

**NUCLEAR REGULATORY COMMISSION**

10 CFR Parts 1, 2, 7, 9, 50, 51, 52, 60, 62, 72, 75, 76, 100, and 110

RIN 3150-AG07

**Electronic Availability of NRC Public Records and Ending of NRC Local Public Document Room Program**

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect a change in the way its records are made available to the public. The amendments reflect the NRC's decision to implement a new document management system that will permit the electronic storage, retrieval, and on-line ordering of publicly available NRC official records through the NRC Web site.

**EFFECTIVE DATE:** October 12, 1999.

**FOR FURTHER INFORMATION CONTACT:** Russell A. Powell, Chief, Information Services Branch, Information Management Division, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6527, email: RAP1@nrc.gov.

**SUPPLEMENTARY INFORMATION:**

The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect the use of a new electronic record keeping system for NRC records. The NRC is establishing the Agencywide Documents Access and Management System (ADAMS) to provide for the electronic submission, storage, and retrieval of NRC official records. When ADAMS becomes operational, any NRC official records that are normally publicly available under the Commission's regulations will be available electronically through ADAMS. The regulations governing which records are publicly available are unaffected by this final rule. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

When ADAMS becomes operational, NRC will discontinue furnishing paper and microfiche copies of its publicly available records to the NRC Public Document Room (PDR), located in Washington, DC, and the Local Public Document Rooms (LPDRs), located near nuclear power plants and other nuclear facilities. Under ADAMS, NRC will initially begin making available

electronically through the Electronic Reading Room on the NRC Internet Web site, imaged copies of its newly received and created publicly available official records that are in paper form. However, ultimately, NRC's newly created official records will all be stored in ADAMS only in electronic form, and NRC will maintain only its pre-ADAMS records as paper copies. Because of budget constraints and the improved access to newly received and created records via the NRC Web site under ADAMS, the Commission decided to discontinue funding of the LPDR program beyond Fiscal Year 1999.

The NRC currently maintains 86 LPDRs in the vicinity of nuclear reactor and materials licensees: 72 support power reactors; 2 support gaseous diffusion plants; 3 support high-level waste repositories; and the remaining 9 support fuel-cycle, low-level waste, and other facilities. A survey of the facilities where LPDRs are currently located revealed that all but six now provide, or will provide Internet access to its patrons by the end of 1999. Additionally, although NRC plans to discontinue the LPDR program, it has offered each of the current LPDR libraries the opportunity to keep their current LPDR document collections so the pre-ADAMS LPDR collections can continue to be available in the local communities. Of the 86 current LPDRs, 64 have expressed an interest in maintaining their current LPDR document collections after the LPDR program is discontinued. The decision to accept this offer to transfer ownership of these collections and the length of time they will be maintained will be at the sole discretion of each library.

In addition, the Government Printing Office (GPO) has agreed to accept the LPDR microfiche collections that were not kept by the current LPDR libraries. GPO will place these collections in their Federal Depository Library Program (FDLP). This assures the continuation of at least one LPDR microfiche collection in each of the states which now has one.

ADAMS will provide the following added benefits that should preclude or minimize any public concerns regarding the impact from discontinuing the LPDR program:

1. ADAMS Internet access will provide access to new records in full text and image.

2. ADAMS will provide an improved electronic search capability. Under the existing system, only the bibliographic indexes and abstracts for most records are available from the online BRS and NUDOS.

3. Some new records will be available to the public within days instead of the

two weeks or longer it now takes for LPDRs to receive microfiche or paper copies of new accessions.

4. Internet public access to the NRC Web site will provide direct access to a much broader range of the public than just to those who, because of their close proximity, have access to the PDR and LPDRs.

The NRC PDR will still have pre-ADAMS paper and microfiche records on site and available to the public for viewing and copying. The PDR will also have computer terminals available for the public to access new documents on the NRC Web site. The public will still be able to obtain paper copies of new electronic records by printing them from the NRC Internet Web site, by ordering them for a fee from the PDR directly from the NRC Web site, or by using current ordering methods. The current methods are: in-person at the PDR, mail, e-mail, fax or by calling the PDR Reference Services on the toll-free 800 telephone number. Bibliographic descriptions of documents currently identified in the PDR's Bibliographic Retrieval System (BRS) and in NUDOCS will be posted on the NRC Web site. This will also allow the public to order copies of pre-ADAMS paper and microfiche records. The public will also have access to the NRC Web site from any computer with Internet access, and will be able to download the records to the computer they are using for printing or other supported functions.

#### Public Comment Summary

The NRC published a proposed rule on May 7, 1999, (64 FR 24531). In response, the NRC received ten comments from the public. The comments are addressed individually below:

##### 1. Martha Dibblee, Received via Email May 14, 1999

*Comment:* If you eliminate the public document room and put it on the Internet (which I believe is a wonderful idea since I use the Internet) the rule or an appendix should include a list of public libraries in the U.S.

*Response:* The Public Document Room (PDR), in Washington, DC, is not being eliminated. The Local Public Document Room (LPDR) program, supporting document collections set up in libraries near nuclear facilities, is being discontinued. However, most of those libraries are retaining their collections. A list of public libraries in the U.S. should be available at any public library as well as on the Internet.

##### 2. Connecticut Yankee Atomic Power Company (CYAPCO), Dated May 20, 1999

*Comment:* CYAPCO fully supports the NRC's initiative to implement a new document management system that would permit the electronic storage, retrieval, and on-line ordering of publicly available NRC official records through the NRC Web site.

*Response:* NRC considers this comment supportive of the rule and it requires no further response.

*Comment:* CYAPCO also supports expanded use of ADAMS for electronic licensee submittals and agency documents for docketed correspondence.

*Response:* NRC considers this comment supportive of the rule and it requires no further response.

##### 3. State of Illinois, Department of Nuclear Safety (IDNS), Dated May 27, 1999

*Comment:* IDNS supports the expanded availability of NRC records through the NRC Web site. This should facilitate greater public access to the records and cost savings to NRC.

*Response:* NRC considers this comment supportive of the rule and it requires no further response.

*Comment:* Will documents relating to Part 30 and Part 40 licenses be available on the NRC's Web site?

*Response:* Yes, publicly available documents received or created after the implementation of ADAMS, relating to part 30 and part 40 licenses will be available on the NRC's Web site. Documents prior to the implementation of ADAMS, will not routinely be placed into the ADAMS system, but they can be identified from the legacy systems indexes available online in the ADAMS Electronic Reading Room and ordered from the PDR; or, if convenient, can be accessed on the microfiche at one of the libraries that has retained the LPDR record collection. Those libraries and their locations will be identified on the NRC Web site.

*Comment:* NRC, not licensees, will be responsible for imaging paper copies into electronic form. Is this correct? How will NRC handle oversize documents?

*Response:* Yes, NRC will be responsible for imaging paper copies if licensees do not submit documents in electronic form, including oversized documents.

*Comment:* Is there a legal requirement that facilities, where LPDRs are currently located, provide Internet access?

*Response:* No, NRC has no authority to do so and has never established any

requirement that facilities where LPDRs are currently located provide Internet access.

*Comment:* Whose responsibility is it to provide and maintain such access?

*Response:* The decision as to whether or not an LPDR or any other public or educational library provides and/or maintains Internet access is not within NRC's jurisdiction. However, under the Telecommunications Act of 1996, the Federal government is supporting Internet access from public libraries and schools through fees collected under regulations issued by the Federal Communications Commission. Likewise, many States have programs supporting Internet access from public libraries.

*Comment:* Has it been determined that such Internet access is Y2K compliant? If not, when will Y2K compliance be determined?

*Response:* NRC has no jurisdiction over Internet access at any of its current LPDR library facilities, including whether or not such access is Y2K compliant.

##### 4. Lynn Connor, Portland, Oregon, Dated June 15, 1999

*Comment:* I believe it is impossible to provide any meaningful comment on a system that is not yet operational and for which there is very little public information available on how it will work.

*Response:* NRC acknowledges this comment and believes that sufficient information has been provided regarding the planned operation of the new system.

##### 5. Sarah M. Fields, Moab, Utah, Dated June 21, 1999

*Comment:* The NRC should maintain at least one LPDR in each state that currently has an LPDR.

*Response:* Of the 73 LPDRs that have microfiche, 54 have agreed to keep their collections and the remaining 19 will be transferred to the GPO Federal Depository Library Program, assuring the continuation of at least one LPDR collection in each of the states which now has one. The libraries that currently house the collections to be relocated will receive the final shipments of microfiche from the current document management system, making the collections complete before any transfers. The LPDRs that have opted to keep their collections have been asked to contact the GPO first before making any disposition decisions if they change their mind and no longer wish to maintain their collections.

*Comment:* The NRC should facilitate the transfer of the LPDR collections from



any LPDR which does not wish to keep its collection to an appropriate library near the site of uranium mills which have operated under license to the AEC and/or the NRC.

*Response:* See response to previous comment.

*Comment:* The NRC should establish a priority list for the transfer of LPDR collections to mill site areas. First on the list should be the Grants and Gallup areas of New Mexico, Wyoming, and southeastern Utah.

*Response:* The first priority that NRC established was to allow current LPDR libraries to keep the collections they now have. The next priority was to transfer any microfiche collections that LPDR libraries did not elect to keep to the GPO for placement in their Federal Depository Library Program (FDLP) in, at minimum, each of the states which now has an LPDR microfiche collection. The NRC currently maintains an LPDR in the Grants and Gallup areas of New Mexico, located at the Dine College, Crownpoint, New Mexico. An LPDR also exists in the state of Utah at the Marriott Library, University of Utah, Salt Lake City. Both of those libraries have elected to keep their collections. There is not currently an LPDR in the state of Wyoming.

The change will not lessen the public's accessibility to NRC information, except to those few who, because of their close proximity, have had convenient access to the PDR and LPDRs prior to relocation of an LPDR. Overall, public access to the NRC Web site via the Internet will provide direct access to a much broader range of the public than just those few for whom they were conveniently located before the move. The public can now use any access to the Internet to access NRC publicly available documents, whether it be from a public, college, or university library, their place of business, or their home using their own personal computer.

**6. Nuclear Energy Institute (NEI), Dated June 21, 1999**

*Comment:* NEI commends the NRC on its initiative to make its records available electronically. The availability of NRC records via an electronic format will provide broader, more timely access of this information to all of the NRC's stakeholders. Furthermore, the cost savings that will be realized through the elimination of the Local Public Document Room (LPDRs) will be beneficial to all stakeholders.

*Response:* NRC considers this comment supportive of the rule and it requires no further response.

**7. Licensing Support Services, Dated June 18, 1999**

*Comment:* It is prudent to try out a new system first, to debut it and verify that it can accomplish what is intended, before abandoning the tried-and-true method it is to replace.

*Response:* The NRC's current document management system, NUDOS, was not Y2K compliant. A decision had to be made whether to expend funds to keep that system operating after ADAMS. The NRC determined that it was not economically feasible to keep NUDOS operational.

*Comment:* The likelihood of a delay in implementing ADAMS, combined with the end of support for LPDRs at the beginning of FY00, makes it very likely that public access to information will be interrupted for a time.

*Response:* ADAMS should begin providing public access to documents effective October 1999. Public access to information is not expected to be interrupted. As previously described, most of the current LPDRs that have microfiche have agreed to keep their collections and the remaining ones will be transferred to the GPO Federal Depository Library Program. Should ADAMS implementation be delayed, NRC would continue with the current process until the new system is in place.

*Comment:* LSS is concerned that the volume of material, and the practical needs of preparing it for web availability, will make it difficult or impossible to fulfill the promise made in the proposed rule.

*Response:* Currently, documents to be posted to the Web site have to first be coded in hypertext markup language. This process can take several days. However, ADAMS is not currently being used for the posting of documents to the web. ADAMS does not require coding to post to the Web and, when it becomes operational, the only delays in release will be those which the NRC staff purposely establishes to preclude premature releases to the public.

**8. Unsigned and Undated, Received June 24, 1999**

*Comment:* The commenter provides various comments regarding concerns or dissatisfaction with the current status of public accessibility to records and interest in expansion of the current LPDR system.

*Response:* The proposed rule announced the change in the way the NRC will provide publicly available information. The change will not lessen the accessibility to NRC information, except perhaps in a few instances where LPDRs relocate, thereby making access

to those records less accessible to those for whom they were conveniently located before the move. Overall, public access to the NRC Web site via the Internet will provide direct access to a much broader range of the public than just to those few who, because of their close proximity, have had convenient access to PDR and LPDRs. The public can now use any access to the Internet to access NRC publicly available documents, whether it be from a public, college, or university library, their place of business, or their home using their own personal computer. These changes to NRC regulations only affect the way records are made available to the public by formally discontinuing the LPDR program and making the Web the main avenue for public access. No other changes have been made or addressed.

*Comment:* Has NRC done an assessment of the use of the LPDRs and how do members of the public feel about NRC's plans?

*Response:* Over the years, NRC has received quarterly reports of public usage of the LPDRs and found use at many of them to be minimal. Based on the limited number of comments in response to the proposed rule and other miscellaneous responses in direct conversations with LPDR librarians, the current PDR and LPDR users welcome the new system which promises to provide much broader and easier access than currently available.

*Comment:* Should users be forced to pay a fee to access NRC documents?

*Response:* Libraries do not charge their patrons to view on the Internet, but as with paper copies, charges may be made for printing. Users now pay fees for copies of documents whether they obtain them from the PDR or the LPDR. Under ADAMS, many users will be able to obtain documents at no cost via their home computers by downloading to a disk or printing a document. However, just as they do now, the public can still order documents from the PDR for a fee.

*Comment:* The NRC needs a customer feedback process to ensure that public's comments are obtained and acted upon during the transition period.

*Response:* NRC is very much aware of the need for public feedback to resolve problems that are certain to be encountered in this major transition. The PDR will continue to serve as the public interface to assist the public in obtaining timely and full access to NRC's publicly available information and the ADAMS Web site will provide information and a means for the public to ask questions and provide comments.

*Comment:* Will NRC fund and maintain and upgrade the computer terminals, software, and printers in LPDRs?

*Response:* No. The NRC is discontinuing its LPDR program and will no longer be funding libraries that keep those collections.

*Comment:* If NRC is replacing the LPDR with the Internet why can't those records made available through NTIS also be made available through the Internet?

*Response:* Records made available through NTIS will be available through the Internet in ADAMS.

*Comment:* Shouldn't NRC build a relational information system such that a member of the public can locate all NRC and licensee information, including upcoming meetings about a specific licensee?

*Response:* The PDR staff has been assigned primary responsibility for the design of the organizational scheme for ADAMS to ensure that the transition from the current systems (BRS and NUDOCS) for locating documents to ADAMS will be as easy as possible for the public.

9. *Winston & Strawn, Dated June 23, 1999*

*Comment:* Given the magnitude and volume of official record material created and received by the Agency, we urge that a similar organizational scheme be adopted for the ADAMS to help facilitate the public access to documents by docket number, reference group, or subject area.

*Response:* See the previous response.

*Comment:* We recommend that the ADAMS or the PDR accommodate the public availability of records that are not suitable for electronic dissemination (e.g. video tapes, audio tapes, etc.).

*Response:* The NRC will accommodate the public availability of records that are not suitable for electronic dissemination.

*Comment:* Will imaged records in the ADAMS include the official NRC watermark and signature?

*Response:* The electronic copy of documents in ADAMS will show a signature (and watermark if it is present and visible enough to be imaged) just as is currently available in the microfiche and photocopies of paper records.

*Comment:* We believe that all NUREGs should be available on ADAMS.

*Response:* All publicly available NUREGs published after the implementation of ADAMS will be available in ADAMS. NUREGs published before the implementation of

ADAMS may be placed in ADAMS on a selective basis.

*Comment:* The NRC should implement controls to ensure that the document processing contractor is properly qualified to classify "externally generated" documents.

*Response:* The NRC document processing contractor is the same contractor that processed documents under the NUDOCS system and will be qualified to classify those documents it processes under ADAMS. The document processing contractor determines the public availability of documents only for certain documents using pre-determined criteria. All others are made publicly available by staff review of the documents and instructions to the document processing contractor or by the staff processing them directly into ADAMS.

*Comment:* The NRC should include an advance copy public library in the ADAMS architecture.

*Response:* There will not be a need for an advance copy public library, since once a document is marked to be released to the public, the release is made. There will not be any backlog of unprocessed documents in this document management system.

10. *Gerry C. Slagis, Pleasant Hill, CA, Dated June 23, 1999*

*Comment:* I applaud the use of ADAMS to make NRC official records available to the public. However, I am against the shutting down of the LPDR program beyond Fiscal Year 1999. The problem is public access to the NRC official records prior to ADAMS. A person needs to be able to view the documents before copying certain pages or ordering the entire document.

*Response:* Although the NRC is going to discontinue the LPDR program at the end of September 1999, documents issued prior to ADAMS implementation will still be accessible to the public. Documents published or issued before the implementation of ADAMS, will not routinely be placed into the ADAMS system. However, these documents can be identified from the legacy systems (BRS and NUDOCS) indexes available online in the ADAMS Electronic Reading Room and ordered from the PDR; or, if convenient, can be accessed on the microfiche at one of the libraries that have retained the LPDR record collection. Most of the LPDRs are keeping their microfiche collections. Therefore, most of the public who have access to an LPDR now will continue to have access after ADAMS is operational. Those libraries and their locations will be identified on the NRC Web site.

Because records will be released electronically to the public rather than in paper or microfiche, this rule amends the regulations in 10 CFR Parts 1, 2, 7, 9, 50, 51, 52, 60, 62, 72, 75, 76, 100, and 110 to reflect the manner in which these records would be made publicly available.

To reflect the discontinuance of NRC support of libraries serving as LPDRs, references to NRC LPDRs will be deleted in 10 CFR 2.1231(a)(1)(ii), and (b); 9.35 (b) and (e); 50.30(a)(5); part 50 Appendix Q, section 4; 51.120; part 52, Appendix O, section 5; part 52, Appendix Q, section 4, and 76.37(a).

In addition, several other minor conforming changes will be made. The definition of the PDR in 10 CFR 2.4, 60.2, and 110.2 is now in a new paragraph and will be revised to reflect that records newly created or received since the implementation of ADAMS that are publicly available are now available in the PDR in electronic form for inspection and copying, and that copies can be ordered from the PDR. A new paragraph will define the NRC Web site as the Internet location where NRC records are made available for public inspection and copying and that the public can also order copies of documents from the PDR through the NRC Web site.

Section 9.2(a) will be revised to delete the reference to the availability of records on 48x microfiche through the National Technical Information Service (NTIS). When NRC begins making its records available from the NRC Web site, microfiche copies will no longer be produced. The address for the NTIS and a statement that certain listed documents can be ordered from the NTIS will be added to 9.21(a). Section 9.21(d) will be deleted because the publication Title List of Documents Made Publicly Available, NUREG-0540, will no longer be published. Section 9.21(e) will be revised to show that only the published versions of final opinions and orders, referred to in 9.2(c)(1), are available from the NTIS in the publication, Nuclear Regulatory Issuances (NUREG-0750). The reference to interpretations in 9.21(c)(2) will be deleted because they are not available from NTIS.

Section 9.23(a)(2) will be deleted because it repeats information included in the revised 9.21(a). Section 51.123(a) and (b) will be revised to reflect the correct address where requests for draft environmental impact statements and draft findings of no significant hazard can be submitted.

Changes are made in several sections to reflect the correct name of the NRC



PDR. In addition, several misspelling corrections are made.

#### **National Technology Transfer and Advancement Act**

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires that Federal agencies use technical standards developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or is otherwise impractical. There are no industry consensus standards that apply to the electronic availability of public records. Thus, the provisions of the Act do not apply to this rulemaking.

#### **Environmental Impact—Categorical Exclusion**

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1) and (2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

#### **Paperwork Reduction Act Statement**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0043, 3150-0011, 3150-0021, 3150-0151, 3150-0127, 3150-0143, 3150-0132, 3150-0055, 3150-0093, and 3150-0036.

#### **Public Protection Notification**

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

#### **Regulatory Analysis**

This final rule implements a new NRC procedure for making records available for public inspection and copying. This rule does not have any adverse economic impact on any class of licensee or the NRC. To the contrary, the final rule with its new provisions allowing Internet access from homes, offices, schools, and public libraries to NRC publicly released records provides some new and additional benefits to those seeking access to NRC records. A survey of the facilities where LPDRs are currently located revealed that all but six now provide, or will provide, Internet access to its patrons by the end of 1999. Additionally, although NRC plans to discontinue the LPDR program,

it has offered each of the current LPDR libraries the opportunity to keep their current LPDR document collections so the pre-ADAMS LPDR collections can continue to be available in the local communities. Of the 86 current LPDRs, 64 have expressed an interest in maintaining their current LPDR document collections after the LPDR program is discontinued. This constitutes the regulatory analysis for this rule.

#### **Regulatory Flexibility Certification**

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact upon a substantial number of small entities. The final rule implements a new procedure for making records available to the public. The NRC believes that the changes will not have an adverse economic impact on any class of licensee, including small entities, or the general public. On the contrary, the NRC believes that the final rule provides wider opportunities and make it easier for interested persons to obtain or review publicly available NRC records.

#### **Backfit Analysis**

The NRC has determined that the backfit rule does not apply to this final rule; and therefore, a backfit analysis is not required for this final rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR chapter I.

#### **Small Business Regulatory Enforcement Fairness Act**

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

#### **List of Subjects in 10 CFR**

##### **10 CFR Part 1**

Organization and functions (Government agencies).

##### **10 CFR Part 2**

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

##### **10 CFR Part 7**

Advisory committees, Sunshine Act.

##### **10 CFR Part 9**

Criminal penalties, Freedom of Information, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

##### **10 CFR Part 50**

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

##### **10 CFR Part 51**

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and records.

##### **10 CFR Part 52**

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site review, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

##### **10 CFR Part 60**

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

##### **10 CFR Part 62**

Administrative practice and procedure, Denial of access, Emergency access to low-level waste disposal, Low-level radioactive waste, Low-level radioactive treatment and disposal, Low-level waste policy amendments act of 1985, Nuclear materials, Reporting and recordkeeping requirements.

##### **10 CFR Part 72**

Manpower training programs, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

##### **10 CFR Part 75**

Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

**10 CFR Part 76**

Certification, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Special nuclear material, Uranium enrichment by gaseous diffusion.

**10 CFR Part 100**

Nuclear power plants and reactors, Reactor siting criteria.

**10 CFR Part 110**

Administrative practice and procedure, Classified Information, Criminal penalties, Export, Import, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR Parts 1, 2, 7, 9, 50, 51, 52, 60, 62, 72, 75, 76, 100 and 110.

# **PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION:**

1. The authority citation for Part 1 continues to read as follows:

**Authority:** Secs. 23, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2033, 2201); sec. 29, Pub. L. 85-256, 71 Stat. 579, Pub. L. 95-209, 91 Stat. 1483 (42 U.S.C. 2039); sec. 191, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); secs. 201, 203, 204, 205, 209, 88 Stat. 1242, 1244, 1245, 1246, 1248, as amended (42 U.S.C. 5841, 5843, 5844, 5845, 5849); 5 U.S.C. 552, 553; Reorganization Plan No. 1 of 1960, 45 FR 40561, June 16, 1980.

2. In § 1.3, paragraph (a) is revised to read as follows:

## **§ 1.3 Sources of additional information.**

(a) A statement of the NRC's organization, policies, procedures, assignments of responsibility, and delegations of authority is in the Nuclear Regulatory Commission Management Directives System and other NRC issuances, including local directives issued by Regional Offices. Letters and memoranda containing directives, delegations of authority and the like are also issued from time to time and may not yet be incorporated into the Management Directives System, parts of which are revised as necessary. Copies of the Management Directives System and other delegations of authority are available for public inspection and copying for a fee at the NRC Public Document Room, 2120 L

Street, NW., Washington, D.C., and at each of NRC's Regional Offices. Information may also be obtained from the Office of Public Affairs or from Public Affairs Officers at the Regional Offices. In addition, NRC Functional Organization Charts, NUREG-0325, contains detailed descriptions of the functional responsibilities of NRC's offices. It is revised annually and is available for public inspection at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, or for purchase from the Superintendent of Documents, US Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082; and from the National Technical Information Service, Springfield, VA 22161.

## **PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS**

3. The authority citation for Part 2 continues to read as follows:

**Authority:** Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97-425, 96 Stat. 2213, as amended (42 U.S.C. 10143(f)), sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183i, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200-2.206 also issued under secs. 161 b, i, o, 182, 186, 234, 68 Stat. 948-951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.205(j) also issued under Pub. L. 101-410, 104 Stat. 90, as amended by section 3100(s), Pub. L. 104-134, 110 Stat. 1321-373 (28 U.S.C. 2461 note). Sections 2.600-2.606 also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85-256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42

U.S.C. 2239). Subpart M also issued under sec. 184 (42 U.S.C. 2234) and sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91-560, 84 Stat. 1473 (42 U.S.C. 2135).

4. Section 2.4 is amended by adding the definition of *NRC Public Document Room* and *NRC Web site* to read as follows:

### **§ 2.4 Definitions.**

*NRC Public Document Room* means the facility at 2120 L Street, NW, Washington, DC where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where NRC makes computer terminals available to access the Electronic Reading Room component of ADAMS on the NRC Web site, <http://www.nrc.gov>, and where copies can be made or ordered as set forth in § 9.35 of this chapter. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (202-634-3273 or 800-397-4209) between 8:30 am and 4:15 pm, or by e-mail ([PDR@nrc.gov](mailto:PDR@nrc.gov)), fax (202-634-3343), or letter (NRC Public Document Room, LL-6, Washington, D.C. 20555-0001).

*NRC Web site*, <http://www.nrc.gov>, is the Internet uniform resource locator name for the Internet address of the Web site where NRC will ordinarily make available its public records for inspection.

5. In § 2.101, paragraph (a)(2) is revised to read as follows:

### **§ 2.101 Filing of application**

(a) \* \* \*

(2) Each application for a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee will be assigned a docket number. However, to allow a determination as to whether an application for a construction permit or operating license for a production or utilization facility is complete and acceptable for docketing, it will be initially treated as a tendered



application. A copy of the tendered application will be available for public inspection at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room. Generally, the determination on acceptability for docketing will be made within a period of thirty (30) days. However, in selected construction permit applications, the Commission may decide to determine acceptability on the basis of the technical adequacy of the application as well as its completeness. In these cases, the Commission, pursuant to § 2.104(a), will direct that the notice of hearing be issued as soon as practicable after the application has been tendered, and the determination of acceptability will be made generally within a period of sixty (60) days. For docketing and other requirements for applications pursuant to part 61 of this chapter, see paragraph (g) of this section.

6. In § 2.110, paragraph (c) is revised to read as follows:

**§ 2.110 Filing and administrative action on submittals for design review or early review of sitesuitability issues.**

(c) Upon completion of review by the NRC staff and the ACRS of a submittal of the type described in paragraph (a)(1) of this section, the Director of the Office of Nuclear Reactor Regulation shall publish in the **Federal Register** a determination as to whether or not the design is acceptable, subject to conditions as may be appropriate, and shall make available at the NRC Web site, <http://www.nrc.gov>, a report that analyzes the design.

7. In § 2.206, paragraph (a) is revised to read as follows:

**§ 2.206 Requests for action under this subpart.**

(a) Any person may file a request to institute a proceeding pursuant to § 2.202 to modify, suspend, or revoke a license, or for any other action as may be proper. Requests must be addressed to the Executive Director for Operations and must be filed either by delivery to the NRC Public Document Room at 2120 L Street, NW, Washington, DC, or by mail or telegram addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The request must specify the action requested and set forth the facts that constitute the basis for the request. The Executive Director for Operations will refer the request to the Director of the NRC office with responsibility for the subject matter of the request for

appropriate action in accordance with paragraph (b) of this section.

8. In § 2.701, paragraph (a)(1) is revised to read as follows:

**§ 2.701 Filing of documents.**

(1) By delivery to the NRC Public Document Room at 2120 L Street, NW., Washington, DC, or

9. In § 2.740, paragraph (b) (1) is revised to read as follows:

**§ 2.740 General provisions governing discovery.**

(1) *In general.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, whether it relates to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. When any book, document or other tangible thing sought is reasonably available from another source, such as at the NRC Web site, <http://www.nrc.gov>, and/or the NRC Public Document Room, sufficient response to an interrogatory involving such materials would be the location, the title and a page reference to the relevant book, document or tangible thing. In a proceeding on an application for a construction permit or an operating license for a production or utilization facility, discovery begins only after the prehearing conference provided for in § 2.751a and relates only to those matters in controversy which have been identified by the Commission or the presiding officer in the prehearing order entered at the conclusion of that prehearing conference. In such a proceeding, no discovery may take place after the beginning of the prehearing conference held pursuant to § 2.752 except upon leave of the presiding officer upon good cause shown. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

10. In § 2.750, paragraph (a) is revised to read as follows:

**§ 2.750 Official reporter; transcript.**

(a) A hearing will be reported under the supervision of the presiding officer, stenographically or by other means, by

an official reporter who may be designated by the Commission or may be a regular employee of the Commission. The transcript prepared by the reporter is the sole official transcript of the proceeding. Except as limited pursuant to Sec. 181 of the Act or order of the Commission, the transcript will be available for inspection at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room. Copies of transcripts are available to parties and to the public from the official reporter on payment of the specified charges.

11. In § 2.790, the introductory text of paragraph (a) and paragraph (c) are revised to read as follows:

**§ 2.790 Public inspections, exemptions, requests for withholding.**

(a) Subject to the provisions of paragraphs (b), (d), and (e) of this section, final NRC records and documents, including but not limited to correspondence to and from the NRC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, or order, or regarding a rulemaking proceeding subject to this part shall not, in the absence of a compelling reason for nondisclosure after a balancing of the interests of the person or agency urging nondisclosure and the public interest in disclosure, be exempt from disclosure and will be made available for inspection and copying at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, except for matters that are:

(c) If a request for withholding pursuant to paragraph (b) of this section is denied, the Commission will notify an applicant for withholding of the denial with a statement of reasons. The notice of denial will specify a time, not less than thirty (30) days after the date of the notice, when the document will be available at the NRC Web site, <http://www.nrc.gov>. If, within the time specified in the notice, the applicant requests withdrawal of the document, the document will not be available at the NRC Web site, <http://www.nrc.gov>, and will be returned to the applicant. Provided, that information submitted in a rule making proceeding which subsequently forms the basis for the final rule will not be withheld from public disclosure by the Commission and will not be returned to the applicant after denial of any application for withholding submitted in connection with that information. If a request for withholding pursuant to paragraph (b) of this section is granted, the

Commission will notify the applicant of its determination to withhold the information from public disclosure.

\* \* \*

12. In § 2.802, paragraphs (e) and (g) are revised to read as follows:

**§ 2.802 Petition for rulemaking.**

\* \* \*

(e) If it is determined that the petition includes the information required by paragraph (c) of this section and is complete, the Director, Division of Administrative Services, Office of Administration, or designee, will assign a docket number to the petition, will cause the petition to be formally docketed, and will make a copy of the docketed petition available at the NRC Web site, <http://www.nrc.gov>. Public comment may be requested by publication of a notice of the docketing of the petition in the **Federal Register**, or, in appropriate cases, may be invited for the first time upon publication in the **Federal Register** of a proposed rule developed in response to the petition. Publication will be limited by the requirements of Section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

\* \* \*

(g) The Director, Division of Administrative Services, Office of Administration, will prepare on a semiannual basis a summary of petitions for rulemaking before the Commission, including the status of each petition. A copy of the report will be available for public inspection and copying at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

13. In § 2.804, paragraph (b)(2) is revised to read as follows:

**§ 2.804 Notice of proposed rulemaking.**

\* \* \*

(b) \* \* \*  
(2) The manner and time within which interested members of the public may comment, and a statement that copies of comments may be examined will be made available at the NRC Web site, <http://www.nrc.gov>;

\* \* \*

14. In § 2.809, paragraph (a) is revised to read as follows:

**§ 2.809 Participation by the Advisory Committee on Reactor Safeguards.**

(a) In its advisory capacity to the Commission, the ACRS may recommend that the Commission initiate rulemaking in a particular area. The Commission will respond to such rulemaking recommendation in writing within 90 days, noting its intent to implement,

study, or defer action on the recommendation. In the event the Commission decides not to accept or decides to defer action on the recommendation, it will give its reasons for doing so. Both the ACRS recommendation and the Commission's response will be made available at the NRC Web site, <http://www.nrc.gov>, following transmittal of the Commission's response to the ACRS.

\* \* \*

15. In § 2.1007, paragraph (a)(3) is removed and reserved and paragraph (a)(2) is revised to read as follows:

**§ 2.1007 Access.**

(a) \* \* \*

(2) A system to provide electronic access to the Licensing Support Network shall be provided at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room beginning in the pre-license application phase.

\* \* \*

16. In § 2.1231, paragraphs (a)(1)(ii), (a)(2), and (b) are revised to read as follows:

**§ 2.1231 Hearing file; prohibition on discovery.**

(a) \* \* \*

(1) \* \* \*

(ii) Making the file available at the NRC Web site, <http://www.nrc.gov>.

(2) The hearing file also must be made available for public inspection and copying at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

(b) The hearing file will consist of the application and any amendment thereto, any NRC environmental impact statement or assessment relating to the application, and any NRC report and any correspondence between the applicant and the NRC that is relevant to the application. Hearing file documents already available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room when the hearing request is granted may be incorporated into the hearing file at those locations by a reference indicating where at those locations the documents can be found. The presiding officer shall rule upon any issue regarding the appropriate materials for the hearing file.

\* \* \*

17. In § 2.1301, paragraphs (a) and (c) are revised to read as follows:

**§ 2.1301 Public notice of receipt of a license transfer application.**

(a) The Commission will notice the receipt of each application for direct or indirect transfer of a specific NRC

license by placing a copy of the application at the NRC Web site, <http://www.nrc.gov>.

\* \* \*

(c) Periodic lists of applications received may be obtained upon request addressed to the NRC Public Document Room, US Nuclear Regulatory Commission, Washington, DC 20555-0001.

18. In § 2.1303, the section heading and the introductory text are revised to read as follows:

**§ 2.1303 Availability of documents.**

Unless exempt from disclosure under part 9 of this chapter, the following documents pertaining to each application for a license transfer requiring Commission approval will be placed at the NRC Web site, <http://www.nrc.gov>, when available:

\* \* \*

19. In § 2.1306, paragraph (c)(2) is revised to read as follows:

**§ 2.1306 Hearing request or intervention petition.**

\* \* \*

(c) \* \* \*

(2) 45 days after notice of receipt is placed at the NRC Web site, <http://www.nrc.gov>, for all other applications; or

\* \* \*

20. In § 2.1330, paragraph (b) is revised to read as follows:

**§ 2.1330 Reporter and transcript for an oral hearing.**

\* \* \*

(b) Except for any portions that must be protected from disclosure in accordance with law and policy as reflected in 10 CFR 2.790, transcripts will be placed at the NRC Web site, <http://www.nrc.gov>, and copies may be purchased from the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

\* \* \*

**PART 7—ADVISORY COMMITTEES**

21. The authority citation for Part 7 continues to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App.).

22. In § 7.10, paragraph (b)(6) is revised to read as follows:

**§ 7.10 The NRC Advisory Committee Management Officer.**

\* \* \*

(b) \* \* \*

(6) Ensure that, subject to the Freedom of Information Act and NRC's



Freedom of Information Act regulations at 10 CFR part 9, subpart A, copies of the records, reports, transcript minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each NRC advisory committee are available for public inspection and copying at the NRC Web site <http://www.nrc.gov>, and/or at the NRC Public Document Room, until the advisory committee ceases to exist.

23. In § 7.11, paragraph (d)(5) is revised to read as follows:

**§ 7.11 The Designated Federal Officer.**

(d) \* \* \*

(5) Make copies of committee documents required to be maintained for public inspection and copying pursuant to § 7.14(b) available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

24. Section 7.14 is revised to read as follows:

**§ 7.14 Public information on advisory committees.**

(a) The Nuclear Regulatory Commission shall maintain systematic information on the nature, functions, and operations of each NRC advisory committee. A complete set of the charters of NRC advisory committees and copies of the annual reports required by § 7.17(a) will be maintained for public inspection at either the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

(b) Subject to the provisions of the Freedom of Information Act (5 U.S.C. 552) and NRC's Freedom of Information Act regulations at 10 CFR part 9, subpart A, copies of NRC advisory committees' records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents shall be maintained for public inspection and copying at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

25. In § 7.17, paragraphs (a) and (b) are revised to read as follows:

**§ 7.17 Reports required for advisory committees.**

(a) The Commission shall furnish a report on the activities of NRC advisory committees annually to the Administrator and the GSA Secretariat on a fiscal year basis. The report must contain information regarding NRC advisory committees required by Section 6(c) of the Act for the President's annual report to the Congress and be consistent with instructions provided by the GSA

Secretariat. A copy of the report is made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

(b) Any NRC advisory committee holding closed meetings shall issue a report, at least annually, setting forth a summary of its activities consistent with the policy of the Government in the Sunshine Act (5 U.S.C. 552b), as implemented by 10 CFR 9.104. A copy of the report is made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

**PART 9—PUBLIC RECORDS**

26. The authority citation for Part 9 continues to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Subpart A is also issued under 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99-570. Subpart B is also issued under 5 U.S.C. 552a. Subpart C is also issued under 5 U.S.C. 552b.

27. Section 9.21 is revised to read as follows:

**§ 9.21 Publicly available records.**

(a) Single copies of NRC publications in the NUREG series, NRC Regulatory Guides, and Standard Review Plans can be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia, 22161.

(b) For the convenience of persons who may wish to inspect without charge, or purchase copies of a record or a limited category of records for a fee, publicly available records of the NRC's activities described in paragraph (c) of this section are also made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room located at 2120 L Street, NW., Washington, DC, open between 7:45 am and 4:15 pm on Monday through Friday, except Federal holidays.

(c) The following records of NRC activities are available for public inspection and copying:

(1) Final opinions including concurring and dissenting opinions as well as orders of the NRC issued as a result of adjudication of cases;

(2) Statements of policy and interpretations that have been adopted by the NRC and have not been published in the **Federal Register**;

(3) Nuclear Regulatory Commission rules and regulations;

(4) Nuclear Regulatory Commission Manuals and instructions to NRC personnel that affect any member of the public;

(5) Copies of records that have been released to a person under the Freedom

of Information Act that, because of the nature of their subject matter, the NRC determines have become or are likely to become the subject of subsequent requests for substantially the same records.

(6) A general index of the records released under the FOIA.

(d) The published versions of the records made publicly available under paragraph (c)(1) of this section are available under the title, Nuclear Regulatory Issuances, NUREG-0750, for purchase through the National Technical Information Service.

28. In § 9.23, paragraph (a)(2) is removed and reserved and paragraphs (a)(1), (c), (d)(2), and (e) are revised to read as follows:

**§ 9.23 Requests for records.**

(a)(1) A person may request access to records routinely made available by the NRC under § 9.21 in person or by telephone, e-mail, fax, or US mail from the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555-0001.

(i) Each record requested must be described in sufficient detail to enable the NRC Public Document Room staff to locate the record.

(ii) In order to obtain copies of records expeditiously, a person may open an account at the NRC Public Document Room with the private contracting firm that is responsible for duplicating NRC records.

(c) If a requested agency record that has been reasonably described is located at a place other than at the NRC Web site, <http://www.nrc.gov>, the NRC Public Document Room, or the NRC headquarters, the NRC may, at its discretion, make the record available for inspection and copying at either of the locations.

(2) If the requested record has been placed on the NRC Internet Web site, under § 9.21, the NRC may inform the requester that the record is available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, and that the record may be obtained in accordance with the procedures set forth in paragraph (a) of this section.

(e) The Freedom of Information Act and Privacy Act Officer will promptly forward a Freedom of Information Act request made under paragraph (b) of this section for an agency record to the head of the office(s) primarily concerned with the records requested, as appropriate. The responsible office will conduct a search for the agency records responsive to the request and compile those agency

records to be reviewed for initial disclosure determination and/or identify those that have already been made publicly available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

29. In 9.35, paragraph (e) is removed, paragraphs (a)(2), (a)(5) and the introductory text of paragraph (b) are revised to read as follows:

**§ 9.35 Duplication fees.**

(a) \* \* \*

(2) Self-service duplicating machines are available at the NRC Public Document Room for the use of the public. Paper to paper copy is \$0.08 per page. Microfiche to paper is \$0.10 per page on the reader printers.

\* \* \* \* \*

(5) Any change in the costs specified in this section will become effective immediately pending completion of the final rulemaking that amends this section to reflect the new charges. The Commission will post the charges that will be in effect for the interim period at the NRC Public Document Room. The Commission will publish a final rule in the **Federal Register** that includes the new charges within 15 working days from the beginning of the interim period.

(b) The NRC will assess the following charges for copies of records to be duplicated by the NRC at locations other than the NRC Public Document Room located in Washington, DC:

\* \* \* \* \*

30. In § 9.45 paragraph (b) is revised to read as follows:

**§ 9.45 Annual reports to the Attorney General of the United States.**

\* \* \* \* \*

(b) The NRC will make a copy of the most recent report available to the public at the NRC Web site, <http://www.nrc.gov>.

31. In § 9.05, paragraph (b) is revised to read as follows:

**§ 9.105 Commission procedures.**

\* \* \* \* \*

(b) Within one day of any vote taken pursuant to paragraph (a) of this section, § 9.106(a), or § 9.108(c), the Secretary shall make publicly available at the NRC Web site, <http://www.nrc.gov>, a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Secretary shall, within one day of the vote taken pursuant to paragraph (a) of this section or § 9.103(a), make publicly available at the NRC Web site, <http://www.nrc.gov>, a full written explanation of its action closing the portion together with a list

of all persons expected to attend the meeting and their affiliation.

\* \* \* \* \*

32. In § 9.107, paragraph (d)(1) is revised to read as follows:

**§ 9.107 Public announcement of Commission meetings.**

\* \* \* \* \*

(d) \* \* \*

(1) Publicly posting a copy of the document at the NRC Web site, <http://www.nrc.gov>; and, to the extent appropriate under the circumstances;

\* \* \* \* \*

33. In § 9.108, paragraph (b) is revised to read as follows:

**§ 9.108 Certification, transcripts, recordings and minutes.**

\* \* \* \* \*

(b) The Commission shall make promptly available to the public at the NRC Web site, <http://www.nrc.gov>, the transcript, electronic recording, or minutes (as required by paragraph (a) of this section) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines pursuant to paragraph (c) of this section to contain information which may be withheld under § 9.104 or § 9.105(c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person upon payment of the actual cost of duplication or transcription as provided in § 9.14. The Secretary shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

\* \* \* \* \*

**PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

34. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended 1244, 1246, (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd) and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55 and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Section 50.33am 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Section 50.37 also issued under E.O. 12829, 3 CFR 1993 Comp., p. 570, E.O. 12958, as amended, 3 CFR 1995 Comp., p. 333, E.O. 12968, 3 CFR 1995 Comp., p. 391. Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

35. In § 50.30, paragraph (a)(5) is revised to read as follows:

**§ 50.30 Filing of application for licenses; oath or affirmation.**

(a) \* \* \*

(5) At the time of filing an application, the Commission will make available at the NRC Web site, <http://www.nrc.gov>, a copy of the application, subsequent amendments, and other records pertinent to the facility for public inspection and copying.

\* \* \* \* \*

36. In § 50.44, paragraph (c)(3)(iv)(C) is revised to read as follows:

**§ 50.44 Standards for combustible gas control system in light-water-cooled power reactors.**

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(iv) \* \* \*

(C) Subsubarticle NE-3220, Division 1, and Subsubarticle CC-3720, Division 2, of Section III of the ASME Boiler and Pressure Vessel Code, referenced in paragraphs (c)(3)(iv)(B)(1) and (c)(3)(iv)(B)(2) of this section, have been approved for incorporation by reference by the Director of the Office of the **Federal Register**. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. It is also available for inspection at the NRC Technical Reference Library.



Two White Flint North, Room 2B9,  
11545 Rockville Pike, Rockville, MD.

37. In § 50.66, the introductory text of paragraph (a), paragraph (a)(2), the introductory text of paragraph (f)(2), and paragraph (f)(3) are revised to read as follows:

**§ 50.66 Requirements for thermal annealing of the reactor pressure vessel.**

(a) For those light water nuclear power reactors where neutron radiation has reduced the fracture toughness of the reactor vessel materials, a thermal annealing may be applied to the reactor vessel to recover the fracture toughness of the material. The use of a thermal annealing treatment is subject to the requirements in this section. A report describing the licensee's plan for conducting the thermal annealing must be submitted in accordance with § 50.4 at least three years prior to the date at which the limiting fracture toughness criteria in § 50.61 or appendix G to part 50 would be exceeded. Within three years of the submittal of the Thermal Annealing Report and at least thirty days prior to the start of the thermal annealing, the NRC will review the Thermal Annealing Report and make available the results of its evaluation at the NRC Web site, <http://www.nrc.gov>. The licensee may begin the thermal anneal after:

(2) The NRC makes available the results of its evaluation of the Thermal Annealing Report at the NRC Web site, <http://www.nrc.gov>; and

(f) \* \* \*

(2) Within 15 days after the NRC's receipt of the licensee submissions required by paragraphs (c)(1), (c)(2) and (c)(3)(i) through (iii) of this section, the NRC staff shall make available at the NRC Web site, <http://www.nrc.gov>, a summary of its inspection of the licensee's thermal annealing, and the Commission shall hold a public meeting:

(3) Within 45 days of NRC's receipt of the licensee submissions required by paragraphs (c)(1), (c)(2) and (c)(3)(i) through (iii) of this section, the NRC staff shall complete full documentation of its inspection of the licensee's annealing process and make available this documentation at the NRC Web site, <http://www.nrc.gov>.

38. In Appendix O to Part 50, paragraph 5 is revised to read as follows:

**Appendix O to Part 50—Standardization of Design; Staff Review of Standard Designs**

5. Upon completion of their review of a submittal under this appendix, the NRC regulatory staff shall publish in the **Federal Register** a determination as to whether or not the preliminary or final design is acceptable, subject to such conditions as may be appropriate, and make available at the NRC Web site, <http://www.nrc.gov>, an analysis of the design in the form of a report. An approved design shall be utilized by and relied upon by the regulatory staff and the ACRS in their review of any individual facility license application which incorporates by reference a design approved in accordance with this paragraph unless there exists significant new information which substantially affects the earlier determination or other good cause.

39. In Appendix Q to Part 50, paragraph 4 is revised to read as follows:

**Appendix Q to Part 50—Pre-application Early Review of Site Suitability Issues**

4. Upon completion of review by the NRC staff and, if appropriate by the ACRS, of a submittal under this appendix, the NRC staff shall prepare a Staff Site Report which shall identify the location of the site, state the site suitability issues reviewed, explain the nature and scope of the review, state the conclusions of the staff regarding the issues reviewed and state the reasons for those conclusions. Upon issuance of an NRC Staff Site Report, the NRC staff shall publish a notice of the availability of the report in the **Federal Register** and shall make the report available at the NRC Web site, <http://www.nrc.gov>. The NRC staff shall also send a copy of the report to the Governor or other appropriate official of the State in which the site is located, and to the chief executive of the municipality in which the site is located or, if the site is not located in a municipality, to the chief executive of the county.

**PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS**

40. The authority citation for Part 51 continues to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953, (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended 1244 (42 U.S.C. 5841, 5842). Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853-954, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95-604, Title II, 92 Stat. 3033-3041; and sec. 193, Pub. L. 101-575,

104 Stat. 2835 (42 U.S.C. 2243). Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241, and sec. 148, Pub. L. 100-203, 101 Stat. 1330-223 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036-3038 (42 U.S.C. 2021) and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also issued under Nuclear Waste Policy Act of 1982, sec. 114(f) 96 Stat. 2216, as amended (42 U.S.C. 10134(f)).

41. In § 51.62, paragraph (a) is revised to read as follows:

**§ 51.62 Environmental report—land disposal of radioactive waste licensed under 10 CFR part 61.**

(a) Each applicant for issuance of a license for land disposal of radioactive waste pursuant to part 61 of this chapter shall submit with its application to the Director of Nuclear Material Safety and Safeguards the number of copies, as specified in § 51.66 of a separate document, entitled "Applicant's Environmental Report—License for Land Disposal of Radioactive Waste." The environmental report and any supplement to the environmental report may incorporate by reference information contained in the application or in any previous application, statement or report filed with the Commission provided that such references are clear and specific and that copies of the information so incorporated are available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

42. Section 51.120 is revised to read as follows:

**§ 51.120 Availability of environmental documents for public inspection.**

Copies of environmental reports, draft and final environmental impact statements, environmental assessments, and findings of no significant impact, together with any related comments and environmental documents, will be made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

43. In § 51.123, paragraph (a) and (b) are revised to read as follows:

**§ 51.123 Charges for environmental documents; distribution to public; distribution to governmental agencies.**

(a) *Distribution to public.* Upon written request to the Reproduction and Distribution Services Section, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the extent available, single copies of draft environmental impact statements and

draft findings of no significant impact will be made available to interested persons without charge. Single copies of final environmental impact statements and final findings of no significant impact will also be provided without charge to the persons listed in §§ 51.93(a) and 51.119(c), respectively. When more than one copy of an environmental impact statement or a finding of no significant impact is requested or when available NRC copies have been exhausted, the requestor will be advised that the NRC will provide copies at the charges specified in § 9.35 of this chapter.

(b) *Distribution to governmental agencies.* Upon written request to the Reproduction and Distribution Services Section, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the extent available, copies of draft and final environmental impact statements and draft final findings of no significant impact will be made available in the number requested to Federal, State and local agencies, Indian tribes, and State, regional and metropolitan clearinghouses. When available NRC copies have been exhausted, the requestor will be advised that the NRC will provide copies at the charges specified in § 9.35 of this chapter.

\* \* \* \* \*

#### **PART 52—EARLY SITE PERMITS; STANDARDS DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS**

44. The authority citation for Part 52 continues to read as follows:

**Authority:** Secs. 103, 104, 161, 182, 183, 186, 68 Stat. 936, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

45. In Appendix A to Part 52, Section VI, paragraph E.1.b. is revised to read as follows:

#### **Appendix A to Part 52—Design Certification Rule For the U.S. Advanced Boiling Reactor.**

\* \* \* \* \*

#### **VI. Issue Resolution.**

\* \* \* \* \*

E. \* \* \*

1. \* \* \*

b. The reason why the information currently available to the public at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, is insufficient;

\* \* \* \* \*

46. In Appendix B to Part 52, Section VI, paragraph E.1.b. is revised to read as follows:

#### **Appendix B to Part 52—Design Certification Rule for the System 80+ Design**

\* \* \* \* \*

#### **VI. Issue Resolution**

\* \* \* \* \*

E. \* \* \*

1. \* \* \*

b. The reason why the information currently available to the public at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, is insufficient.

\* \* \* \* \*

47. In Appendix O to Part 52, paragraph 5 is revised to read as follows:

#### **Appendix O to Part 52—Standardization of Design; Staff Review of Standard Designs**

\* \* \* \* \*

5. Upon completion of their review of a submittal under this appendix, the NRC regulatory staff shall publish in the **Federal Register** a determination as to whether or not the preliminary or final design is acceptable, subject to such conditions as may be appropriate, and make available at the NRC Web site, <http://www.nrc.gov>, an analysis of the design in the form of a report. An approved design shall be utilized by and relied upon by the regulatory staff and the ACRS in their review of any individual facility license application which incorporates by reference a design approved in accordance with this paragraph unless there exists significant new information which substantially affects the earlier determination or other good cause.

\* \* \* \* \*

48. In Appendix Q to Part 52, paragraph 4 is revised to read as follows:

#### **Appendix Q to Part 52—Pre-Application Early Review of Site Suitability Issues.**

\* \* \* \* \*

4. Upon completion of review by the NRC staff and, if appropriate by the ACRS, of a submittal under this appendix, the NRC staff shall prepare a Staff Site Report which shall identify the location of the site, state the site suitability issues reviewed, explain the nature and scope of the review, state the conclusions of the staff regarding the issues reviewed and state the reasons for those conclusions. Upon issuance of an NRC Staff Site Report, the NRC staff shall publish a notice of the availability of the report in the **Federal Register** and shall make available a copy of the report at the NRC Web site, <http://www.nrc.gov>. The NRC staff shall also send a copy of the report to the Governor or other appropriate official of the State in which the site is located, and to the chief executive of the municipality in which the site is located or, if the site is not located in a municipality, to the chief executive of the county.

\* \* \* \* \*

#### **PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN GEOLOGIC REPOSITORIES**

49. The authority citation for Part 60 continues to read as follows:

**Authority:** Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97-425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141), and Pub. L. 102-486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

50. In § 60.2, the definition of *Public Document Room* is removed and the new definitions of *NRC Public Document Room* and *NRC Web site* are added to read as follows:

#### **§ 60.2 Definitions.**

\* \* \* \* \*

*NRC Public Document Room* means the facility at 2120 L Street, NW., Washington, DC where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where computer terminals are available to access the Electronic Reading Room component of ADAMS on the NRC Web site, <http://www.nrc.gov>, where copies can be made or ordered as set forth in § 9.35 of this chapter. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (202-634-3273 or 800-397-4209) between 8:30 am and 4:15 pm, or by e-mail ([PDR@nrc.gov](mailto:PDR@nrc.gov)), fax (202-634-3343), or letter (NRC Public Document Room, LL-6, Washington, DC 20555-0001).

*NRC Web site*, <http://www.nrc.gov> is the Internet uniform resource locator name for the Internet address of the Web site where NRC will ordinarily make available its public records for inspection.

\* \* \* \* \*

51. In § 60.18, paragraph (f) is revised to read as follows:

#### **§ 60.18 Review of site characterization activities.**

\* \* \* \* \*



(f) The Director shall publish in the **Federal Register** a notice of availability of the site characterization analysis and a request for public comment within a reasonable period, as specified (not less than 90 days). The notice along with copies of the site characterization analysis shall be available at the NRC Web site, <http://www.nrc.gov>, and copies of any comments received will also be made available there.

\* \* \* \* \*

52. In § 60.61, paragraph (d) is revised to read as follows:

**§ 60.61 Provision of information.**

\* \* \* \* \*

(d) Copies of all communications by the Director under this section are available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, and copies are furnished to DOE.

53. In § 60.63, paragraphs (b) and (f) are revised to read as follows:

**§ 60.63 Participation in license reviews.**

\* \* \* \* \*

(b) In addition, whenever an area has been approved by the President for site characterization, a State or an affected Indian Tribe may submit to the Director a proposal to facilitate its participation in the review of a site characterization plan and/or license application. The proposal may be submitted at any time and must contain a description and schedule of how the State or affected Indian Tribe wishes to participate in the review, or what services or activities the State or affected Indian Tribe wishes NRC to carry out, and how the services or activities proposed to be carried out by NRC would contribute to such participation. The proposal may include educational or information services (seminars, public meetings) or other actions on the part of NRC, such as employment or exchange of State personnel under the Intergovernmental Personnel Act

\* \* \* \* \*

(f) Proposals submitted under this section, and responses thereto, shall be made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

**PART 62—CRITERIA AND PROCEDURES FOR EMERGENCY ACCESS TO NON-FEDERAL AND REGIONAL LOW-LEVEL WASTE DISPOSAL FACILITIES**

54. The authority citation for Part 62 continues to read as follows:

**Authority:** Secs. 81, 161, as amended, 68 Stat. 935, 948, 949, 950, 951, as amended (42 U.S.C. 2111, 2201); secs. 201, 209, as

amended, 88 Stat. 1242, 1248, as amended (42 U.S.C. 5841, 5849); secs. 3, 4, 5, 6, 99 Stat. 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, (42 U.S.C. 2021c, 2021d, 2021e, 2021f).

55. In § 62.11, paragraph (b) is revised to read as follows:

**§ 62.11 Filing and distribution of a determination request.**

\* \* \* \* \*

(b) Upon receipt of a request for a determination, the Secretary of the Commission shall publish a notice acknowledging receipt of the request in the **Federal Register**. The notice must require that public comment on the request be submitted within 10 days of the publication date of the notice. A copy of the request will be made available for inspection or copying at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room. The Secretary of the Commission shall also transmit a copy of the request to the U.S. Department of Energy, to the Governors of the States of the Compact region where the waste is generated, to the Governors of the States with operating non-Federal low-level radioactive waste disposal facilities, to the Compact Commissions with operating regional low-level radioactive waste disposal facilities, and to the Governors of the States in the Compact Commissions with operating disposal facilities.

\* \* \* \* \*

56. In § 62.22, paragraph (c) is revised to read as follows:

**§ 62.22 Notice of issuance of a determination**

\* \* \* \* \*

(c) The Secretary of the Commission shall make a copy of the final determination available for inspection at the NRC Web site, <http://www.nrc.gov>.

**PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE**

57. The authority citation for Part 72 continues to read as follows:

**Authority:** Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), Pub. L. 95-601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102-486, sec. 7902, 106 Stat. 3123 (42 U.S.C.

5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Secs. 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1220-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 97-100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2224, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

58. In § 72.200, paragraph (c) is revised to read as follows:

**§ 72.200 Provision of MRS information.**

\* \* \* \* \*

(c) Copies of all communications by the Director or the Director's designee under this section must be made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, and must be furnished to DOE.

**PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT**

59. The authority citation for Part 75 continues to read as follows:

**Authority:** Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 75.4 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

60. In § 75.2, paragraph (b) is revised to read as follows:

**§ 75.2 Scope.**

\* \* \* \* \*

(b) The United States eligible list is a list of installations eligible for IAEA safeguards under the US/IAEA Safeguards Agreement which the Secretary of State or his designee files with the Commission. A copy of this list is available for inspection at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room. In accordance with the provisions of the Agreement, the following activities are excluded from the United States eligible list:

- (1) Activities having direct national security significance.
- (2) Activities involving mining and ore processing.

**PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS**

61. The authority citation for Part 76 continues to read as follows:

**Authority:** Secs. 161, 68 Stat. 948, as amended, secs. 1312, 1701, as amended, 106 Stat. 2932, 2951, 2952, 2953, 110 Stat. 1321–349 (42 U.S.C. 2201, 2297b–11, 2297f); secs. 201, as amended, 204, 206, 88 Stat. 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846). Sec. 234(a), 83 Stat. 444, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(a)).

Sec. 76.7 also issued under Pub. L. 95–601. Sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sec. 76.22 is also issued under sec. 193(f), as amended, 104 Stat. 2835, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(f)). Sec. 76.35(j) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

62. In § 76.37, paragraph (a) is revised to read as follows:

**§ 76.37 Federal Register notice.**

\* \* \* \* \*

(a) A notice of the filing of an application specifying that copies of the application, except for Restricted Data, Unclassified Controlled Nuclear Information, Classified National Security Information, Safeguards Information, Proprietary Data, or other withholdable information will be made available for the public inspection at the NRC Web site, <http://www.nrc.gov>;

\* \* \* \* \*

**PART 100—REACTOR SITE CRITERIA**

63. The authority citation for Part 100 continues to read as follows:

**Authority:** Secs. 103, 104, 161, 182, 68 Stat. 936, 937, 948, 953, as amended (42 U.S.C. 2133, 2134, 2201, 2232); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

64. In § 100.11 the undesignated paragraph after the note is removed and a new paragraph (c) is added above the note to read as follows:

**§ 100.11 Determination of exclusion area, low population zone, and population center distance.**

\* \* \* \* \*

(c) Copies of Technical Information Document 14844 may be obtained at the NRC Web site, <http://www.nrc.gov>, at the NRC Public Document Room, 2120 L Street, NW., Washington, D.C., or by writing the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL**

65. The authority citation for Part 110 continues to read as follows:

**Authority:** Secs. 51, 53, 54, 57, 63, 64, 65, 81, 62, 103, 104, 109, 111, 126, 127, 129, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841), sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d., 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under (5 U.S.C. 552, 554). Sections 110.130–110.135 also issued under (5 U.S.C. 553). Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 et. seq.).

66. In § 110.2 the definition of *Public Document Room* is removed and new definitions of *NRC Public Document Room* and *NRC Web site* are added to read as follows:

**§ 110.2 Definitions.**

\* \* \* \* \*

*NRC Public Document Room* means the facility at 2120 L Street, NW., Washington, DC where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where computer terminals are available to access the Electronic Reading Room component of ADAMS on the NRC Web site, <http://www.nrc.gov>, where copies can be made or ordered as set forth in § 9.35 of this chapter. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (202–634–3273 or 800–397–4209) between 8:30 am and 4:15 pm, or by e-mail ([PDR@nrc.gov](mailto:PDR@nrc.gov)), fax (202–634–3343), or letter (NRC Public Document Room, LL–6, Washington, D.C. 20555–0001).

\* \* \* \* \*

*NRC Web site*, <http://www.nrc.gov>, is the Internet uniform resource locator

name for the Internet address of the Web site where NRC will ordinarily make available its public records for inspection.

\* \* \* \* \*

67. In § 110.70, paragraph (d) is removed and paragraph (a) is revised to read as follows:

**§ 110.70 Public notice of receipt of application.**

(a) The Commission will notice the receipt of each license application for an export or import for which a specific license is required by making a copy available at the NRC Web site, <http://www.nrc.gov>.

\* \* \* \* \*

68. Section 110.71 is revised to read as follows:

**§ 110.71 Notice of withdrawal of an application.**

The Commission will notice the withdrawal of an application by making a copy available at the NRC Web site, <http://www.nrc.gov>.

69. In § 110.72, the section heading and introductory text are revised to read as follows:

**§ 110.72 Public availability of documents.**

Unless exempt from disclosure under part 9 of this chapter, the following documents pertaining to each license and license application for an import or export requiring a specific license under this part will be made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room:

\* \* \* \* \*

70. In § 110.112, paragraph (b) is revised to read as follows:

**§ 110.112 Reporter and transcript for an oral hearing.**

\* \* \* \* \*

(b) Except for any classified portions, transcripts will be made available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

\* \* \* \* \*

71. In § 110.113, paragraph (c) is revised to read as follows:

**§ 110.113 Commission action.**

\* \* \* \* \*

(c) If the Commission considers information not in the hearing record in reaching its licensing decision, the hearing participants will be informed and, if not classified or otherwise privileged, the information will be made available at the NRC Web site, <http://www.nrc.gov>, and furnished to the participants.

\* \* \* \* \*

Dated at Rockville, Maryland, this 24th day of August, 1999.



for the Nuclear Regulatory Commission.

Stuart Reiter,

Acting Chief Information Officer

[FR Doc. 99-23160 Filed 9-8-99; 8:45 am]

BILLING CODE 7590-01-P

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