 by the symbol (+). 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. Rules and Petitions for Rulemaking that appear on the agenda for the first time are identified by an asterisk (\*).

#### Public Participation in Rulemaking

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



The agenda and any comments received on any rule listed in the agenda are available for public inspection, and copying at a cost of ten cents per page, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW., Washington, DC, between 7:45 a.m. and 4:15 p.m.

#### Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Betty Golden, Regulations Assistant, 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) 492-4268 (persons outside the Washington, DC metropolitan area may call toll-free: 800-368-5642). For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.



(A) Rules on Which Final Action Has Been Taken  
Since June 30, 1988

A

TITLE:

Restrictions Against Ownership of Certain Security Interests  
by Members of Advisory Committee on Nuclear Waste; Gifts,  
Entertainment, and Favors

CFR CITATION:

10 CFR Part 0

ABSTRACT:

The Nuclear Regulatory Commission has amended its regulations governing the ownership by NRC employees of stocks, bonds, and other security interests in companies that fall within any one of five reactor-related or fuel cycle-licensed categories. This amendment adds to the group of affected employees those special Government employees who serve as members of the Advisory Committee on Nuclear Waste. The Commission has also amended its regulations on acceptance of gifts, entertainment, and favors to permit acceptance of travel expenses from an otherwise prohibited source when proffered in connection with a job interview and to permit acceptance of food and refreshments at widely-attended events sponsored by certain groups whose membership is composed of prohibited sources.

TIMETABLE:

Final Action Published 09/13/88 53 FR 35301  
Final Action Effective 09/13/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Susan Fonner  
Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, DC 20555  
301 492-1632

**TITLE:**

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

**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 final rule revises 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 NWSA 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 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:**

Final Action Published 08/19/88 53 FR 31651  
Final Action Effective 09/19/88

**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

**AGENCY CONTACT:**

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

**TITLE:**

Implementation of the Use of SF-86, "Questionnaire for Sensitive Positions"

**CFR CITATION:**

10 CFR 11; 10 CFR 25

**ABSTRACT:**

The final rule changes the forms required to request an NRC personnel security clearance or material access authorization, for NRC licensees and others, when an Office of Personnel Management (OPM) background investigation is necessary.

The final amendments are necessary because as of September 16, 1988, OPM will accept only the Standard Form (SF) 86, "Questionnaire for Sensitive Positions" as the basis for their background investigations. The exception to the use of SF-86 held by NRC (for use of the NRC Form-1, "Personnel Security Questionnaire") is being discontinued. Therefore, there is no reasonable alternative to rulemaking. This rule will have a negligible effect on the general public. NRC resources required for processing this rule through final publication are estimated to be 120 staff hours.

**TIMETABLE:**

Final Action Published 08/16/88 53 FR 30829  
Final Action Effective 09/15/88

**LEGAL AUTHORITY:**

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

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

**AGENCY CONTACT:**

Cynthia G. Harbaugh  
Nuclear Regulatory Commission  
Office of Administration and Resources Management  
Washington, DC 20555  
301 492-4128

TITLE:  
Control of Aerosols and Gases

CFR CITATION:  
10 CFR 35

ABSTRACT:  
The final 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 rule change to remove the negative room pressure requirement for aerosols.

TIMETABLE:  
Final Action Published 07/22/88 53 FR 27665  
Final Action Effective 08/22/88

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



**TITLE:**

Emergency Planning and Preparedness Requirements for Nuclear Power Plant Fuel Loading and Initial Low-Power Operations

**CFR CITATION:**

10 CFR 50

**ABSTRACT:**

The Nuclear Regulatory Commission is amending its regulations to establish more clearly what emergency planning and preparedness requirements are needed for fuel loading and low power operation of nuclear power plants. Current rules provide for a finding prior to fuel loading and low power on the licensee's plans and state of preparedness for dealing with accidents that could affect persons onsite. Current rules also provide that no finding regarding the planning or preparedness of offsite agencies for dealing with accidents that could affect persons offsite is required at this stage. The Commission is not proposing to change these aspects of the current rules. However, practice under the current rule has been to consider also, as part of review of licensees' plans, certain offsite elements of those plans that seem unnecessary for low power operation in view of the low degree of risk posed to offsite persons by fuel loading and low power operation (up to 5 percent of rated power). Specifically, the Commission is amending Section 50.47(d) to include as prerequisites for low power operation, seven standards with offsite aspects that are believed to be appropriate for fuel loading and low power operation. The capability for prompt notification of the surrounding populace (as distinct from the capacity to keep offsite emergency planning agencies informed promptly of plant accidents) is not included in the rule as a requirement for fuel loading and low power operations.

**TIMETABLE:**

Final Action Published 09/23/88 53 FR 36955  
Final Action Effective 10/24/88

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

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

**AGENCY CONTACT:**

Michael Jamgochian/Martin G. Malsch  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Office of the General Counsel  
301 492-3918/1740

TITLE:

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

CFR CITATION:

10 CFR 50

ABSTRACT:

The final rule amends 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.

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.

TIMETABLE:

Final Action Published 09/16/88 53 FR 35996  
Final Action Effective 10/17/88

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

TITLE:

Facility Form Nuclear Liability Insurance Policy; Miscellaneous Amendments

CFR CITATION:

10 CFR 140

ABSTRACT:

The final rule amends NRC's regulations by making several minor changes in the Facility Form nuclear liability insurance policy furnished as evidence of financial protection. The two nuclear insurance pools have submitted endorsements to the Facility Form policy that make available a single insurance policy to cover onsite worker claims. This new Master Worker Policy reflects different rating and underwriting treatment than is utilized in the Facility Form policy. The supplementary insurance provided by the new policy enhances protection to the public since payments under its provisions for routine claims by onsite nuclear workers will not reduce the financial protection for the public under the primary and secondary nuclear liability insurance policies provided as evidence of financial protection under the Price-Anderson Act.

TIMETABLE:

Final Action Published 08/18/88 53 FR 31282

Final Action Effective 09/19/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Ira Dinitz  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, DC 20555  
301 492-1289

TITLE:

\*Revision of Fee Schedule: Interim Rule

CFR CITATION:

10 CFR 171

ABSTRACT:

The interim final rule amends the Commission's regulations concerning the annual charges for licensed power reactors, on an interim basis, for the 1988 Fiscal Year. The interim rule raises the ceiling on the collection of annual fees to an amount that will approximate, but not be less than, 45 percent of the Commission's budget. This action is necessary to provide for the timely collection of fees as required by recently enacted legislation. The increase will be apportioned among the licensed power reactors in the same manner as under the current fee schedule regulations.

TIMETABLE:

Final Action Published 8/12/88 (53 FR 30423)  
Final Action Effective 9/12/88

LEGAL AUTHORITY:

42 USC 2201(w); 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Lee Hiller  
Nuclear Regulatory Commission  
Office of Administration and Resources Management  
Washington, DC 20555  
301 492-7351

(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 modeled 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:  
Informal Hearing Procedures for Materials Licenses Proceedings

CFR CITATION:  
10 CFR 2

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. 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 Published 11/00/88

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:**

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, for which action 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 Published 11/00/88

**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:  
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 former 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 Published 10/00/88

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:

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  
Proposed Action Comment Period End 06/29/81  
Final Action Published 10/00/88

LEGAL AUTHORITY:

42 USC 2239

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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Washington, DC 20555  
301 492-1637

**TITLE:**

NEPA Review Procedures for Geologic Repositories for High-Level Waste

**CFR CITATION:**

10 CFR 2; 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 05/05/88 53 FR 16131  
Proposed Action Comment Period Ends 08/03/88  
Final Action Published 05/15/89

**LEGAL AUTHORITY:**

42 USC 10101

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

**AGENCY CONTACT:**

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301 492-1641

**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; and providing an understandable health-risk base for protection.

Initial estimates of the cost of implementing the revision is about \$33 million for the 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  
Final Action to Offices for Concurrence 06/30/88  
Final Action Package to EDO 09/23/88  
Final Action to Commission 10/00/88  
Final Action Published 12/15/88

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  
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Washington, DC 20555  
301 492-3640



**TITLE:**

Disposal of Waste Oil by Incineration from Nuclear Power Plants

**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 \$3 million to \$12 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 06/21/88  
Proposed Action Published 08/29/83 53 FR 32914  
Proposed Action Comment Period End 10/28/88  
Final Action to Offices for Concurrence 01/27/89  
Final Action to EDO 02/10/89  
Final Action to Commission 02/28/89  
Final Action Published 03/31/89

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 2167; 42 USC 2073

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

TITLE:

Disposal of Waste Oil by Incineration from Nuclear Power Plants

AGENCY CONTACT:

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



**TITLE:**

Fitness for Duty Program

**CFR CITATION:**

10 CFR 26

**ABSTRACT:**

The proposed rule would create a new part to the Commission's regulations to require licensees authorized to operate nuclear power reactors to implement a fitness for duty program that will provide reasonable assurance that activities associated with nuclear power plant operations are carried out in an environment that is free from the effects of alcohol and drug abuse. The proposed rule provides for basic fitness for duty program elements such as the development of written policy and procedures, provisions for the training of supervisors and employees, standards for drug testing, requirements for employee assistance programs, management actions, and appeal procedures.

The proposed rule represents the culmination of several years of effort in developing a fitness for duty program. On August 5, 1982, the Commission published a proposed rule (47 FR 33980). Based on comments received and staff analysis, final rulemaking was deferred and a policy statement was published on August 4, 1986 (51 FR 27921). On December 1, 1987, the Commission was briefed on the experiences gained to date under the policy statement and on the status of implementation. The Commission then requested the staff to prepare a new proposed rule.

The estimated incremental cost to industry is between \$160.7 million and \$243.3 million for the life of the current plants. NRC costs to review and oversee implementation and operation of the programs will involve 6 staff persons for a cost between \$4 million and \$6 million for a 25-year period.

**TIMETABLE:**

Proposed Action Published 09/22/88 53 FR 36795  
Proposed Action Comment Period End 11/21/88  
Final Action Published 07/00/89

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

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

**AGENCY CONTACT:**

Loren L. Bush  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, DC 20555  
301 492-0944

**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 03/02/88  
Final Action to Commission 07/20/88  
Final Action Published 01/30/89

**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 Equipment

**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 \$1,625 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  
Proposed Action Public Comment Extended to 08/16/88 53 FR 18096  
Final Action to EDO 02/15/89  
Final Action to Commission 03/15/89  
Final Action Published 04/17/89

TITLE:  
Safety Requirements for Industrial Radiographic Equipment

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  
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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  
Options Paper to Office for Concurrence 05/13/88  
Options Paper on QA Rulemaking to EDO 05/26/88  
Revised Options Paper on QA Rulemaking to FDO 05/31/88  
Option Paper to Commission (SECY-88-156) 06/03/88  
SRM Issued Directing Re-Proposal of Basic QA Rule 07/12/88  
Proposed Action for Division Review 02/10/89  
Proposed Action to Offices for Concurrence 03/14/89  
Proposed Action to EDO 04/14/89  
Proposed Action to Commission 04/30/89  
Proposed Action Published 05/30/89

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  
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301 492-3797

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 End 03/30/88  
Final Action to EDO 10/15/88  
Final Action to Commission 11/15/88  
Final Action Published 12/15/88

LEGAL AUTHORITY:  
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:  
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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 amending 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 End 04/18/88 53 FR 8924  
Public Comments Incorporated into Final Rule 6/04/88  
Final Action to EDO 09/23/88  
Final Action Published 10/00/88

LEGAL AUTHORITY:  
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:  
George Barber  
Nuclear Regulatory Commission  
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Washington, DC 20555  
301 492-1296



**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 07/19/88 53 FR 27174  
Proposed Action Comment Period Ends 8/18/88  
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:**

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Nuclear Regulatory Commission  
Office of Assessment and Evaluation of Operational Data  
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301 492-9001



TITLE:

Extension of Time for the Implementation of the Decontamination  
Priority and Relationship Provisions of Property Insurance  
Requirements

CFR CITATION:

10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission proposes to amend the implementation schedule for the decontamination priority and trusteeship provisions of its property insurance regulations contained in 10 CFR 50.54(w)(5)(i) to change the effective date from October 4, 1988 to April 1, 1990. This delay in implementation is necessary because the insurers that offer property insurance for power reactors have informed the Commission that they will be unable to include the decontamination priority and trusteeship provisions in their policies within the time currently provided by 10 CFR 50.54(w). Concurrently, the extension of the effective date of the rule will allow the NRC to consider recently submitted petitions for rulemaking that propose changes to improve the efficacy of the NRC's decontamination priority and trust provisions.

TIMETABLE:

Proposed Action to EDO 08/10/88  
Proposed Action Published 09/19/88 53 FR 36338  
Proposed Action Comment Period Ends 10/19/88  
Final Action Published 12/00/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
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**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 04/24/87 52 FR 2416  
Final Action Undetermined

**LEGAL AUTHORITY:**

42 USC 2133; 42 USC 2134; 42 USC 5841

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

**AGENCY CONTACT:**

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301 492-3945

**TITLE:**

Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"

**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 amends Section 51.52 to modify the enrichment value of U-235 and the maximum level of average 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 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 an explanatory analysis for Table S-3 has been revised to reflect new developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

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 explanatory analysis 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:

Tables S-3 and S-4, Addition of Radon-222 and Technetium-99  
Radiation Values, and Addition of Appendix B, "Table S-3  
Explanatory Analysis"

TIMETABLE:

Proposed Action Published 03/04/81 46 FR 15154  
Proposed Action Comment Period End 05/04/81  
Proposed Action for Division Review 05/27/88  
Proposed Action to Offices for Concurrence 09/30/88  
Proposed Action to EDO 01/30/89  
Proposed Action to Commission 02/28/89  
Proposed Action Published 03/31/89  
Final Action to Commission 01/26/90  
Final Action Published 2/26/90

LEGAL AUTHORITY:

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stanley Turel  
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301 492-3739

**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. The proposed action is intended to achieve the early resolution of licensing issues, thereby enhancing the safety and reliability of nuclear power plants, and reducing the complexity and uncertainty of the licensing process. Early resolution of licensing issues should afford public participation in the licensing process an earlier entry into that 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.

**TIMETABLE:**

Proposed Action Published 08/23/88 53 FR 32060  
Proposed Action Comment Period End 10/24/88  
Final Action to Commission 01/09/89  
Final Action Published 02/15/89

**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 4842; 42 USC 5841; 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  
301 492-1600

TITLE:

Elimination of Inconsistencies Between NRC Regulations and EPA Standards

CFR CITATION:

10 CFR 60

ABSTRACT:

The Nuclear Waste Policy Act of 1982 (NWSA) 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 NWSA 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  
Final Action to Offices for Concurrence 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:

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Washington, DC 20555  
301 492-3810/3857



TITLE:  
Disposal of Radioactive Wastes

CFR CITATION:  
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  
Proposed Action Published 05/18/88 53 FR 17709  
Proposed Action Comment Period End 07/18/88  
Final Action to EDO 04/18/89  
Final Action to Commission 05/15/89  
Final Action Published 06/15/89

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

**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  
Final Action to Offices for Concurrence 08/08/88  
Final Action to EDO 09/15/88  
Final Action to Commission 10/15/88  
Final Action Published 11/15/88

**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  
301 492-3857



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, have been issued for public comment. The task will be scheduled over a 2-year interval ending June 1989 and will consume 2-3 staff-years of effort depending on the number and difficulty of conflicts to be resolved.

TIMETABLE:  
Proposed Action Published 06/08/88 53 FR 21550  
Proposed Action Comment Period Extended to 12/06/88 53 FR 38297  
Final Action to EDO 07/30/89  
Final Action Published 08/30/89

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:**

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 09/16/88  
Final Action to Commission 09/30/88  
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 11/30/88  
Final Action to Commission 12/30/88  
Final Action Published 01/30/89

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

**TITLE:**

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

**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 06/10/88  
Proposed Action Published 08/22/88 53 FR 31880  
Proposed Action Comment Period End 10/21/88  
Final Action Published 06/30/89

**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 Schedules

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 06/27/88 53 FR 24077  
Comment Period Ends July 27, 1988  
Final Action to Commission 10/00/88  
Final Action Published 11/00/88

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

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:  
H. Lee Hiller  
Nuclear Regulatory Commission  
Office of Administration and Resources Management  
Washington, DC 20555  
301 492-7351



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

**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:

Medical Use of Byproduct Material: Training and Experience Criteria

CFR CITATION:

10 CFR 35

ABSTRACT:

The Commission is considering whether its training and experience criteria for individuals involved in medical use of byproduct material need to be revised. Rulemaking may be needed to reduce the chance of misadministrations. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its regulations or recognize medical specialty certificates. The NRC is not able to project costs or benefits at this time, and has requested cost/benefit comments in an Advance Notice of Proposed Rulemaking published May 25, 1988. The NRC staff is analyzing the comments received to determine whether regulatory action is necessary.

TIMETABLE:

ANPRM Published 05/25/88  
ANPRM Comment Period End 08/24/88  
Proposed Action Undetermined

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 Material Safety and Safeguards  
Washington, DC 20545  
301 492-3417

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  
Options Paper to Offices for Concurrence 05/13/88  
Options Paper on QA Rulemaking to EDO 05/26/88  
Revised Options Paper on Rulemaking to EDO 05/31/88  
Option Paper Completed 06/03/88 SECY-88-156  
Staff Requirements Memorandum Issued 07/12/88  
Proposed Action Published Undetermined  
Final Action Published Undetermined

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:**

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 03/10/88  
Proposed Action to Commission (SECY-88-83) 03/10/88  
Advance Notice of Proposed Rulemaking to SECY 03/12/88  
Advance Notice of Proposed Rulemaking Published 08/25/88 53 FR 32396  
Advance Notice of Proposed Rulemaking Comment Period End 10/24/88  
Proposed Action Published Undetermined  
Final Action Published Undetermined

**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:  
Nuclear Plant License Renewal

CFR CITATION:  
10 CFR 50

ABSTRACT:  
This advance notice of proposed rulemaking announces that the Commission is developing regulations for extending nuclear power plant licenses beyond 40 years. To inform the public, industry, and other government agencies of this activity, the Commission has published NUREG--1317, "Regulatory Options for Nuclear Plant License Renewal," and is requesting comments on it.

TIMETABLE:  
ANPRM Published 08/29/88 53 FR 32919  
ANPRM Comment Period end 10/28/88  
Proposed Action Undetermined

LEGAL AUTHORITY:  
42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:  
Donald Cleary  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 422-3550

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 physical 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 will also issue a policy statement concurrently with this rule related to utility implementation of an accredited degree program for reactor operators.

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 02/12/86  
Proposed Action to Offices for Concurrence 04/08/88  
Proposed Action to EDO 08/29/88  
Proposed Action to Commission 08/31/88  
Proposed Action Published 11/00/88  
Final Action for Division Review 02/28/89  
Office Concurrence on Final Action Completed 04/28/89  
Final Action to EDO 08/31/89  
Final Action to Commission 09/29/89  
Final Action Published 10/31/89

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:

Regulation of Uranium Enrichment Facilities

CFR CITATION:

10 CFR 76

ABSTRACT:

The Nuclear Regulatory Commission is considering an amendment to its regulations to create a new part that would pertain to uranium enrichment facilities. The construction and operation of these facilities are currently licensed under the regulations for other production and utilization facilities (e.g., nuclear power plants) in 10 CFR Part 50. The advance notice of proposed rulemaking seeks comments on whether a separate set of regulations for uranium licensing is desirable.

TIMETABLE:

ANPRM Published 04/22/88 53 FR 13286  
ANPRM Comment period extended to 10/22/88  
Proposed Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Arthur T. Clark  
Nuclear Regulatory Commission  
Office of Nuclear Material Safety and  
Safeguards  
Washington, DC 20555  
301 492-4205







(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:

Chairman Zech has requested re-submission of this proposed rule for possible re-consideration by the Nuclear Regulatory Commission. The Commission had 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 under 10 CFR Part 110. The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating the current practice, and revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings.

TIMETABLE:

Submission to the Commission 11/4/88  
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:

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

**TITLE:**

Relocation of NRC's Public Document Room; Other Minor Nomenclature Changes

**CFR CITATION:**

10 CFR Parts 1, 2, 7, 9, 15, 19, 20, 21, 30, 35, 40, 50, 51, 53, 55, 60, 61, 70, 71, 72, 73, 74, 75, 81, 100, 110, 140, 150, 170, and 171

**ABSTRACT:**

The Nuclear Regulatory Commission is amending its regulations to indicate that its Public Document Room has moved to a new location in the District of Columbia. The hours remain unchanged: 7:45 a.m. to 4:15 p.m. weekdays. These amendments are being made to inform NRC licensees and members of the public of this relocation. This rule also makes minor changes in NRC organization nomenclature to reflect new internal organizational titles.

**TIMETABLE:**

Final Action Published 10/00/88

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

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

**AGENCY CONTACT:**

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

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 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.

Additionally, the proposed amendment would add a notice statement to 10 CFR Part 2 that submitters of documents and information to the NRC should be careful in submitting copyrighted works. The agency in receiving submittals and making its normal distributions routinely photocopies submittals, makes microfiche of such submittals and insures that these fiche are distributed to the PDR, LPDRs, all appropriate internal offices, and to the National Technical Information Service Center. This broad distribution and reproduction is made to satisfy the congressional mandate of Section 142(b) of the Atomic Energy Act by increased public understanding of the peaceful uses of atomic energy. Accordingly, copyright owners are on notice that their act of submitting such works to the agency will be considered as the granting to the NRC an implied license to reproduce and distribute according to normal agency practice. Naturally, this notice does not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some information in those categories may be copyrighted. The key factor is that it is their proprietary information status that exempts them from public disclosure and not their copyright designation. Lastly, this implied license is not applicable to fair use of copyrighted works or the incorporation by reference of copyrighted works in agency submittals, e.g., the referencing of a copyrighted code or standard in a submittal does not affect the copyright of that standard.

TIMETABLE:

Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

TITLE:

Availability of Official Records

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Edward C. Shomaker  
Nuclear Regulatory Commission  
Office of the General Counsel  
Washington, DC 20555  
301 492-1560

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 10/00/88  
Final Action to Commission 12/00/88  
Final Action Published 01/00/89

LEGAL AUTHORITY:

NWPA, AEA

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: To be determined

AGENCY CONTACT:

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

TITLE:

Minor Amendments to Physical Protection Requirements

CFR CITATION:

10 CFR 2; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75

ABSTRACT:

The Safeguards Interoffice Review Group (SIRG) of the NRC has been conducting a systematic review of the agency's safeguards regulations and guidance documents. This review has identified areas in the regulations that are out of date, susceptible to differing interpretations, or in need of clarification. In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would: (1) limit the use of the 100 rems per hour at 3 feet dose exemption to a reduction of no more than one physical protection category and not allow a drop below the lowest category, (2) add definitions for common terms not currently defined by frequent use, (3) delete action dates that no longer apply, (4) correct outdated terms and cross references, (5) clarify wording that is susceptible to differing interpretations, (6) correct typographical errors, and (7) make other minor changes.

The alternative to rulemaking would be to allow the status quo to continue. Except for the change in the impact of a high radiation field on physical protection requirements, these minor amendments affect the public, industry and the NRC only in so far as they make the regulations easier to understand, implement, and enforce. Limiting the use of the 100 rem per hour at 3 feet dose exemption to a reduction of no more than one physical protection category, and not allowing a drop below the lowest category, could affect two non-power reactor licensees. It is estimated that 0.4 staff-years of NRC effort over 2 years will be required for the rulemaking. This is a low priority rulemaking.

TIMETABLE:

Proposed Action to EDO 03/00/80  
Proposed Action Published 05/05/89  
Final Action Published 04/04/90

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stan Dolins  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
Washington, DC 20555  
301 492-3745



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:

This rule will be terminated due to changes and potential changes in the NRC and DOE access authorization program. 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.

TIMETABLE:

Terminated 12/00/88

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:  
Debt Collection Procedures

CFR CITATION:  
10 CFR 15

ABSTRACT:  
The proposed rule would amend the regulations concerning the procedures that the NRC uses to collect the debts which are owed to it. The proposed amendments are necessary to conform NRC regulations to the amended procedures contained in the Federal Claims Collection Standards issued by the General Accounting Office and the U.S. Department of Justice. The proposed action is intended to allow the NRC to further improve its collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action.

TIMETABLE:  
Proposed Action Published 10/00/88  
Final Action Published 01/30/89

LEGAL AUTHORITY:  
31 USC 3711; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:  
Granam D. Johnson  
Nuclear Regulatory Commission  
Office of Administration and Resources Management  
Washington, DC 20555  
301 492-7535

TITLE:

Twenty-Four Hour Notification of Incidents

CFR CITATION:

10 CFR 20

ABSTRACT:

The proposed rule would amend regulations concerning the notification of incidents involving byproduct, source, or special nuclear material possessed by a licensee. The proposed rule would clarify licensee reporting requirements for events involving byproduct, source, or special nuclear material that result in the loss of operation or damage to property. The proposed rule would also define the term "immediate" in the context of time. The proposed action is necessary because the NRC is not being notified of all incidents that occur involving byproduct, source, or special nuclear material possessed by the licensee. The proposed rule is intended to clarify that the notification requirements apply to all licensees subject to the standards for protection against radiation. Because the proposed amendments are needed to clarify an existing regulation, no alternative to rulemaking is acceptable. The proposed amendments are not expected to have any economic impact on NRC or its licensees.

TIMETABLE:

Proposed Action to Office Directors 01/06/89  
Proposed Action to EDO 03/02/89  
Proposed Action Published 04/06/89  
Final Action for Division Review 09/01/89  
Final Action to Offices for Concurrence 11/03/89  
Final Action to EDO 01/05/90  
Final Action Published 03/08/90

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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

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 10 CFR Part 21 and §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 the TMI Action Plan Task II, J.4, and NRC staff experience with Part 21 and §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 both Part 21 and §50.55(e); (3) establishment of consistent and uniform content of reporting under both Part 21 and §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 §50.55(e). These reports identify both plant specific and generic safety concerns for further NRC regulatory action. Under current rules, these reports have formed the basis for NRC issuance of numerous NRC information notices and bulletins.

The 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 10 CFR 21 and §50.55(e) are estimated at \$10.43 million annually for industry and \$1.08 million for NRC evaluations. It is anticipated that the industry reporting burden should be reduced by \$1.6 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 rulemaking. The subsequent rulemaking effort has proceeded based on this direction.

TITLE:

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

TIMETABLE:

Proposed Action for Division Review Completed 05/00/85  
Office Concurrence on Proposed Action Completed 06/05/85  
Proposed Action to EDO 11/18/85  
Proposed Action to Commission 12/16/86  
Commission Action Disapproving Proposed Action 10/20/86  
Revised Proposed Action Division for Review 04/00/87  
Office Concurrence on Revised Proposed Action 07/24/87  
CRGR Review 11/12/87  
CRGR Concurrence Complete 02/12/88  
Revised Proposed Action to EDO 02/16/88  
Revised Proposed Action to Commission 09/12/88  
Revised Proposed Action Published 10/12/88  
Final Action Published 03/12/89

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:

Licenses and Radiation Safety Requirements for Large Irradiators

CFR CITATION:

10 CFR 36

ABSTRACT:

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

The alternative to a regulation is continuing to license irradiators on a case-by-case basis using license conditions. The formalization would make the NRC's requirements better understood and possibly speed the licensing of irradiators. Development of the rule will require 2 staff-years.

TIMETABLE:

Proposed Action to EDO 04/05/89  
Proposed Action to Commission 05/05/89  
Proposed Action Published 06/05/89  
Final Action Published 05/05/90

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:

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



**TITLE:**

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 desires 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  
Proposed Action to Offices for Concurrence 08/30/88  
Proposed Action to EDO 09/27/88  
Proposed Action Published 10/31/88  
Final Action Published 02/10/89

**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:

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:

Proposed Action to Offices for Concurrence 09/06/88  
Proposed Action to EDO 09/26/88  
Proposed Action to Commission 10/03/88  
Proposed Action Published 11/07/88  
Final Action for Division Review 02/17/89  
Final Action to Offices for Concurrence 02/22/89  
Final Action to EDO 03/27/89  
Final Action to Commission 04/03/89  
Final Action to Federal Register 05/01/89

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:

Pressurized Thermal Shock Rule

CFR CITATION:

10 CFR 50

ABSTRACT:

The Pressurized Thermal Shock (PTS) Rule, Published July 23, 1985, established a screening criterion, 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 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 amendment revises the calculative procedure to be consistent with that given in Revision 2 of Regulatory Guide 1.99. The guide provides an updated correlation of embrittlement data, which received CRGR approval for publication in final form on December 9, 1987.

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 sooner than previously thought, and three plants will need to make plant-specific analyses in the next 10 years. Therefore, a high priority is being given to this effort.

An unacceptable alternative to this amendment from the safety standpoint is to leave the present PTS rule in place. The staff's plant-by-plant analyses found four plants whose reference temperatures are 52 to 68°F higher than previously thought, based on the present rule. This is beyond the uncertainties that were felt to exist when the present rule was published. Another unacceptable alternative that has been evaluated is to change the calculative procedure for the reference temperature and also change the screening criterion. Failure probabilities for the most critical accident scenarios in three plants, when recalculated using the new embrittlement estimates, were somewhat lower, but were quite dependent on the plant configuration and the scenario chosen. Furthermore, the screening criterion was based on a variety of considerations besides the probabilistic analysis. Reopening the question of where to set the screening criterion was not considered productive because of plant-to-plant differences. It is better to have a conservative "trip wire" that triggers plant-specific analyses.

TITLE:

Pressurized Thermal Shock Rule

ABSTRACT CONT.

Immediate costs to industry will be those required for each utility to update the January 23, 1986, submittal required by the PTS rule, using fluence estimates that take account of flux reduction efforts in the interim and using the new procedure 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 to EDO 12/01/88  
Proposed Action Published 02/01/89  
Final Action for Division Review 08/01/89  
Final Action to EDO 01/01/90  
Final Action to Commission Undetermined  
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:

\*Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987 Addenda)

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would incorporate by reference the 1986 Addenda and 1987 Addenda to the 1986 Edition of Section III, Division 1, and Section XI, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). The ASME Code provides rules for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division 1.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission.

This action will be handled as a routine updating of § 50.55a of the NRC regulations. There is no reasonable alternative to rulemaking action. The proposed amendment will be issued for public comment. The task to develop and publish the proposed amendment is scheduled for a period of 7.5 months with an estimated staff effort of 400 p-hrs. This is a priority A rulemaking.

TIMETABLE:

Proposed Amendment Submitted for Division Review 09/30/88  
Office Concurrence on Proposed Amendment Completed 02/10/89  
Proposed Amendment to EDO 04/14/88  
Proposed Amendment Published 05/14/89  
Final Action Published 12/22/89

LEGAL AUTHORITY:

42 USC 2201, 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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



**TITLE:**

Personnel Access Authorization Program

**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  
Final Policy Statement to EDO 12/31/88  
Final Policy Statement Published 02/28/89

**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:**

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

**CFR CITATION:**

10 CFR 72; 10 CFR 73; 10 CFR 74; 10 CFR 170

**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 03/02/88  
Proposed Action to Offices for Concurrence 07/26/88  
Proposed Action to EDO 10/15/88  
Proposed Action to Commission 10/30/88  
Proposed Action Published Undetermined  
Final Action Published Undetermined

**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:**

Night Firing Qualifications for Security Guards at Nuclear Power Plants

**CFR CITATION:**

10 CFR 73

**ABSTRACT:**

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

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The proposed amendment will standardize training and qualification in night firing and prepare power reactor guard forces to more effectively respond in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs. The costs to NRC will also be minimal because it will only require minor licensing, inspection and other regulatory actions. There is no occupational exposure.

It is estimated that 0.4 staff-years of effort over 2 years by the NRC will be required for the rulemaking.

**TIMETABLE:**

Proposed Action to EDO 03/20/89  
Proposed Action to Commission 04/20/89  
Proposed Action Published 06/19/89  
Final Action Published 05/18/90

**LEGAL AUTHORITY:**

42 USC 2201; 42 USC 5841

**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

II  
PETITIONS

(A) Petitions incorporated into final rules or  
petitions denied since June 30, 1988

A

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.

TIMETABLE: The resolution of this petition was completed July 22, 1988. A notice denying this petition was published in the Federal Register on July 22, 1988 (53 FR 27701).

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



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

None

B

(C) Petitions incorporated into proposed rules

None

9

(D) Petitions pending staff review

D

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 February 1989.

CONTACT: Harvey Scott  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301-492-3632



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 custody and long-term care of reclaimed mill tailings sites. Completion of this rulemaking is scheduled for 1989. Resolution of the petition will be completed following this action.

**CONTACT:** Mark Haisfield  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301-492-3877

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 1989 (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 1989.

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

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 redefiine 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 petition is scheduled for July 1989.

CONTACT: Mark Au  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301-492-3749

PETITION DOCKET NUMBER: \*PRM-50-50

PETITIONER: Charles Young

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: August 26, 1988 (53 FR 32624)

SUBJECT: Technical Specifications

SUMMARY: The petitioner requests the Commission to amend its regulations to rescind the provision that authorizes nuclear power plant operators to deviate from technical specifications during an emergency. The petitioner believes that nuclear power plants should be operated in accordance with the operator license and appropriate technical specifications and that requiring a senior operator to follow the technical specifications during an emergency enhances plant safety.

TIMETABLE: The comment period for this petition expires October 25, 1988. The resolution of this petition is scheduled for August 1989.

CONTACT: Morton R. Fleishman  
Nuclear Regulatory Commission  
Office of Nuclear Regulatory Research  
301-492-3794

PETITION DOCKET NUMBER: \* PRM-50-51, PRM-50-51A, PRM-50-51B

PETITIONER: American Nuclear Insurers and MAERP Reinsurance Association,  
Edison Electric Institute, Nuclear Utility Management and  
Resource Council, and Nuclear Mutual Limited and Nuclear  
Electric Insurance Limited

PART: 50

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: September 19, 1988 (53 FR 36335)

SUBJECT: Changes in Property Insurance Requirements

SUMMARY: The petitioners request that the Commission amend, after notice and opportunity for comment, certain insurance provisions which require that: (1) any insurance claims be paid first for the stabilization of the reactor facility and secondly, for decontamination of the facility, and (2) any insurance proceeds be paid to a trustee who would disburse the proceeds according to the priorities.

TIMETABLE: The comment period for this petition expires November 18, 1988. The resolution of this petition is scheduled for November 1989.

CONTACT: Robert Wood  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
301-492-1280



PETITION DOCKET NUMBER: \*PRM-50-52

PETITIONER: Marvin Lewis

PART: 10

OTHER AFFECTED PARTS: None

FEDERAL REGISTER CITATION: August 23, 1988 (53 FR 32913)

SUBJECT: Financial Qualifications

SUMMARY: The petitioner requests that the Commission reinstate financial qualifications as a consideration in the operating license hearings for electric utilities. The petitioner believes that the financial condition of a utility should be investigated during the licensing hearings. The petitioner also believes that the current rule requires the assumption of financial adequacy and that this assumption has resulted in several problems that could pose a danger to the public health and safety.

TIMETABLE: The comment period for this petition expires October 28, 1988. The resolution of this petition is scheduled for October 1989.

CONTACT: Harold T. Peterson, Jr.  
Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
301-492-3640

(E) Petitions with deferred action



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:** The staff is preparing a Federal Register package which will contain a denial for the remaining issue in this petition. The notice is expected to be published by March 1989.

**CONTACT:** John Stewart  
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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 notice which contains a denial for this petition for rulemaking. The Chairman has requested that the decision to issue the denial of the petition be deferred until the Commission has had an opportunity to consider the proposal.

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**BIBLIOGRAPHIC DATA SHEET**

NUREG-0936, VOL. 7, NO. 3

SEE INSTRUCTIONS ON THE REVERSE

2. TITLE AND SUBTITLE

NRC REGULATORY AGENDA  
QUARTERLY REPORT  
JULY - SEPTEMBER 1988

3. LEAVE BLANK

4. DATE REPORT COMPLETED

MONTH: OCTOBER      YEAR: 1988

5. DATE REPORT ISSUED

MONTH: OCTOBER      YEAR: 1988

5. AUTHOR(S)

7. PERFORMING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code)

DIVISION OF FREEDOM OF INFORMATION AND  
PUBLICATIONS SERVICES  
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555

8. PROJECT/TASK/WORK UNIT NUMBER

9. FIN OR GRANT NUMBER

10. SPONSORING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code)

SAME AS 7 ABOVE

11a. TYPE OF REPORT

QUARTERLY

b. PERIOD COVERED (Inclusive dates)

JULY - SEPTEMBER 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 - KEYWORDS/DESCRIPTORS

COMPILATION OF RULES  
PETITIONS FOR RULEMAKING

15. IDENTIFIERS/OPEN-ENDED TERMS

15. AVAILABILITY STATEMENT

UNLIMITED

16. SECURITY CLASSIFICATION

(This page)  
UNCLASSIFIED

(This report)  
UNCLASSIFIED

17. NUMBER OF PAGES

18. PRICE



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