



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

June 5, 1987

MEMORANDUM FOR: Edward Jordan, Chairman  
Committee to Review Generic Requirements

FROM: William G. McDonald, Director  
Office of Administration and Resources Management

SUBJECT: REQUEST FOR CRGR REVIEW OF PROPOSED RULE, "RETENTION PERIODS  
FOR RECORDS"

Enclosed for your review and the Committee to Review Generic Requirements' (CRGR) consideration are fifteen copies of a notice of proposed rulemaking that would amend eighteen parts of Title 10 of the Code of Federal Regulations by establishing specific retention periods for NRC-required records that are currently kept indefinitely. Also enclosed is the analysis required to support the imposition of information collection requirements.

The Office of Administration (ADM) initially briefed the CRGR on the proposed records retention rule on April 17, 1985. Based on the minutes of that meeting, number 74, ADM resubmitted the proposed rule to the program offices requesting a more substantive review in accordance with the CRGR's recommendations.

The staff was requested to reevaluate each recordkeeping requirement contained in the proposed rule to determine if retention of the record is necessary and if the retention period is appropriate for the record. In addition, staff was asked to certify by reviewer's signature and to provide a justification for each needed record and selected retention period.

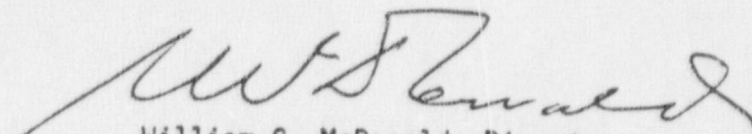
The program offices were informed that during the forthcoming CRGR review, staff providing the written justifications would be responsible for responding to CRGR inquiry about their selected record needs. This rulemaking reflects the recordkeeping needs as agreed upon by the program offices that reviewed the rule according to the CRGR's April 17, 1985, recommendation.

Prior to the reorganization, the Offices of Nuclear Material Safety and Safeguards, Nuclear Reactor Regulation, Inspection and Enforcement, Nuclear Regulatory Research, Analysis and Evaluation of Operational Data, State Programs, International Programs, and Investigation and the five Regional Offices concurred in this proposed rulemaking. The Office of the General Counsel has no legal objection to its publication.

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PDR REVGP NRCGRGR  
MEETING119 PDC

The proposed rule would be issued for a 60-day public comment period.

If you or your staff have any questions concerning this proposed rulemaking, please contact Brenda Shelton on extension 28132.



William G. McDonald, Director  
Office of Administration and Resources  
Management

Enclosures:

1. Notice of Proposed Rulemaking
2. Table of Proposed Changes to Record  
Retention Periods
3. OMB Supporting Statement
4. Letter from Dircks to DeMuth
5. Program Office Certification of  
Need for Recordkeeping  
Requirements

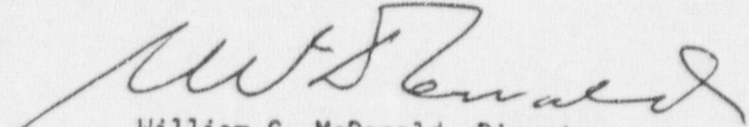
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B. Shelton



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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 4, 11, ~~[21;]~~ 25, 30, 31, 32, 34, ~~[35;]~~ 40, 50  
60, 61, 70, 71, ~~[72]~~, 73, 74, 75, 95, and 110 ~~[and 140]~~

Retention Periods for Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission proposes to amend its regulations as a result of a review of its recordkeeping requirements to determine current need for records and to establish a definite retention period for each record that an NRC applicant or licensee for a materials or facility license is required to maintain. The rule would also provide a uniform standard acceptable to the NRC for the condition of a record throughout each specified retention period. This proposed rule is expected to reduce the overall recordkeeping burden for NRC applicants and licensees by use of uniform and specific retention periods for each recordkeeping requirement.

DATES: Submit comments by . Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for those comments received before this date.

ADDRESSES: Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: [R. Stephen Scott,] Brenda J. Shelton, Chief, [information and Records, Document Management] Records Management Branch, Division of [Technical and Document Control] Information Support Services, Office of [information] Administration and Resources Management, [Administration] U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-~~[8585]~~8132.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission's (NRC) [NRE's] regulations require that applicants and licensees retain a variety of records for various periods of time. Licensees must also retain certain plans and procedures for routine operation and emergency situations and file reports of certain occurrences and events. The NRC has reviewed its recordkeeping requirements to determine which records are needed and how long the records should be retained. This proposed rule reflects the results of this review. It amends (codified) text in portions of Title 10, Chapter 1, of the Code of Federal Regulations as codified [of] on September 30, 1986. Part 20 was excepted; its many record retention requirements are proposed in a revision to Part 20 that was published for public comment in the Federal Register on December 20, 1985 (50 FR 51992) and republished on January 9, 1986 (51 FR 1092). [The-NRC-recognizes-that-it-has-published-and-probably-will-publish-proposed-rules-that-would-amend-some-of-the-same-sections-included-in-this-proposed-rule-that-amends-nineteen-parts--When-published-as-a-final-rule,-the-text-will-establish-uniform-retention-periods-for-all-NRC-record-requirements-in-effect-as-of-that-date-] Codification of these amendments and amendments in certain published proposed rules will establish uniform retention periods for all NRC recordkeeping requirements. NRC also intends to conform record retention requirements in future rules to the four uniform periods proposed in this rule.

The regulations sometimes specify that a record be retained for a specific period of time. These periods vary widely from one or two years to the 40-year life of a reactor license to the completion of decommissioning for some licenses. In other instances, they specify that a record be kept until the Commission authorizes its disposition, and in still others, that it be retained indefinitely. Some parts of NRC regulations specify the condition of a record acceptable to the NRC throughout its required retention period; others do not.

This proposed rule would amend regulations in [nineteen] eighteen [one] parts of Title 10 to require that [an-identified] certain records in these parts be retained for [a] specific periods. The rule would also provide for all parts of Title 10, Chapter I, the condition of a record acceptable to the NRC throughout the retention period.



Regarding specific retention periods, with the exception of one [two] six month retention period[s], at [10-CFR-34:25(c)-and] 10 CFR [70:51(b)(3)] 70.58(h), uniform retention periods of three years, five years, ten years, or the life of the component, activity, area, or facility are proposed to simplify the system for retaining NRC records. These particular four periods, although not ideal for every record retention requirement, seem to be the best choices for NRC record needs. Uniform periods were recommended to the NRC by the Nuclear Information and Records Management Association (NIRMA) [NRMA] based on the nuclear industry's input to NIRMA [NRMA]. Three of the These uniform periods coincide with the retention periods for quality assurance (QA) records in Parts 50 and 71; the fourth coincides with the retention periods for records such as those covered by technical specifications. Quality assurance records are categorized into non-permanent records (programmatic and product) and permanent records. Evolving from the practical need for retention of QA records, programmatic records (e.g., superseded QA Program Manuals, completed Audit and Summary Reports) are retained for three years; product records (e.g., superseded Installation Procedures, superseded Purchase Orders) for ten years; and permanent records (e.g., Design Specifications, Structural Integrity Test Reports) for the life of the license. [These-particular-four-periods;-although-not-ideal-for record-retention-requirement;-seemed-to-be-the-best-choices-for-NRC-record-needs: Industry-currently-conforms-to-a-variety-of-codes-and-standards-that-reflect these-retention-periods-for-the-important-QA-records;-therefore;-retention periods-for-QA-records-are-not-included-in-this-rule:]

With regard to technical specifications, the NRC recognizes that technical specifications for each nuclear power plant include record retention requirements that may, in some cases, differ from those proposed in this rule. The requirements in this rule take precedence over and supersede any conflicting requirements presently in the technical specifications. Therefore, the Office of Nuclear Reactor Regulation (NRR) intends to issue a generic letter that would provide guidance to licensees for revising their technical specifications to conform with the rule and would include model technical specifications to follow for achieving this conformance.

An effort has been made to use consistent terminology with regard to paperwork throughout this multi-part rule. For example, the term "retain" conveys the idea of keeping secure or intact and the term "maintain" continuing to preserve and update, in this case, a record. Consistency of terminology and specificity of recordkeeping requirements and retention periods should assist an NRC applicant or a licensee in complying with these requirements.

The proposed changes in this rule result in an overall reduction ~~[of]~~ in the recordkeeping burden imposed on the NRC applicant or licensee. The major reduction in burden results from proposing 139 specific retention periods, ~~[ranging-from]~~ primarily ~~[one]~~ three years or the life of a license, for records that now must be retained indefinitely. ~~[The]~~ This major reduction, plus four other reductions of retention periods by two years, offsets the proposed increase in retention periods for ~~[42]~~ ~~[35]~~ 32 records; 20 cases by one year, 10 cases by two years, 1 case by two and one half years, and 1 case by three years.~~[and-1-case-by-four-and-one-half-years:]~~ Based on staff's understanding of current industry practices, the increases in retention would not impose any additional burden or could be readily accommodated within current equipment configurations and, therefore, would represent no appreciable increase in burden. A paragraph describing the form ~~[of-a-record]~~ and condition of a record acceptable to the NRC for review is proposed for ~~[fourteen]~~ ten parts. These paragraphs are comparable to similar provisions currently in other parts of the NRC regulations.

Specifying clearly in NRC regulations what records to retain, how long to retain them, and the condition of a record required for NRC inspection is mutually beneficial to the applicant or licensee and the NRC. The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) added impetus to the NRC's interest in the regulatory burden imposed on an applicant or a licensee by the preparation and retention of records. Furthermore, OMB's regulations implementing the Paperwork Reduction Act require that record retention requirements imposed by Federal regulation contain specific retention periods. The NRC complies with the Act's requirement for Office of Management and Budget (OMB) review of the information collection requirements in each rulemaking. In addition, two documents on paperwork are being prepared for publication in the NUREG-series: one document will be based on Regulatory

Guide 10.1, which is a compilation of reporting requirements for persons subject to NRC regulations, and the other document will summarize the record retention periods for the [reporting] recordkeeping requirements [identified in the first document] contained in NRC regulations. These companion documents should be useful to an NRC applicant or a licensee.

#### ENVIRONMENTAL IMPACT: CATEGORICAL EXCLUSION

The NRC has determined that this proposed regulation is the type of action described in categorical exclusions 10 CFR 51.22(c)(1) and (3). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

#### PAPERWORK REDUCTION ACT STATEMENT

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Requirements in [nineteen] eighteen parts included in this rule were assigned approval numbers by the Office of Management and Budget as follows:

Part 4--3150-0053; Part 11--3150-0062; [~~Part-21--3150-0035;~~] Part 25--3150-0046; Part 30--3150-0017; Part 31--3150-0016; Part 32--3150-0001; Part 34--3150-0007; [~~Part-35--3150-0010;~~] Part 40--3150-0020; Part 50--3150-0011; Part 60--3150-0127; Part 61--3150-0135; Part 70--3150-0009; Part 71--3150-0008; [~~Part-72--3150-0132;~~] Part 73--3150-0002; Part 74--3150-0123; Part 75--3150-0055; Part 95--3150-0047; Part 110--3150-0036. [~~Part-140--3150-0039.~~]

This proposed rule[;] [~~including requirements in Part[s]-61~~] has been submitted to the Office of Management and Budget for review and approval.

#### REGULATORY FLEXIBILITY CERTIFICATION

Based upon the information available at this stage of the rulemaking proceeding and in accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), and NRC Size Standards (50 FR 50241), the Commission hereby



certifies that, if promulgated, this rule will not have a significant economic impact upon a substantial number of small entities. The proposed rule would amend parts of the NRC regulations by specifying a period to retain each required record. The rule is expected to affect most facility and materials licensees by reducing the regulatory burden of retaining records for an unnecessarily long or indefinite period. Therefore, it is not expected to have a significant economic impact on any licensee. However, comments on the expected economic impact of this proposed rule on any small entity are welcome.

#### APPLICATION OF BACKFIT RULE

The Commission has determined that the backfit rule, 10 CFR 50.109, does not apply to the proposed rule. The proposed rule is purely administrative in nature, and therefore does not result in the "modification of or addition to systems, structures, components, or design of a facility...or the procedures or organization required to design, construct, or operate a facility...". See 10 CFR 50.109(a)(1).

The authority citation for this document is: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 2201).

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. 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 4, 11, [21,] 25, 30, 31, 32, 34, [35,] 40, 50, 60, 61, 70, 71, [72,] 73, 74, 75, 95, and [~~and-140~~] 110.

#### LIST OF SUBJECTS

Reporting and recordkeeping requirements.

#### PART 4 - NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

1. A new § 4.5 is added to read as follows:

§ 4.5 Maintenance of records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

2. In § 4.32, the existing paragraph is divided and redesignated as paragraphs (a) and (b) and a new paragraph (c) is added to read as follows:

§ 4.32 Compliance reports.

(a) Each recipient shall keep records and submit to the responsible NRC official timely, complete, and accurate compliance reports at the times and in the form and containing the information that the responsible NRC official may determine to be necessary to enable the official to ascertain whether the recipient has complied or is complying with this subpart.

(b) In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, the other recipient shall also submit necessary compliance reports to the primary recipient to enable the primary recipient to carry out its obligations under this subpart.

(c) The primary recipient shall retain each record of information needed to complete a compliance report pursuant to paragraph (a) of this section for three years or as long as the primary recipient retains the status of primary recipient as defined in § 4.3, whichever is shorter.

3. In § 4.125, the introductory text of paragraph (d) is revised to read as follows:

§ 4.125 Preemployment inquiries.

\* \* \* \* \*

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected on separate forms. The recipient shall retain each form as a record for three years from the date the applicant's employment ends, or, if not hired, from the date of application. Each form must be accorded confidentiality as a medical record, except that:

\* \* \* \* \*

4. In § 4.127, the introductory text of paragraph (d) is revised to read as follows:

§ 4.127 Existing facilities.

\* \* \* \* \*

(d) Transition plan. In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop a transition plan setting forth the steps necessary to complete the changes. The plan is to be developed with the assistance of interested persons, including handicapped persons, or organizations representing handicapped persons, and the plan is to meet with the approval of the NRC. The recipient shall retain a copy of the transition plan as a record until any structural change to a facility is complete. A copy of the transition plan is to be made available for public inspection. At a minimum, the plan is to:

\* \* \* \* \*

## PART 11 - CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

### § 11.9 [Amended]

5. Section 11.9 is amended by changing "two years" to "three years" in the last sentence.



6. A new § 11.10 is added to read as follows:

§ 11.10 Maintenance of records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

7. In § 11.13, paragraph (b) is revised to read as follows:

§ 11.13 Special requirements for transportation.

(a) \* \* \* \* \*

[ (b)(1) -- Each licensee who, 365 days after Commission approval of the amended security plan submitted in accordance with § 11.11(a), transports or delivers to a carrier for transport special nuclear material subject to the physical protection requirements of §§ 73.20, 73.25, 73.26, or 73.27 of this chapter shall confirm and record prior to shipment the name and special nuclear material access authorization number of all individuals identified in paragraph (a) of this section assigned to the shipment. -- The licensee shall retain this record for three years after the record is made.

(2) -- An exception to the requirement to confirm and record the SSNM access authorization number is provided for any individual employed on the effective date of these amendments and not yet in receipt of an approved access authorization from the Commission, provided that a complete application was submitted for that employee in accordance with § 11.13(a) and the application has not been disapproved. ]

(b) Each licensee who, 365 days after Commission approval of the amended security plan submitted in accordance with §11.11(a), transports or delivers to a carrier for transport special nuclear material subject to the physical protection requirements of §§73.20, 73.25, 73.26, or 73.27 of this chapter shall confirm and record prior to shipment the name and special nuclear material access authorization number of all individuals identified in paragraph (a) of this section assigned to the shipment. The licensee shall retain this record for three years after the [record] last shipment is made. However, the licensee need not confirm and record the special nuclear material access authorization number in the case of any individual for whom an application has been submitted and is pending before the NRC in accordance with paragraph (a) of this section.

[PART-21---REPORTING-OF-DEFECTS-AND-NONCOMPLIANCE]

8:---In §-21:51; paragraphs-(a)-and-(c)-are-revised-to-read-as-follows:

§-21:51--Maintenance-of-records.

(a)--Each licensee of a facility or activity subject to the regulations in this part shall maintain such records in connection with the license facility or activity as may be required to ensure compliance with the regulations in this part:--Each record required by this part must be legible throughout the retention period specified by each Commission regulation:--The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period:]

\*-----\*-----\*-----\*-----\*

[(c)(1)--Each record that is prepared only for the purpose of ensuring compliance with the regulations in this part and is not related to an evaluation or a notification to the Commission may be destroyed after delivery of the facility or component:]

~~(2) -- The licensee shall retain each record that is related to a notification or evaluation of a defect until the Commission terminates each license that authorizes the facility or activity that is subject to the recordkeeping requirement.~~

~~\*-----\*-----\*-----\*-----\*]~~

## PART 25 - ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

### § 25.11 [Amended]

8. Section 25.11 is amended by changing "two years" to "three years" in the last sentence.

~~[10. -- Section 25.13 is revised to read as follows:]~~

9. In § 25.13, the existing text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

### § 25.13 Records maintenance.

\* \* \* \* \*

~~[(a) Each licensee or organization employing individuals approved for personnel security access authorization under this part shall maintain records as prescribed within the part. -- These records are subject to review and inspection by NRG representatives during security surveys. The licensee shall retain each record for three years after the record is made for inspection by the Commission.~~

(b) Each record required by this part must be legible throughout the retention ~~[for the]~~ period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.



§ 25.23 [Amended]

10. In § 25.23, the introductory text is amended by changing "one year" to "three years" in the second sentence.

§ 25.35 [Amended]

11. In § 25.35, the last sentence of the existing text is amended by changing "two years" to "three years."

PART 30 - RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

12. In § 30.34, paragraph (g) is revised to read as follows:

§ 30.34 Terms and conditions of licenses.

\* \* \* \* \*

(g) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators shall test the generator eluates for molybdenum-99 breakthrough in accordance with § 35.14(b)(4) (i) through (iv) of this chapter. The licensee shall record the results of each test and retain each record for three years after the record is made.

13. In § 30.51, paragraph (c) is deleted, paragraph (d) is redesignated (c), and paragraphs (a) and (b) are revised to read as follows:

§ 30.51 Records.

(a) Each person who receives byproduct material pursuant to a license issued pursuant to the regulations in this part and Parts 31 through 35 of this chapter shall keep records showing the receipt, transfer, and disposal of such byproduct material as follows:

(1) The licensee shall retain each record of receipt of byproduct material as long as the material is possessed and for three years following transfer or disposal of the material.

(2) The licensee who transferred the material shall retain each record of transfer for [~~five~~] three years after each transfer unless a specific requirement in another part of the regulations in this chapter dictates otherwise.

(3) The licensee who disposed of the material shall retain each record of disposal of byproduct material until the Commission terminates each license that authorizes disposal of the material.

(b) The licensee shall retain each record that is required by the regulations in this part and Parts 31 through 35 of this chapter or by license condition for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified by regulation or license condition, the record must be retained until the Commission terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

#### PART 31 - GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

14. In § 31.5, paragraph (c)(4) is revised to read as follows:

§ 31.5 Certain measuring, gauging, or controlling devices.<sup>2</sup>

\* \* \* \* \*

(c) \* \* \*

(4) Shall maintain records showing compliance with the requirements of paragraphs (c)(2) and (c)(3) of this section. The records must show the results of tests. The records also must show the dates of performance of, and the

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<sup>2</sup>Persons possessing byproduct material in devices under the general license in § 31.5 before January 15, 1975, may continue to possess, use, or transfer that material in accordance with the requirements of § 31.5 in effect on January 14, 1975.

names of persons performing, testing, installing, servicing, and removing[~~at~~] from the installation [~~concerning~~] radioactive material and its shielding or containment. The licensee shall retain these records as follows:

(i) Each record of a test for leakage of radioactive material required by paragraph (c)(2) of this section must be retained for three years after the next required leak test is performed or until the sealed source is transferred or disposed of.

(ii) Each record of a test of the on-off mechanism and indicator required by paragraph (c)(2) of this section must be retained for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of.

(iii) Each record that is required by paragraph (c)(3) of this section must be retained for three years from the date of the recorded event or until the device is transferred or disposed of.

\* \* \* \* \*

15. A new § 31.12 is added to read as follows:

§ 31.12 Maintenance of records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

PART 32 - SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN  
ITEMS CONTAINING BYPRODUCT MATERIAL

16. A new § 32.3 is added to read as follows:

§ 32.3 Maintenance of records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is



authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

PART 34 - LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR  
RADIOGRAPHIC OPERATIONS

17. A new § 34.4 is added to read as follows:

§ 34.4 Maintenance of records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

§ 34.24 [Amended]

18. Section 34.24 is amended by changing "two years" to "three years" in the next to last sentence.

19. In § 34.25, paragraph (c) is revised to read as follows:

§ 34.25 Leak testing, repair, tagging, opening, modification, and replacement of sealed sources.

\* \* \* \* \*

(c) The leak test must be capable of detecting the presence of 0.005 microcurie of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed-source storage position, or other appropriate measuring point, by a procedure to be approved pursuant to § 34.11(f). Each record of leak test results must be kept in units of microcuries or disintegrations per minute (dpm) and retained for inspection by the Commission for three years after it is made. [~~or-until-the-sealed-source-is-transferred-or-disposed-of.~~]

\* \* \* \* \*

§ 34.26 [Amended]

20. Section 34.26 is amended by changing "two years" to "three years" in the last sentence.

21. In § 34.27, the introductory text is amended to read as follows:

§ 34.27 Utilization logs.

Each licensee shall maintain current logs, which shall be kept available for three years from the date of the recorded event, for inspection by the Commission, at the address specified in the license, showing for each sealed source the following information:

\* \* \* \* \*

22. In § 34.28, paragraph (b) is revised to read as follows:

§ 34.28 Inspection and maintenance of radiographic exposure devices, storage containers, and source changers.

\* \* \* \* \*

(b) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, and source changers at intervals not to exceed three months or prior to the first use thereafter to ensure proper functioning of components important to safety. The licensee shall retain records of these inspections and maintenance for three years.

23. In § 34.29, paragraph (c) is revised to read as follows:

§ 34.29 Permanent radiographic installations.

\* \* \* \* \*

(c) The alarm system shall be tested at intervals not to exceed three months or prior to the first use thereafter of the source in the installation. The licensee shall retain records of these tests for three years.

24. In § 34.32, the introductory text is revised to read as follows:

§ 34.32 Operating and emergency procedures.

The licensee shall retain a copy of current operating and emergency procedures as a record until the Commission terminates the license that authorizes the activity for which the procedures were developed and, if superseded, retain the superseded material for three years after each change. These procedures shall include instructions in at least the following:

\* \* \* \* \*

25. In § 34.33, paragraphs (b) and (e) are revised to read as follows:

§ 34.33 Personnel monitoring.

\* \* \* \* \*

(b) Pocket dosimeters must be read and exposures recorded daily. The licensee shall retain each record of these exposures for three years after the record is made.

\* \* \* \* \*

(e) Reports received from the film badge or TLD processor must be retained for inspection until the Commission terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

§ 34.43-[Amended]

[26--In-§-34.43, paragraph-(e)-is-amended-by-changing-"two-years"-to-"three years"-in-the-last-sentence.]



[PART-35---HUMAN-USES-OF-BYPRODUCT-MATERIAL

27.--A new §-35.5 is added to read as follows:

§-35.5--Maintenance-of-records

Each record required by this part must be legible throughout the retention period specified by each Commission regulation.--The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

28.--In §-35.14, paragraphs (b)(4)(ii), (5)(ii), (iv), and (v), (e)(2), and (f)(1) and (2) are revised to read as follows:

§-35.14--Specific licenses for certain groups of medical uses of byproduct material.

\* \* \* \* \*

(b) \* \* \*

(4) \* \* \*

(ii)--Before administration to patients, cause each elution or extraction of technetium-99m from a molybdenum-99/technetium-99m generator to be tested to determine either the total molybdenum-99 activity or the concentration of molybdenum-99.--The testing must be conducted according to written procedures and by personnel who have been specifically trained to perform the test.--The licensee shall retain a copy of current written procedures as a record until the Commission terminates each license that authorizes the activity that is subject to the recordkeeping requirement and, if any portion of the procedure is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*

(5) \* \* \*

(ii)--Ensure that the test required by paragraph (b)(5)(i) of this section is capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample must be taken from the source or from the surfaces of the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. The licensee shall record the results of each leak test in units of microcuries for inspection by the Commission and retain the record for three years after it is made.

\* \* \* \* \*

(iv)--Follow the radiation safety and handling instructions approved by the Nuclear Regulatory Commission or an Agreement State and furnished by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure that accompanies the source or device, and maintain the instruction in a legible and conveniently available form. The licensee shall retain the instruction for [the life of] each source, device, or permanent container until the source, device, or container is disposed of.

(v)--Conduct a quarterly physical inventory to account for all sources and devices received and possessed. Records of the inventories must be maintained for inspection by the Commission and must include the quantities and kinds of byproduct material, location of sources and devices, and date of the inventory. The licensee shall retain each record of a quarterly physical inventory for [five] three years after the record is made.

\* \* \* \* \*

(e) \* \* \*

(2)--The leak test must be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample.--The test sample must be taken from the sealed source or from the surfaces of the device in which the sealed source is permanently mounted or stored on which contamination might be expected to accumulate.--The licensee shall keep a record of the results of each leak test in units of microcuries or disintegrations per minute for inspection by the Commission and retain the record for three years after the record is made.

\* \* \* \* \*

(f)--Any licensee who possesses and uses calibration and reference sources pursuant to paragraph (d)(4) of this section shall:

(1)--Follow the radiation safety and handling instructions approved by the Atomic Energy Commission, the Commission, or an Agreement State and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain the instruction in a legible and conveniently available form.--The licensee shall retain the instruction for each source or permanent container until the source or container is disposed of.

(2)--Conduct a quarterly physical inventory to account for all sources received and possessed.--Records of the inventories must be maintained for inspection by the Commission and must include the quantities and kinds of byproduct material, location of sources, and the date of the inventory.--The licensee shall retain each record of a quarterly inventory for ~~five~~ three years after the record is made.

29.--In § 35.27, paragraph (b) is revised to read as follows:

§ 35.27--Records

\* \* \* \* \*



(b)--The licensee shall retain records of (1) spot-check measurements and corrective actions under § 35.22 and (2) calibration of instruments used to make spot-check measurements under § 35.23 for ~~[five]~~ three years after completion of the spot-check measurements and corrective actions.

30--Section 35.44 is revised to read as follows:

§ 35.44--Records of all misadministrations.

Each licensee shall maintain for Commission inspection, records of all misadministrations of radiopharmaceuticals or radiation from teletherapy or brachytherapy sources. These records must contain the names of all individuals involved in the event (including the physician, allied health personnel, the patient, and the patient's referring physician); the patient's social security number; a brief description of the event; the effect on the patient; and the action taken to prevent recurrence. The licensee shall retain each of these records for ten years after it is made.]

PART 40 - DOMESTIC LICENSING OF SOURCE MATERIAL

31. In § 40.26, paragraph (c)(2) is revised to read as follows:

§ 40.26 General license for possession and storage of byproduct material as defined in this part.

\* \* \* \* \*

(c) \* \* \*

(2) The documentation of daily inspections of tailings or waste retention systems and the immediate notification of the appropriate NRC regional office as indicated in Appendix D to 10 CFR Part 20 of this chapter, or the Director, Office of ~~[Inspection and Enforcement;]~~ Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of any failure in a tailings or waste retention system that results in a release

of tailings or waste into unrestricted areas, or of any unusual conditions (conditions not contemplated in the design of the retention system) that if not corrected could lead to failure of the system and result in a release of tailings or waste into unrestricted areas; and any additional requirements the Commission may by order deem necessary. The licensee shall retain this documentation of each daily inspection as a record for three years after each inspection is documented.

\* \* \* \* \*

32. In § 40.35, paragraph (e)(3) is revised to read as follows:

§ 40.35 Conditions of specific licenses issued pursuant to § 40.34.

\* \* \* \* \*

(e) \* \* \*

(3) Keep records showing the name, address, and a point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in § 40.25 or equivalent regulations of an Agreement State. The records shall be retained for three years from the date of transfer and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of this section.

33. In § 40.61, paragraph (c) is deleted, paragraph (d) is redesignated (c), and paragraphs (a) and (b) are revised to read as follows:

#### RECORDS, REPORTS, AND INSPECTIONS

§ 40.61 Records.

(a) Each person who receives source or byproduct material pursuant to a license issued pursuant to the regulations in this part shall keep records showing the receipt, transfer, and disposal of this source or byproduct material as follows:

(1) The licensee shall retain each record of receipt of source or byproduct material as long as the material is possessed and for [~~five~~] three years following transfer or disposition of the source or byproduct material.

(2) The licensee who transferred the material shall retain each record of transfer or source or byproduct material until the Commission terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(3) The licensee shall retain each record of disposal of source or byproduct material until the Commission terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(4) If source or byproduct material is combined or mixed with other licensed material and subsequently treated in a manner that makes direct correlation of a receipt record with a transfer, export, or disposition record impossible, the licensee may use evaluative techniques (such as first-in-first-out), to make the records that are required by this Part account for 100 percent of the material received.

(b) The licensee shall retain each record that is required by the regulations in this part or by license condition for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified by regulation or license condition, each record must be maintained until the Commission terminates the license that authorizes the activity that is subject to the recordkeeping requirement.

34. In Appendix A to Part 40, I. Technical Criteria, the second paragraph of Criterion 8 and Criterion 8A are revised to read as follows:

Appendix A to Part 40

\* \* \* \* \*



## I. Technical Criteria

\* \* \* \*

### Criterion 8--

\* \* \* \*

Checks must be made and logged hourly of all parameters (e.g., differential pressures and scrubber water flow rates) that determine the efficiency of yellowcake stack emission control equipment operation. The licensee shall retain each log as a record for [~~five~~] three years after the last entry in the log is made. It must be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action must be taken when performance is outside of prescribed ranges. Effluent control devices must be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack. Drying and packaging operations must terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions must be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations must cease as soon as practicable. Operations may not be restarted after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All these cessations, corrective actions, and restarts must be reported to the appropriate NRC regional office as indicated in Criterion 8A, in writing, within ten days of the subsequent restart.

\* \* \* \*

Criterion 8A - Daily inspections of tailings or waste retention systems must be conducted by a qualified engineer or scientist and documented. The licensee shall retain the documentation for each daily inspection as a record for [~~five~~] three years after the documentation is made. The appropriate NRC regional

office as indicated in Appendix D to 10 CFR Part 20 of this chapter, or the Director, Office of [~~inspection-and-enforcement~~] Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, must be immediately notified of any failure in a tailings or waste retention system that results in a release of tailings or waste into unrestricted areas, or of any unusual conditions (conditions not contemplated in the design of the retention system) that if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

\* \* \* \* \*

#### PART 50 - DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

35. In § 50.36, paragraphs (c)(1)(i)(A) and (B) and (ii)(A) and (B) and (c)(2) and (7) are revised to read as follows:

##### § 50.36 Technical Specifications.

\* \* \* \* \*

(c) Technical specifications will include items in the following categories:

(1) Safety limits, limiting safety system settings, and limiting control settings.

(i)(A) Safety limits for nuclear reactors are limits upon important process variables that are found to be necessary to reasonably protect the integrity of certain of the physical barriers that guard against the uncontrolled release of radioactivity. If any safety limit is exceeded, the reactor must be shut down. The licensee shall notify the Commission, review the matter, and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. Operation must not be resumed until authorized by the Commission. The licensee shall retain the record of the results of each review until the Commission terminates the

license for the reactor, except for nuclear power reactors licensed under § 50.21(b) or § 50.22 of this part. For these reactors, the licensee shall notify the Commission as required by § 50.72 and submit a Licensee Event Report to the Commission as required by § 50.73.

(B) Safety limits for fuel reprocessing plants are those bounds within which the process variables must be maintained for adequate control of the operation and that must not be exceeded in order to protect the integrity of the physical system that is designed to guard against the uncontrolled release of radioactivity. If any safety limit for a fuel reprocessing plant is exceeded, corrective action must be taken as stated in the technical specification or the affected part of the process, or the entire process if required, must be shut down, unless this action would further reduce the margin of safety. The licensee shall notify the Commission, review the matter, and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. If a portion of the process or the entire process has been shutdown, operation must not be resumed until authorized by the Commission. The licensee shall retain the record of the results of each review until the Commission terminates the license for the plant.

(ii)(A) Limiting safety system settings for nuclear reactors are settings for automatic protective devices related to those variables having significant safety functions. Where a limiting safety system setting is specified for a variable on which a safety limit has been placed, the setting must be so chosen that automatic protective action will correct the abnormal situation before a safety limit is exceeded. If, during operation, it is determined that the automatic safety system does not function or would not have functioned as required, the licensee shall take appropriate action, which may include shutting down the reactor. The licensee shall notify the Commission, review the matter, and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. The licensee shall retain the record of the results of each review until the Commission terminates the license for the reactor except for nuclear power



reactors licensed under § 50.21(b) or §50.22 of this part. For these reactors, the licensee shall notify the Commission as required by § 50.72 and submit a Licensee Event Report to the Commission as required by § 50.73. Licensees in these cases shall retain the records of the review for a period of [one-year] three years following issuance of a Licensee Event Report.

(B) Limiting control settings for fuel reprocessing plants are settings for automatic alarm or protective devices related to those variables having significant safety functions. Where a limiting control setting is specified for a variable on which a safety limit has been placed, the setting must be so chosen that protective action, either automatic or manual, will correct the abnormal situation before a safety limit is exceeded. If, during operation, the automatic alarm or protective devices do not function as required, the licensee shall take appropriate action to maintain the variables within the limiting control-setting values and to repair promptly the automatic devices or to shut down the affected part of the process and, if required, to shut down the entire process for repair of automatic devices. The licensee shall notify the Commission, review the matter, and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. The licensee shall retain the record of the results of each review until the Commission terminates the license for the plant.

(2) Limiting conditions for operation. Limiting conditions for operation are the lowest acceptable functional capability or performance levels of equipment required for [safe] continued operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action, [~~permitted~~] such as action statements, required by the technical specifications until the condition can be met. When a limiting condition for operation of any process step in the system of a fuel reprocessing plant is not met, the licensee shall shut down that part of the operation or follow any remedial action permitted by the technical specifications until the condition can be met. In the case of [~~either~~] a nuclear reactor not licensed under § 50.21(b) or § 50.22 of this part or fuel reprocessing plant, the licensee shall notify the Commission, review the matter, and record the results of the review, including the cause of the condition and

the basis for corrective action taken to preclude recurrence. The licensee shall retain the record of the results of each review until the Commission terminates the license for the nuclear reactor or the fuel reprocessing plant. In the case of nuclear power reactors licensed under § 50.21(b) or § 50.22, the licensee shall notify the Commission if required by § 50.72 and shall submit a Licensee Event Report to the Commission as required by § 50.73. In this case, licensees shall retain records associated with preparation of a Licensee Event Report for a period of ~~[one-year]~~ three years following issuance of the report. For events which do not require a ~~[license]~~ Licensee Event Report, the licensee shall retain each record as required by the technical specifications.

\* \* \* \* \*

(7) Written Reports.

Licensees for nuclear power reactors licensed under § 50.21(b) and § 50.22 of this part shall submit written reports to the Commission in accordance with § 50.73 of this part for events described in paragraphs (c)(1) and (c)(2) of this section. For all licensees, the Commission may require Special Reports as appropriate.

36. In § 50.36a, paragraph (a)(1) is revised to read as follows:

§ 50.36a Technical specifications on effluents from nuclear power reactors.

(a) \* \* \*

(1) That operating procedures developed pursuant to § 50.34a(c) for the control of effluents be established and followed and that equipment installed in the radioactive waste system, pursuant to § 50.34(a), be maintained and used. The licensee shall retain the operating procedures in effect as a record until the Commission terminates the reactor license and ~~[each-change to]~~ shall retain each superseded revision of the procedures for three years from the date ~~[of-the-change]~~ it was superseded.

\* \* \* \* \*

37. In § 50.48, paragraph (a) is revised to read as follows:

§ 50.48 Fire protection.

(a) Each operating nuclear power plant must have a fire protection plan that satisfies Criterion 3 of Appendix A to this part. This fire protection plan must describe the overall fire protection program for the facility, identify the various positions within the licensee's organization that are responsible for the program, state the authorities that are delegated to each of these positions to implement those responsibilities, and outline the plans for fire protection, fire detection and suppression capability, and limitation of fire damage. The plan must also describe specific features necessary to implement the program described above, such as administrative controls and personnel requirements for fire prevention and manual fire suppression activities, automatic and manually operated fire detection and suppression systems, and the means to limit fire damage to structures, systems, or components important to safety so that the capability to safely shut down the plant is ensured.<sup>3</sup> The licensee shall retain the fire protection plan and each change to the plan as a record until the Commission terminates the reactor license [~~for the nuclear power plant~~] and shall retain each superseded revision of the procedures for three years from the date it was superseded.

\* \* \* \* \*

38. In § 50.49, the introductory text of paragraph (d) is revised to read as follows:

---

<sup>3</sup> Basic fire protection guidance for nuclear power plants is contained in two NRC documents:

<sup>o</sup> Branch Technical Position Auxiliary Power Conversion System Branch BTP APCSB 9.5-1, "Guidelines for Fire Protection for Nuclear Power Plants," for new plants docketed after July 1, 1976, dated May 1976.

<sup>o</sup> Appendix A to BTP APCSB 9.5-1, "Guidelines for Fire Protection for Nuclear Power Plants Docketed Prior to July 1, 1976," for plants that were operating or under various stages of design or construction before July 1, 1976, dated August 23, 1976.

Also see Note 4.



§ 50.49 Environmental qualification of electric equipment important to safety for nuclear power plants.

\* \* \* \* \*

(d) The applicant or licensee shall prepare a list of electric equipment important to safety covered by this section. In addition, the applicant or licensee shall include the information in paragraphs (d)(1), (2), and (3) of this section for this electric equipment important to safety in a qualification file. The applicant or licensee shall keep the list and information in the file current and retain the file ~~[as-a-record-until-the-commission-terminates-the-license-for-which-the-file-was-established]~~ in auditable form for the entire period during which the covered item is installed in the nuclear power plant or is stored for future use to permit verification that each item of electric equipment important to safety meets the requirements of paragraph (j) of this section.

39. In § 50.54, paragraph (q) is revised to read as follows:

§ 50.54 Conditions of licenses.

\* \* \* \* \*

(q) A licensee authorized to possess and/or operate a nuclear power reactor shall follow and maintain in effect emergency plans ~~[that]~~ which meet the standards in § 50.47(b) and the requirements in Appendix E to this part. A licensee authorized to possess and/or operate a research reactor or a fuel facility shall follow and maintain in effect emergency plans ~~[that]~~ which meet the requirements in Appendix E ~~[to]~~ ~~[of]~~ to this part. The licensee shall retain the emergency plan and each change that decreases the effectiveness of the plan as a record until the Commission terminates the license for the nuclear power reactor. The nuclear power reactor licensee may make changes to these plans without Commission approval only if ~~[such]~~ the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of § 50.47(b) and the requirements of Appendix E ~~[to]~~ ~~[of]~~ to this part. The research reactor and/or the fuel facility licensee may make changes to these plans without

Commission approval only if ~~[such]~~ these changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the requirements of Appendix E ~~[to]~~ ~~[of]~~ to this part. The nuclear power reactor, research reactor, or fuel facility licensee shall retain a record of each change to the emergency plan made without prior Commission approval for a period of three years from the date of the change. Proposed changes that decrease the effectiveness of the approved emergency plans ~~[must]~~ ~~[shall]~~ must not be implemented without application to and approval by the Commission. The licensee shall ~~[furnish-one-copy]~~ submit, as specified in §50.4, a report of each proposed change for approval. ~~[to-the-Administrator-of-the appropriate NRC Regional Office specified in Appendix-D-to-Part-20-of-this-chapter-and-two-copies-to-the-Documents-Control Desk, U.S.-Nuclear-Regulatory-Commission, Washington, DC-20555.]~~ If a change is made without approval, the licensee shall ~~[furnish-one-copy to the Administrator of-the-appropriate-NRC-Regional-Office-specified-in-Appendix-D-to-Part-20-of this-chapter-and-two-copies-to-the-Documents-Control-Desk, U.S.-Nuclear Regulatory-Commission, Washington, DC-20555-within-30-days-after-the-change is-made.]~~ specified in §50.4, a report of each change within 30 days after the change is made.

\* \* \* \* \*

40. In § 50.71, paragraph (c) is revised to read as follows:

§ 50.71 Maintenance of records, making of reports.

\* \* \* \* \*

(c) Records that are required by the regulations in this part, by license condition, or by technical specification, must be retained for the period specified by the appropriate regulation, license condition, or technical specification. If a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility license.

\* \* \* \* \*

41. In Appendix R to Part 50, Section III, Specific Requirements, paragraph I.3.d is revised to read as follows:

APPENDIX R -- FIRE PROTECTION PROGRAM FOR NUCLEAR POWER FACILITIES  
OPERATING PRIOR TO JANUARY 1, 1979

I. \* \* \* \* \*

III.I.3. \* \* \*

d. At 3-year intervals, a randomly selected unannounced drill must be critiqued by qualified individuals independent of the licensee's staff. A copy of the written report from these individuals [~~must be retained by the licensee as a record for three years after the report is completed and available for NRC review~~] [shall] must be available for NRC review and shall be retained as a record as specified in § III.[1] I.4 of this appendix.

\* \* \* \* \*

PART 60 - DISPOSAL OF HIGH LEVEL RADIOACTIVE WASTES IN GEOLOGIC  
REPOSITORIES

42. The § 60.4 heading and the section are revised to read as follows:

§ 60.4 Communications and records.

(a) Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington D.C., or 7915 Eastern Avenue, Silver Spring, Maryland

(b) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may



be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

43. In § 60.71, paragraph (b) is revised to read as follows:

§ 60.71 Records and reports.

\* \* \* \* \*

(b) Records of the receipt, handling, and disposition of radioactive waste at a geologic repository operations area shall contain sufficient information to provide a complete history of the movement of the waste from the shipper through all phases of storage and disposal. DOE shall retain these records [~~until the Commission terminates the license for the repository.~~] in a manner that ensures their useability for future generations in accordance with § 60.51(a)(2).

\* \* \* \* \*

44. In § 60.72, paragraph (a) is revised to read as follows:

§ 60.72 Construction records.

(a) DOE shall maintain records of construction of the geologic repository operations area [~~until the Commission terminates the license for the repository.~~] in a manner that ensures their useability for future generations in [accordance] accordance with § 60.51(a)(2).

\* \* \* \* \*

PART 61 -- LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

45. In § 61.80 of Subpart G, paragraphs (e) and (f) are revised to read as follows:

Subpart G--Records, Reports, Tests, and Inspections

§ 61.80 Maintenance of records, reports, and transfers.

\* \* \* \* \*

(e) Notwithstanding paragraphs (a) through (d) of this section, the licensee shall record the location and the quantity of radioactive wastes contained in the disposal site and transfer these records upon license termination to the chief executive of the nearest municipality, the chief executive of the county in which the facility is located, the county zoning board or land development and planning agency, the State governor and other State, local, and Federal governmental agencies as designated by the Commission at the time of license termination.

(f) Following receipt and acceptance of a shipment of radioactive waste, the licensee shall record the date of disposal of the waste, the location in the disposal site, the condition of the waste packages as received, any discrepancies between materials listed on the manifest and those received, and any evidence of leaking or damaged packages or radiation or contamination levels in excess of limits specified in Department of Transportation and Commission regulations. The licensee shall briefly describe any repackaging operations of any of the waste packages included in the shipment, plus any other information required by the Commission as a license condition. The licensee shall retain these records until the Commission terminates the license that authorizes the activities described in this section or until the licensee transfers [a] these records as required by paragraph (e) of this section.

\* \* \* \* \*

PART 70 -- DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

46. In § 70.22, paragraphs (g), (h), (i), (j), and (k) are revised to read as follows:

§ 70.22 Contents of applications.

\* \* \* \* \*

(g)(1) Each application for a license that would authorize the transport or delivery to a carrier for transport of special nuclear material in an amount specified in § 73.1(b)(2) of this chapter must include (1) a description of the plan for physical protection of special nuclear material in transit in accordance with §§ 73.20, 73.25, 73.26, 73.27, and 73.67(a), (e), and (g) for 10 kg or more of special nuclear material of low strategic significance, and § 73.70(g) of this chapter including, as appropriate, a plan for the selection, qualification, and training of armed escorts, or the specification and design of a specially designed truck or trailer, and (2) a licensee safeguards contingency plan or response procedures, as appropriate, for dealing with threats, thefts, and industrial sabotage relating to the special nuclear material in transit.

(2) Each application for such a license involving formula quantities of strategic special nuclear material must include the first four categories of information contained in the applicant's safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to Part 73 of this chapter, are Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.)

(3) The licensee shall retain this description of the plan for physical protection of special nuclear material in transit and the safeguards contingency plan or safeguards response procedures and each change to the plan or procedures as a record ~~[until the Commission terminates each license obtained by this application or any application for renewal of a license.]~~ for [the] a period of three years [during] following the date on which the licensee last [possesses] possessed the appropriate type and quantity of special nuclear material requiring this record under each license.

(h)(1) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams



contained U-235) + 2.5 (grams U-233 + grams plutonium), other than a license for possession or use of this material in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, must include a physical security plan, consisting of two parts. Part I must address vital equipment, vital areas, and isolation zones, and must demonstrate how the applicant plans to meet the requirements of §§ 73.20, 73.40, 73.45, 73.46, 73.50, 73.60, 73.70, and 73.71 of this chapter in the conduct of the activity to be licensed, including the identification and description of jobs as required by § 11.11(a) of this chapter. Part II must list tests, inspections, and other means to demonstrate compliance with such requirements.

(2) The licensee shall retain a copy of this physical security plan and each change to the plan as a record ~~[until the Commission terminates each license obtained by this application or any application for renewal of a license]~~ for [the] a period [during] of three years following the date on which the licensee last [possesses] possessed the appropriate type and quantity of special nuclear material requiring this record under each license.

(i) Each application for a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride must contain, in addition to the other information required by this section, plans for coping with emergencies.<sup>3</sup> The licensee shall retain a copy of these plans for coping with emergencies ~~[and each change to the plan]~~ as records until the Commission terminates each license obtained by this application or any application for renewal of a license, and each change to the plan for three years after the date of the change.

(j)(1) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium alone or in any combination in a

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<sup>3</sup>Emergency plans shall contain the elements that are listed in Section IV, "Content of Emergency Plans," of Appendix E to Part 50 of this chapter.

quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium) other than a license for possession or use of this material in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, must include a licensee safeguards contingency plan for dealing with threats, thefts, and industrial sabotage, as defined in Part 73 of this chapter, relating to nuclear facilities licensed under Part 50 of this chapter or to the possession of special nuclear material licensed under this part.

(2) Each application for such a license must include the first four categories of information contained in the applicant's safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to Part 73 of this chapter, are Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.

(3) The licensee shall retain a copy of this safeguards contingency plan [~~and retain each change to the plan~~] as a record until the Commission terminates each license obtained by this application or any application for renewal of a license and retain each change to the plan as a record for three years after the date of the change.

(k) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee special nuclear material of moderate strategic significance or 10 kg or more of special nuclear material of low strategic significance as defined under § 73.2 (x) and (y) of this chapter, other than a license for possession or use of this material in the operation of a nuclear power reactor licensed pursuant to Part 50 of this chapter, must include a physical security plan that demonstrates how the applicant plans to meet the requirements of § 73.67(d), (e), (f), and (g), as appropriate, of this chapter. The licensee shall retain a copy of this physical security plan [~~and each change to the plan for three years after the change~~] as a record [~~until the Commission terminates each license obtained by this application for renewal of a license:~~] for the period during which the licensee possesses the appropriate type and quantity of special nuclear material requiring this record under each license and each change to the plan for three years after the change.

\* \* \* \* \*

47. In § 70.24, paragraph (a)(3) is revised to read as follows:

§ 70.24 Criticality accident requirements.

(a) \* \* \*

(3) The licensee shall maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm. These procedures must include the conduct of drills to familiarize personnel with the evacuation plan, plans and designation of responsible individuals for determining the cause of the alarm, and placement of radiation survey instruments in accessible locations for use in such an emergency. The licensee shall retain a copy of current procedures for each area as a record for as long as licensed special nuclear material is handled, used, or stored in the area. The licensee shall retain any superseded portion of the procedures for [~~five~~] three years after the portion is superseded.

\* \* \* \* \*

48. In § 70.32, paragraphs (c)(2), (d), (e), and (g) are revised to read as follows:

§ 70.32 Conditions of licenses.

\* \* \* \* \*

(c) \* \* \*

(2) The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval, for [~~a period of three years from the effective date of the change~~], after they are superseded and shall furnish to the Director, Office of Nuclear Material Safety and



Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A to Part 73 of this chapter, a report containing a description of each change within:

\* \* \* \* \*

(d) The licensee shall make no change which would decrease the effectiveness of the plan for physical protection of special nuclear material in transit prepared pursuant to § 70.22(g) or § 73.20(c) of this chapter without the prior approval of the Commission. A licensee desiring to make such changes shall submit an application for a change in the technical specifications incorporated in his or her license, if any, or for an amendment to the license pursuant to § 50.90 or § 70.34 of this chapter, as appropriate. The licensee may make changes to the plan for physical protection of special nuclear material without prior Commission approval if these changes do not decrease the effectiveness of the plan. The licensee shall retain a copy of the plan [and each change to the plan] a record for the period during which the licensee possesses a formula quantity of special nuclear material requiring this record under each license and each change to the plan for three years from the effective date of the change. A report containing a description of each change shall be furnished the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A to Part 73 of this chapter within two months after the change. [Commencing on February 9, 1983, licensees in Regions I and II; and commencing on October 1, 1983, licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A to Part 73 of this chapter; with a copy to the Director of Nuclear Material Safety and Safeguards:

(e) The licensee shall make no change which would decrease the effectiveness of a security plan prepared pursuant to §§ 70.22(h), 70.22(k), or 73.20(c) without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to its license pursuant to § 70.34. The licensee shall maintain records of changes to the plan made without prior Commission approval, [retain these records for a period of] for three years from the effective date of the change, [after they are superseded] and

shall furnish to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A to Part 73 of this chapter, a report containing a description of each change within two months after the change is made.

\* \* \* \* \*

(g) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C to Part 73 of this chapter for effecting the actions and decisions contained in the Responsibility Matrix of its safeguards contingency plan. The licensee shall retain a copy of the safeguards contingency plan procedures [~~and each change to the procedures~~] as a record [~~until the Commission terminates each license~~] for the period during which the licensee possesses the appropriate type and quantity of special nuclear material requiring this record under each license for which the procedures were developed and each change to the plan for three years from the effective date of [the] the change. The licensee shall make no change that would decrease the safeguards effectiveness of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix) contained in any licensee safeguards contingency plan prepared pursuant to §§ 70.22(g), 70.22(j), 73.30(g), or 73.40 of this chapter without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to its license pursuant to § 70.34. The licensee may make changes to the licensee safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain [~~a record of~~] each change to the plan made without prior approval [~~until the Commission terminates the license requiring the plan~~] as a record during the period for which possession of a formula quantity of special nuclear material is authorized under a license and retain the superseded material for three years from the effective date of the change and shall furnish a report containing a description of each change within 60 days after the change is made to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A to Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

\* \* \* \* \*



49. In § 70.42, paragraphs (d)(1), (2), (3), (4), and (5) are revised to read as follows:

§ 70.42 Transfer of special nuclear material.

\* \* \* \* \*

(d) \* \* \*

(1) The transferor may have in his or her possession, and read, a current copy of the transferee's specific license or registration certificate. The transferor shall retain a copy of each license or certificate for [~~five~~] three years from the date that it was obtained.

(2) The transferor may have in its possession a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of special nuclear material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date. The transferor shall retain the written certification as a record for [~~five~~] three years from the date of receipt of the certification;

(3) For emergency shipments the transferor may accept oral certification by the transferee that he or she is authorized by license or registration certificate to receive the type, form, and quantity of special nuclear material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date, provided that the oral certification is confirmed in writing within ten days. The transferor shall retain the written confirmation of the oral certification for [~~five~~] three years from the date of receipt of the confirmation;

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the Commission or the licensing agency of an Agreement State as to the identity of licensees and the scope and expiration dates of licenses and registrations. The transferor shall retain the compilation of information as a record for [~~five~~] three years from the date that it was obtained; or



(5) When none of the methods of verification described in paragraphs (d)(1) to (4) of this section are readily available or when a transferor desires to verify that information received by one of these methods is correct or up-to-date, the transferor may obtain and record confirmation from the Commission or the licensing agency of an Agreement State that the transferee is licensed to receive the special nuclear material. The transferor shall retain the record of confirmation for [~~five~~] three years from the date the record is made.

50. In § 70.51, the following paragraphs are revised to read as follows:

(b)(2), (3), (5), and (6);  
(c);  
the introductory text of (e)(1); and  
(f)(2)(v).

§ 70.51 Material balance, inventory, and records requirements.

\* \* \* \* \*

(b) \* \* \*

(2) Each record that is required by the regulations in this part or by license condition must be maintained and retained for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified by regulation or license condition, the licensee shall retain the record until the Commission terminates each license that authorizes the activity that is subject to the record-keeping requirement.

(3) Each record of receipt, acquisition, or physical inventory of special nuclear material that must be maintained pursuant to paragraph (b)(1) of this section must be retained as long as the licensee retains possession of the material and for [~~five~~] three years following transfer of such material. ~~The licensee shall retain each record of inventory to demonstrate compliance with paragraph (h) of § 70.58 as long as the licensee retains~~

~~possession-of-the-material-and-for-five-three-years-after-transfer-or-disposal  
of-any-material.~~

(4) [Reserved]

(5) Each record of transfer of special nuclear material to other persons must be retained by the licensee who transferred the material until the Commission terminates the license authorizing the licensee's possession of the material. Each record required by paragraph (e)(1)(v) of this section shall be retained for [~~five~~] three years after it is made.

(6) Each record of disposal of special nuclear material must be retained until the Commission terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(c) Each licensee who is authorized to possess at any one time special nuclear material in a quantity exceeding one effective kilogram of special nuclear material shall establish, maintain, and follow written material control and accounting procedures that are sufficient to enable the licensee to account for the special nuclear material in the licensee's possession under license. The licensee shall retain these procedures until the Commission terminates the license that authorizes possession of the material and retain any superseded portion of the procedures for three years after the portion is superseded.

\* \* \* \* \*

(e) \* \* \*

(1) Maintain procedures that include items listed in paragraphs (e)(1)(i), (ii), (iii), (iv), (v), (vi), and (vii) of this section and retain each record required in these paragraphs for [~~five~~] three years after the record is made.

\* \* \* \* \*

(f) \* \* \*

(2) \* \* \*

(v) Documentation in compliance with the requirements of paragraphs (f)(2)(i), (ii), (iii), and (iv) of this section. Each record documenting compliance with these requirements must be retained for three [~~five~~] years after it is made.

\* \* \* \* \*

51. In § 70.57, the introductory text of paragraph (b) and paragraphs (b)(2), (3), (4), (6), (7), (8), (11), and (12) are revised to read as follows:

§ 70.57 Measurement control program for special nuclear materials control and accounting.

\* \* \* \* \*

[(b)---\*---\*---\*]

(b) In accordance with § 70.58(f), each licensee who is authorized to possess at any one time and location strategic special nuclear material, or special nuclear material of moderate strategic significance, in a quantity exceeding one effective kilogram and to use such special nuclear material for activities other than those involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, those involved in a waste disposal operation, or as sealed sources, shall establish and maintain a measurement control program for special nuclear materials control and accounting measurements. Each program function [shall] must be identified and assigned in the licensee organization in accordance with § 70.58(b)(2), and functional organizational relationships [shall] must be set forth in writing in accordance with § 70.58(b)(3). The program [shall] must be described in a manual which [shall-contains] contains the procedures, instructions, and forms prepared to meet the requirements of this paragraph, including procedures for the preparation, review, approval,



and prompt dissemination of any program modifications or changes. The licensee shall retain the current program as a record until the Commission terminates the license authorizing possession of the nuclear materials. The licensee's program shall include the following:

\* \* \* \* \*

(2) Provisions must be made for management reviews to determine the adequacy of the program and to assess the applicability of current procedures and for planned audits to verify conformance with all aspects of the program. These reviews and audits must be performed at intervals not to exceed 12 months. Audits and reviews must be performed by trained individuals independent of direct responsibility for the receipt, custody, utilization, measurement, measurement quality, and shipment of special nuclear material. The results of reviews and audits must be recorded and reported to licensee management. The licensee shall retain each record of a review or an audit for [~~five~~] three years after the record is made.

(3) The licensee shall ensure that any person who contracts to perform materials control and accounting measurement services conforms with applicable requirements of paragraphs (b)(4) through (8) and (10) through (12) of this section. Conformance must include reporting by the contractor of sufficient error data to allow the licensee to calculate bias corrections and measurement limits of error. All statistical studies must be reported or references in the measurement report submitted to the licensee, who shall have access to the contractor's supporting control data. The licensee shall perform reviews to determine the adequacy of the contractor's program and audits to verify conformance with all aspects of the program. Reviews and audits must be performed at intervals not to exceed 12 months. The results of reviews and audits must be documented and reported to licensee management. The licensee shall retain the record of the results of the licensee review and audit of the contractor's program for [~~five~~] three years after the record is made.

(4) In order to ensure that potential sources of sampling error are identified and that samples are representative, process and engineering tests [shall] must be performed using well characterized materials to establish or to verify the applicability of existing procedures for sampling special nuclear materials and for maintaining sample integrity during transport and storage. [The licensee shall record the process or equipment used to maintain sample integrity and shall retain these records for three years after the life of the process or equipment. The Licensee shall record the results of the above process and engineering tests and shall maintain those results as a record for as long as that sampling systems is in use and for three years following the last such use. The program [shall] must ensure that such procedures are maintained and followed, and that sampling is included in the procedures for estimating biases, limits for systematic errors, and random error variances.

\* \* \* \* \*

(6) To ensure the adequacy of each measurement system with respect to process flows, sampling and measurement points, and nominal material compositions, engineering analyses and evaluations must be made of the design, installation, preoperational tests, calibration, and the operation of each system. These analyses and evaluations must be repeated whenever a significant change is made in any component of a system. The licensee shall record the results of these analyses and evaluations and retain these records for three years after the life of the process or equipment.

(7) Procedures and performance criteria must be established for the training, qualifying, and periodic requalifying of all personnel who perform sampling and measurements for materials control and accounting purposes. The licensee shall retain as a record the results of personnel qualification or requalification for three years after the record is made.

(8) The program [shall] must generate current data on the performance of measuring processes, including, as appropriate, values for bias corrections and their uncertainties, random error variances, limits for systematic errors, and other parameters needed to establish the uncertainty of measurements pertaining to materials control and accounting. The program data [shall] must



reflect the current process and measurement conditions existing at the time the control measurements are made. The licensee shall record this data and retain this record for [five] three years after the record is made. Measurements which are not controlled by the program [shall] may not be used for materials control or for accounting purposes. The program shall include:

\* \* \* \* \*

(11)(i) The licensee shall establish and maintain a statistical control system, including control charts and formal statistical procedures, designed to monitor the quality of each type of program measurement. The licensee shall retain a copy of the current statistical control system [and] [~~each change to the system~~] as a record until the Commission terminates each license that authorizes possession of the material that the system affects and shall retain copies of such system documents for previous inventory periods as a record for three years after they are replaced .

(ii) Control chart limits must be established to be equivalent to levels of significance of 0.05 and 0.001. Whenever control data exceed the 0.05 control limits, the licensee shall investigate the condition and take corrective action in a timely manner. The licensee shall record the results of these investigations and actions and retain each record for [five] three years after the record is made. Whenever the control data exceed the 0.001 control limits, the measurement system that generated the data must not be used for material control and accounting purposes until the deficiency has been corrected and the system has been brought into control at the 0.05 control level.

~~(iii)--The licensee shall provide a records system in which all data, information, reports, and documents generated by the measurement control program must be retained for five years, except for those records pertaining to the training and qualification of personnel who perform measurement activities pursuant to §-70-57(b)(7)--Those records must be retained for three years--~~

(12) The licensee shall provide a records system in which all data, information, reports, and documents generated by the measurement control program must be retained for [five] three years. Records [identified in §-70-57(b)(11)(iii)] must include a summary of the error data utilized in the limit of error calculations performed for each material balance period. The records system must



be organized for efficient retrieval of program information. Each reported result must be readily relatable to the original measurement data and to all relevant measurement control information, including pertinent calibration data. Records must be available for NRC inspection.

\* \* \* \* \*

52. In § 70.58, paragraphs (b)(3), (e), (f), (h), and (j) and the introductory text of paragraphs (i) and (k) are revised to read as follows:

§ 70.58 Fundamental nuclear material controls.

\* \* \* \* \*

(b) \* \* \*

(3) Material control and accounting functional and organizational relationships must be set forth in writing in job descriptions, organizational directives, instructions, procedure manuals, etc. This documentation must include position qualification requirements and definitions of authorities, responsibilities, and duties. Delegations of material control and accounting responsibilities and authority must be in writing. The licensee shall retain this documentation as a record until the Commission terminates each license that authorizes the activity that is subject to retention of the documentation, and if any portion of the documentation is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*

(e) A system must be established, maintained, and followed for the measurement of all special nuclear material received, produced, or transferred between MBAs, transferred from MBAs to ICAs, on inventory, or shipped, discarded, or otherwise removed from inventory and for the determination of the limit of error associated with each such measured quantity except for plutonium-beryllium sources; samples that have been determined by other means to contain less than 10 grams U-235, U-233, or plutonium each; and reactor-irradiated fuels involved in research,

development, and evaluation programs in facilities other than irradiated-fuel reprocessing plants. The system must be described in writing and provide for sufficient measurements to substantiate the quantities of element and isotope measured and the associated limits of error. The licensee shall record the required measurements and associated limits of error and shall retain [~~the~~] any record associated with this system for [~~five~~] three years after the record is made.

(f) A program must be established, maintained, and followed pursuant to § 70.57(b) for the continuing determination and control of the systematic and random errors of measurement processes at a level commensurate with the requirements of § 70.51(e)(5). The licensee shall retain each completed record required by the program for [~~five~~] three years after the record is made.

\* \* \* \* \*

(h) A system of storage and internal handling controls must be established, maintained, and followed to provide current knowledge of the identity, quantity, and location of all special nuclear material contained within a plant in discrete items and containers. The licensee shall include procedures as specified in § 70.51(e)(1) and retain any record associated with the procedures for [~~five-years~~] six months after the record is made;

(i) Procedures for special nuclear material scrap control must be established, maintained, and followed to limit the accumulation and the uncertainty of measurement of these materials on inventory. The licensee shall retain a copy of the current procedures as a record until the Commission terminates each license that authorizes the activity that is subject to the retention of procedures and, if any portion of the procedures is superseded, retain the superseded portion for three years after each change. Such procedures must include:

\* \* \* \* \*

(j) Physical inventory procedures must be established, maintained, and followed so that special nuclear material balance and their measurement uncertainties

can be determined on the basis of measurements in compliance with the material balance and inventory requirements and criteria specified in § 70.51. The licensee shall retain a copy of the current procedures as a record until the Commission terminates each license that authorizes the activity that is subject to the retention of procedures and, if any portion of the procedures is superseded, retain the superseded portion for three years after each change.

(k) A system of records and reports must be established, maintained, and followed that will provide information sufficient to locate special nuclear material and to close a measured material balance around each material balance area and the total plant, as specified in § 70.51. As required by § 70.51, the licensee shall retain the records associated with this system for ~~five~~ three years after the records are made. This system shall include:

\* \* \* \* \*

53. In § 70.60, paragraph (a) is revised to read as follows:

§ 70.60 Well-logging operations using sealed sources.

(a) A licensee may perform well-logging operations with a sealed source only after the licensee executes a written agreement with the well owner or operator that, within thirty (30) days after a well-logging source has been classified as irretrievable, the following requirements will be implemented. The licensee shall retain this written agreement as a record for three years after completion of the well-logging operations that are the subject of the agreement.

\* \* \* \* \*

#### PART 71 - PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

54. In § 71.1, the existing paragraph is designated (a) and the section heading is revised and a new paragraph (b) is added to read as follows:

§ 71.1 Communications and records.

(a) \* \* \*



(b) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

55. Section 71.91 is revised to read as follows:

§ 71.91 Records.

(a) Each licensee shall maintain for a period of three years after shipment a record of each shipment of licensed material not exempt under § 71.10, showing, where applicable:

- (1) Identification of the packaging by model number;
- (2) Verification that there are no significant defects in the packaging, as shipped;
- (3) Volume and identification of coolant;
- (4) Type and quantity of licensed material in each package, and the total quantity of each shipment;
- (5) For each item of irradiated fissile material:
  - (i) Identification by model number and/or serial number;
  - (ii) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and
  - (iii) Any abnormal or unusual condition relevant to radiation safety.
- (6) Date of the shipment;
- (7) For Fissile Class III and for Type B packages, any special controls exercised;
- (8) Name and address of the transferee;
- (9) Address to which the shipment was made; and
- (10) Results of the determinations required by § 71.87 and by the conditions of the package approval.

(b) The licensee shall make available to the Commission for inspection, upon reasonable notice, all records required by this part. Records shall be considered valid only if stamped, initialed, or signed and dated by authorized personnel or otherwise authenticated.

(c) Each licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring of work performance and materials analyses; and results of maintenance, modification, and repair. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability and the action taken in connection with any deficiencies noted. The records must be retained for the life of the packaging to which they apply and three years thereafter.

56. In § 71.97, paragraphs (c)(4), (e), and (f)(2) are revised to read as follows:

§ 71.97 Advance notification of shipment of nuclear waste.

\* \* \* \* \*

(c) \* \* \*

(4) The licensee shall retain a copy of the notification as a record for three years.

\* \* \* \* \*

(e) Revision notice. A licensee who finds that schedule information previously furnished to a governor or governor's designee in accordance with this section will not be met, shall telephone a responsible individual in the office of the governor of the State or of the governor's designee and inform that individual of the extent of the delay beyond the schedule

originally reported. The licensee shall maintain a record of the name of the individual contacted for three years.

(f) \* \* \*

(2) The licensee shall state in the notice that it is a cancellation and shall identify the advance notification which is being cancelled. The licensee shall retain a copy of the notice as a record for three years.

57. In § 71.101, paragraph (b) is revised to read as follows:

Subpart H-Quality Assurance

§ 71.101 Quality assurance requirements.

\* \* \* \* \*

(b) Each licensee shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of §§ 71.101 through 71.137 of this subpart and satisfying any specific provisions that are applicable to the licensee's activities, including procurement of packaging. The licensee shall apply each of the applicable criteria in a graded approach, i.e., to an extent that is consistent with its importance to safety.

\* \* \* \* \*

58. In § 71.105, paragraph (a) is revised to read as follows:

§ 71.105 Quality assurance program.

(a) The licensee shall establish, at the earliest practicable time, consistent with the schedule for accomplishing the activities, a quality assurance program that complies with the requirements of §§ 71.101 through 71.137 of this subpart. The licensee shall document the quality assurance



program by written procedures or instructions and shall carry out the program in accordance with those procedures throughout the period during which packaging is used. The licensee shall identify the material and components to be covered by the quality assurance program, the major organizations participating in the program, and the designated functions of these organizations.

\* \* \* \* \*

59. Section 71.135 is revised to read as follows:

§ 71.135 Quality assurance records.

The licensee shall maintain sufficient written records to describe the activities affecting quality. The records must include the instructions, procedures, and drawings required by § 71.111 to prescribe quality assurance activities and must include closely related specifications such as required qualifications of personnel, procedures, and equipment. The records must include the instructions or procedures which establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee shall retain these records for three years beyond the date when the licensee last engages in the activity for which the quality assurance program was developed. If any portion of the written procedures or instructions is superseded, the licensee shall retain the superseded material for three years after it is superseded.

[PART 72 - LICENSING-REQUIREMENTS-FOR-THE-STORAGE-OF-SPENT-FUEL-IN-AN  
INDEPENDENT-SPENT-FUEL-STORAGE-INSTALLATION

60. --IN-§-72.33, paragraph-(e)-is-revised-to-read-as-follows+

§-72.33--License-conditions.

\* \* \* \* \*

~~(e) -- The licensee shall make no change that would decrease the effectiveness of the physical security plan prepared pursuant to § 72.81 of this part without the prior approval of the Commission. -- A licensee desiring to make such a change shall submit an application for an amendment to the license pursuant to § 72.39 of this Part -- . A licensee may make changes to the physical security plan without prior Commission approval, provided that such changes do not decrease the effectiveness of the plan. The licensee shall furnish to the Commission a report containing a description of each change within two months after the change is made, and shall retain records of changes to the a copy of the current plan, made without prior Commission approval, including the most recent changes, during the period for which possession of the material is authorized under the license. for a period of three years from the date of the change.~~

\* \* \* \*

61. In § 72.51, paragraphs (b) and (c) are revised to read as follows:

§ 72.51 Material balance, inventory, and records requirements for stored materials.

\* \* \* \*

(b) Each licensee shall conduct a physical inventory of all spent fuel in storage at intervals not to exceed twelve months unless otherwise directed by the Commission. The licensee shall retain a copy of the current inventory as a record until the Commission terminates the license for the installation, as long as the licensee possesses the material and for three years following disposition of the material.

(c) Each licensee shall establish, maintain, and follow written material control and accounting procedures that are sufficient to enable the licensee to account for the spent fuel in storage. The licensee shall retain a copy of the current material control and accounting procedures until the Commission terminates the license for the installation and all superseded procedures for three years.

\* \* \* \* \*

62. In § 72.55, paragraph (e) is revised to read as follows:

§ 72.55 Other records and reports.

\* \* \* \* \*

(e) Records that are required by the regulations in this part or by the license conditions must be maintained for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified, these records must be maintained until the Commission terminates the [installation] license.

\* \* \* \* \*

63. In § 72.62, paragraph (b) is revised to read as follows:

§ 72.62 Design basis external natural events.

\* \* \* \* \*

(b) Records of the occurrence and severity of those important natural phenomena must be collected for the region and evaluated for reliability, accuracy, and completeness. The licensee shall retain these records until the Commission terminates issues the license for the installation.

\* \* \* \* \*

64. Section 72.81 of Subpart H is revised to read as follows:

#### Subpart H--Physical Protection

§ 72.81 Physical security plan.



The licensee shall establish a plan for detailed security measures for physical protection. The licensee shall retain a copy of the current plan as a record until the Commission terminates the installation license for which the procedures were developed and, if any portion of the plan is superseded, retain the superseded material for three years after each change. Part I must demonstrate how the applicant plans to comply with the applicable requirements of Part 73 of this chapter and during transportation to and from the proposed ISFSI and shall include the design for physical protection and the licensee's safeguards contingency plan and guard training plan. Part II must list tests, inspections, audits, and other means to be used to demonstrate compliance with such requirements.

65. In § 72.83, paragraph (b) is revised to read as follows:

§ 72.83 Safeguards contingency plan.

\* \* \* \* \*

(b) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix G to Part 73 of this chapter for effecting the actions and decisions contained in the Responsibility Matrix of the licensee's safeguards contingency plan. The licensee shall retain a copy of the current procedures as a record until the Commission terminates the installation license for which the procedures were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change.

66. In § 72.84, paragraph (b) is revised to read as follows:

§ 72.84 Change to physical security and safeguards contingency plans.

\* \* \* \* \*

(b) The licensee may, without prior Commission approval, make changes to the physical security plan or the safeguards contingency plan, if the changes do not decrease the safeguards effectiveness of these plans. The licensee shall

retain records of changes to any such plan made without prior approval for a period of three years from the date of the change and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A to Part 73 of this chapter, a report containing a description of each change within two months after the change is made.]

#### PART 73 - PHYSICAL PROTECTION OF PLANTS AND MATERIALS

67. In § 73.24, paragraph (b)(1) is revised to read as follows:

##### § 73.24 Prohibitions.

\* \* \* \* \*

(b) \* \* \*

(1) The licensee shall confirm and log the arrival at the final destination of each individual shipment and retain the log for [~~five~~] three years from the date of the last entry in the log. The licensee shall also schedule shipments to ensure that the total quantity for two or more shipments in transit at the same time does not equal or exceed the formula quantity, or

\* \* \* \* \*

68. In § 73.25, the introductory text to paragraphs (b)(3) and (c)(1) are revised to read as follows:

##### § 73.25 Performance capabilities for physical protection of strategic special nuclear material in transit.

\* \* \* \* \*

(b) \* \* \*

(3) Detect attempts to gain unauthorized access or introduce unauthorized materials into the vicinity of transports by deceit using the following subsystems and subfunctions. The licensee shall retain a copy of the current procedures required in paragraphs (b)(3)(i) and (ii) of this section as a record ~~[until the Commission terminates]~~ for three years after close of [the] period [during which the] licensee possesses [the appropriate type and quantity of] special nuclear material [requiring this record] under each license for which the procedures were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*

(c) \* \* \*

(1) Detect attempts to gain unauthorized entry or introduce unauthorized materials into transports by deceit using the following subsystems and subfunctions. The licensee shall retain a copy of the current procedures required in paragraphs (c)(1)(i) and (ii) of this section as a record ~~[until the Commission terminates]~~ for three [periods] years after close of [the] period [during which the] licensee possesses [the appropriate type and quantity of] special nuclear material [requiring this record] under each license for which the procedures were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*

69. In § 73.26, paragraphs (c)(1)(ii) and (2), the introductory text of paragraph (d)(3), and paragraphs (d)(4) and (e)(1) are revised to read as follows:

§ 73.26 Transportation physical protection systems, subsystems, components, and procedures.

\* \* \* \* \*



(c) \* \* \*

(1) \* \* \*

(ii) The shipment shall be protected at all times within the geographical limits of the United States as provided in this section and §§ 73.25 and 73.27. The licensee shall retain each record required by these sections [until-the Commission-terminates] for three years after close of [the] period [during which-the] licensee possesses [the-appropriate-type-and-quantity-of] special nuclear material [requiring-this-record] under each license authorizing the licensee to ship this material, and superseded material for three years after each change.

(2) A licensee who exports a formula quantity of strategic special nuclear material shall comply with the requirements of this section and §§ 73.25 and 73.27, as applicable, up to the first point where the shipment is taken off the transport outside the United States. The licensee shall retain each record required by these sections [until-the Commission-terminates] for [the] three years after close of period [during-which-the] licensee possesses [the-appropriate-type-and-quantity-of] special nuclear material [requiring-this-record] under each license authorizing the licensee to export this material, and superseded material for three years after each change.

(d) \* \* \*

(3) The licensee or the licensee's agent shall establish, maintain, and follow a written management system to provide for the development, revision, implementation, and enforcement of transportation physical protection procedures. The licensee or the agent shall retain as a record the current management system [until-the Commission-terminates] for [the] three years after close of period [during-which-the] licensee possesses [the-appropriate-type-and-quantity-of] special nuclear material [requiring-this-record] under the license for which the system was developed and, if any portion of the system is superseded, retain the superseded material for three years after each change. The system shall include:

\* \* \* \* \*

(4) Neither the licensee nor the licensee's agent shall permit an individual to act as an escort or other security organization member unless the individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with Appendix B, of this part, "General Criteria for Security Personnel." Upon the request of an authorized representative of the Commission, the licensee or the agent shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities. Armed escorts shall requalify in accordance with Appendix B to this part at least every 12 months. Each requalification must be documented. The licensee or the agent shall retain ~~[this]~~ documentation of the initial qualification for the term of employment and ~~[deco]~~documentation of each requalification as a record for three years ~~[after]~~ from the date of the requalification.

\* \* \* \* \*

(e) Contingency and Response Plans and Procedures. (1) The licensee or the licensee's agent shall establish, maintain, and follow a written safeguards contingency plan for dealing with threats, thefts, and radiological sabotage related to strategic special nuclear material in transit subject to the provisions of this section. This safeguards contingency plan must be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plan." The licensee or the agent shall retain the contingency plan ~~[and each change-to-the-plan]~~ as a record for three years after close of period licensee possesses special nuclear material under each ~~[until]~~ ~~[the Commission terminates each]~~ ~~[the]~~ license for which the plan is used ~~[expires or is revoked]~~ and superseded material for three years after each change.

\* \* \* \* \*

70. In § 73.37, paragraphs (b)(2), (b)(5), and the introductory text of paragraph (b)(3) are revised to read as follows:

§ 73.37 Requirements for physical protection of irradiated reactor fuel in transit.

\* \* \* \* \*

(b) \* \* \*

(2) Include and retain a copy of current procedures for coping with circumstances that threaten deliberate damage to a spent fuel shipment and with other safeguards emergencies as a record ~~[until-the]~~ ~~[Commission-terminates-each]~~ for three years after close of period licensee possesses special nuclear material under each license for which the procedures were developed ~~[expires-or-is-revoked]~~ and, if any portion of the procedures is superseded, retain the superseded material for three years after each change.

(3) Include instructions for each escort and retain a copy of the current instructions as a record ~~[until-the]~~ ~~[Commission-terminates-each]~~ for three years after close of period licensee possesses special nuclear material under each license that authorizes the activity that requires the instruction ~~[expires-or-is-revoked]~~ and retain any superseded material for three years after each change. The instructions must direct that, upon detection of the abnormal presence of unauthorized persons, vehicles, or vessels in the vicinity of a spent fuel shipment or upon detection of a deliberately induced situation that has the potential for damaging a spent fuel shipment, the escort will:

\* \* \* \* \*

(5) Provide for maintenance of a written log by the escorts and communications center personnel for each spent fuel shipment, which will include information describing the shipment and significant events that occur during the shipment, and will be available for review by authorized NRC personnel for a period of at least three years following completion of the shipment.

\* \* \* \* \*

71. In § 73.40, paragraphs (b), (c)(2), and (d) are revised to read as follows:

§ 73.40 Physical protection: General requirements at fixed sites.

\* \* \* \* \*



(b) Each licensee subject to the requirements of §§ 73.20, 73.45, 73.46, 73.50, 73.55, or § 73.60 shall prepare a safeguards contingency plan in accordance with the criteria set forth in Appendix C to this part. The licensee shall retain the current plan as a record until the Commission terminates the license for which the plan was developed and, if any portion of the plan is superseded, retain the superseded material for three years after each change. The safeguards contingency plan shall include plans for dealing with threats, thefts, and industrial sabotage relating to nuclear facilities licensed under Part 50 or to the possession of special nuclear material licensed under Part 70 of this chapter. Each licensee subject to the requirements of this paragraph shall submit to the Commission for approval the first four categories of information contained in the safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to this part, are Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.)<sup>1</sup> The plan shall become effective and be followed by the licensee 30 days after approval by the Commission.

(c) \* \* \*

(2) Detailed procedures developed according to Appendix C to this part available at the licensee's site. The licensee shall retain a copy of the current procedures as a record until the Commission terminates the license for which the procedures were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change, and

---

<sup>1</sup>Licensees subject to § 73.55 may modify their physical security plans to incorporate contingency plan information specified in Appendix C to this part. A physical security plan that contains all the information required in both § 73.55 and Appendix C to Part 73 satisfies the requirement for a contingency plan.

\* \* \* \*

(d) The licensee shall provide for the implementation, revision, and maintenance of this safeguards contingency plan. To this end, the licensee shall provide for a review at least every twelve months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall include a review and audit of safeguards contingency procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards system along with commitments established for response by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of three years from the date of the review or audit.

72. In § 73.46, paragraphs (b)(3)(i), (b)(4), (d)(3), (d)(10), (d)(13), (h)(1), and (h)(2) are revised to read as follows:

§ 73.46 Fixed site physical protection systems, subsystems, components, and procedures.

\* \* \* \*

(b) \* \* \*

(3) \* \* \*

(i) Written security procedures that document the structure of the security organization and detail the duties of guards, watchmen, and other individuals responsible for security. The licensee shall retain a copy of the current procedures as a record until the Commission terminates the license for which they were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change;

\* \* \* \* \*

(4) The licensee shall not permit an individual to act as a guard, watchman, armed response person, or other member of the security organization unless the individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with Appendix B to this part "General Criteria for Security Personnel." Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability of the physical security personnel, whether licensee or contractor employees, to carry out their assigned duties and responsibilities. Each guard, watchman, armed response person, or other member of the security organization, whether a licensee or contractor employee, shall requalify in accordance with Appendix B to this part at least every 12 months. This requalification shall be documented. The licensee shall retain the documentation of each requalification as a record for three years after the requalification.

\* \* \* \* \*

(d) \* \* \*

(3) The licensee shall establish and follow written procedures that will permit access control personnel to identify those vehicles that are authorized and those materials that are not authorized entry to protected, material access, and vital areas. The licensee shall retain a copy of the current procedures as a record until the Commission terminates each license for which the procedures were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*

(10) Before exiting from a material access area, containers of contaminated wastes shall be drum scanned and tamper sealed by at least two individuals, working and recording their findings as a team, who do not have



access to material processing and storage areas. The licensee shall retain the records of these findings for three years after the record is made.

\* \* \* \* \*

(13) Individuals not permitted by the licensee to enter protected areas without escort shall be escorted by a watchman or other individual designated by the licensee while in a protected area and shall be banded to indicate that an escort is required. In addition, the individual shall be required to register his or her name, date, time, purpose of visit and employment affiliation, citizenship, and name of the individual to be visited in a log. The licensee shall retain each log as a record for [~~five~~] three years after the last entry is made in the log.

\* \* \* \* \*

(h) \* \* \*

(1) The licensee shall have a safeguards contingency plan for dealing with threats, thefts, and radiological sabotage related to the strategic special nuclear material and nuclear facilities subject to the provisions of this section. Safeguards contingency plans must be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans." Contingency plans must include, but need not be limited to, the response requirements in paragraphs (h)(2) through (h)(5) of this section. The licensee shall retain a copy of the current safeguards contingency plan as a record until the Commission terminates the license and, if any portion of the plan is superseded, retain the superseded material for three years after each change.

(2) The licensee shall establish and document response arrangements that have been made with local law enforcement authorities. The licensee shall retain documentation of the current arrangements as a record until the Commission terminates each license requiring the arrangements and, if any arrangement is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*

73. In § 73.50, paragraphs (a)(3) and (4), (c)(5), and (g)(1) and (2) are revised to read as follows:

§ 73.50 Requirements for physical protection of licensed activities.

\* \* \* \* \*

(a) \* \* \*

(3) The licensee shall establish, maintain, and follow written security procedures that document the structure of the security organization and detail the duties of guards, watchmen, and other individuals responsible for security. The licensee shall retain a copy of the current procedures as a record until the Commission terminates each license for which the procedures were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change.

(4) The licensee shall not permit an individual to act as a guard, watchman, armed response person, or other member of the security organization unless the individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with Appendix B, "General Criteria for Security Personnel," to this part. Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities. Each guard, watchman, armed response person, and other member of the security organization shall requalify in accordance with Appendix B to this part at least every 12 months. This requalification must be documented. The licensee shall retain the documentation of each requalification as a record for three years after the requalification.

\* \* \* \* \*

(c) \* \* \*

(5) Individuals not employed by the licensee must be escorted by a watchman, or other individual designated by the licensee, while in a protected area and must be badged to indicate that an escort is required. In addition, the licensee shall require that each individual not employed by the licensee register his or her name, date, time, purpose of visit, employment affiliation, citizenship, name and badge number of the escort, and name of the individual to be visited. The licensee shall retain the register of information for three years after the last entry is made in the register. Except for a driver of a delivery or service vehicle, an individual not employed by the licensee who requires frequent and extended access to a protected area or a vital area need not be escorted if the individual is provided with a picture badge, which the individual must receive upon entrance into the protected area and return each time he or she leaves the protected area, that indicates (i) nonemployee-no escort required, (ii) areas to which access is authorized, and (iii) the period for which access has been authorized.

\* \* \* \* \*

(g) Response requirement. (1) The licensee shall have a safeguards contingency plan for dealing with threats, thefts, and industrial sabotage related to the special nuclear material and nuclear facilities subject to the provisions of this section. Safeguards contingency plans must be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans." The licensee shall retain a copy of the plan and each change to the plan as a record until the Commission terminates each license for which the plan was developed and retain the superseded materials for three years after each change.

(2) The licensee shall establish and document liaison with law enforcement authorities. The licensee shall retain the documentation of the current liaison as a record until the Commission terminates each license for which the liaison was developed and, if any portion of the liaison documentation is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*



74. In § 73.55, paragraphs (b)(1) and (3)(i) and (ii) and (4), (d)(6), and (h)(2) are revised to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

\* \* \* \*

(b) Physical Security Organization. (1) The licensee shall establish a security organization, including guards, to protect his facility against radiological sabotage. If a contract guard force is utilized for site security, the licensee's written agreement with the contractor that must be retained by the licensee as a record for the duration of the contract will clearly show that (i) the licensee is responsible to the Commission for maintaining safeguards in accordance with Commission regulations and the licensee's security plan, (ii) the NRC may inspect, copy, and take away copies of all reports and documents required to be kept by Commission regulations, orders, or applicable license conditions whether such reports and documents are kept by the licensee or the contractor, (iii) the requirement in paragraph (b)(4) of this section that the licensee demonstrate the ability of physical security personnel to perform their assigned duties and responsibilities, includes demonstration of the ability of the contractor's physical security personnel to perform their assigned duties and responsibilities in carrying out the provisions of the Security Plan and these regulations, and (iv) the contractor will not assign any personnel to the site who have not first been made aware of these responsibilities.

\* \* \* \*

(3) \* \* \*

(i) Written security procedures that document the structure of the security organization and detail the duties of guards, watchmen, and other individuals responsible for security. The licensee shall maintain

a copy of the current procedures as a record until the Commission terminates each license for which the procedures were developed and, if any portion of the procedure is superseded, retain the superseded material for three years after each change.

(ii) Provision for written approval of these procedures and any revisions thereto by the individual with overall responsibility for the security functions. The licensee shall retain each written approval as a record for three years from the date of the approval.

(4)(i) The licensee shall not permit an individual to act as a guard, watchman, armed response person, or other member of the security organization unless the individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with Appendix B, "General Criteria for Security Personnel," to this part. Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities. Each guard, watchman, armed response person, and other member of the security organization shall requalify in accordance with Appendix B to this part at least every 12 months. This requalification shall be documented. The licensee shall retain the documentation of each requalification as a record for three years after the requalification.

(ii) Each licensee shall submit a training and qualifications plan outlining the processes by which guards, watchmen, armed response persons, and other members of the security organization will be selected, trained, equipped, tested, and qualified to ensure that these individuals meet the requirements of this paragraph. The licensee shall maintain a current copy of the training and qualifications plan as a record until the Commission terminates each license for which the plan was developed and, if any portion of the plan is superseded, retain the material that is superseded for three years after each change. The training and qualifications plan must include a schedule to show how all security personnel will be qualified two years after the submitted plan is approved. The training and qualifications plan must be followed by the licensee 60 days after the submitted plan is approved by the NRC.

\* \* \* \* \*

(d) \* \* \*

(6) Individuals not authorized by the licensee to enter protected areas without escort shall be escorted by a watchman or other individual designated by the licensee while in a protected area and shall be badged to indicate that an escort is required. In addition, the licensee shall require that each individual register his or her name, date, time, purpose of visit, employment affiliation, citizenship, and name of the individual to be visited. The licensee shall retain the register of information for three years after the last entry in the register.

\* \* \* \* \*

(h) \* \* \*

(2) The licensee shall establish and document liaison with local law enforcement authorities. The licensee shall retain documentation of the current liaison as a record until the Commission terminates each license for which the liaison was developed and, if any portion of the liaison documentation is superseded, retain the superseded material for three years after each change.

\* \* \* \* \*

75. In § 73.67, the following paragraphs are revised to read as follows:

- (c)(1);
- (d)(5) and (11);
- (e)(3)(iv), (e)(5), and (e)(6)(i), and the introductory text to (e)(4);
- (f)(4); and
- (g)(3)(i), (g)(4), and (g)(5)(i).



§ 73.67 Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance.

\* \* \* \*

(c) \* \* \*

(1) Submit a security plan or an amended security plan describing how the licensee will comply with all the requirements of paragraphs (d), (e), (f), and (g) of this section, as appropriate, including schedules of implementation. The licensee shall retain a copy of the effective security plan ~~[and each change to the plan]~~ as a record ~~[until the Commission terminates each license]~~ for [the] three years after close of period [during which the] licensee possesses [the appropriate type and quantity of] special nuclear material [requiring this record] under each license for which the original plan was submitted. Copies of superseded material shall be retained for three years after each change.

\* \* \* \*

(d) \* \* \*

(5) develop and maintain a written controlled badging and lock system to identify and limit access to the controlled access areas to authorized individuals. The licensee shall retain a record of the effective system [as a record until the Commission terminates each license for which the system was developed and, if any portion of the system is superseded,] for the period during which the licensee possesses the appropriate type and quantity of special nuclear material requiring this record under each license for which the original system was developed, and for three years thereafter. Copies of [retain the] superseded material shall be retained for three years after each change.

\* \* \* \*

(11) establish and maintain written response procedures for dealing with threats of thefts or thefts of these materials. The licensee shall retain a copy of

the response procedures as a record ~~[until the Commission terminates each]~~  
for the period during which the licensee possesses the appropriate type and  
quantity of special nuclear material requiring this record under each license  
for which ~~[they were]~~ the original procedures were developed and, [if any portion]  
for three years thereafter. Copies of [the procedures is superseded; retain  
the] superseded material shall be retained for three years after each change.

(e) \* \* \*

(3) \* \* \*

(iv) establish and maintain written response procedures for dealing with  
threats of thefts or thefts of such material. The licensee shall retain  
a copy of the current response procedures as a record ~~[until the Commission~~  
~~terminates each license]~~ for three years after close of [the] period [during  
which the] licensee possesses [the appropriate type and quantity of] special  
nuclear material [requiring this record] under each license for which [they]  
the original procedures were developed and [if any portion of the procedures  
is superseded; retain the] copies of superseded material shall be retained for  
three years after each change.

\* \* \* \* \*

(4) Each licensee who arranges the physical protection of strategic special  
nuclear material in quantities of moderate strategic significance while in  
transit or who takes delivery of this material free on board (f.o.b.) the point  
at which it is delivered to a carrier for transport shall comply with the  
requirements of paragraphs (e)(1), (2), and (3) of this section. The licensee  
shall retain each record required by paragraphs (e)(1), (2), (3), and (4)(i)  
and (ii) of this section ~~[until the Commission terminates each license]~~ for  
[the] three years after close of period [during which the licensee possesses  
[the appropriate type and quantity of] special nuclear material [requiring this  
record] under each license that authorizes these licensee activities. Copies of  
superseded material shall be retained for three years after each change. In  
addition, the licensee shall --

\* \* \* \* \*

(5) Each licensee who exports special nuclear material of moderate strategic significance shall comply with the requirements specified in paragraphs (c) and (e)(1), (3), and (4) of this section. The licensee shall retain each record required by these sections for [the] three years after close of period [during which-the] licensee possesses [the-appropriate-type-and-quantity-of] special nuclear material [requiring-this-record] under each license [until-the Commission-terminates-each-license] that authorizes the licensee to export this material[;]. [c]Copies of superseded material shall be retained for three years after each change.

(6) Each licensee who imports special nuclear material of moderate strategic significance shall --

(i) Comply with the requirements specified in paragraphs (c) and (e)(2), (3), and (4) of this section. The licensee shall retain each record required by these sections [until-the-Commission-terminates-each-license] for [the] three years after close of period [during-which-the] licensee possesses [the-appropriate-type-and-quantity-of] special nuclear material [requiring this-record] under each license that authorizes the licensee to import this material. Copies of superseded material shall be retained for three years after each change.

\* \* \* \* \*

(f) \* \* \*

(4) establish and maintain response procedures for dealing with threats of thefts or thefts of this material. The licensee shall retain a copy of the current response procedures as a record [until-the-Commission terminates-each-license] for [the] three years after close of period [during which-the] licensee possesses [the-appropriate-type-and-quantity-of] special nuclear material [requiring-this-record] under each license for which the procedures were established. [and;-if-any-portion-of-the-response-procedures is-superseded;-retain-the] Copies of superseded material shall be retained for three years after each change.

(g) \* \* \*



(3) \* \* \*

(i) establish and maintain response procedures for dealing with threats or thefts of this material. The licensee shall retain a copy of the current response procedures as a record ~~[until-the-commission-terminates-each-license]~~ for [the] three years after close of period [during-which-the] licensee possesses ~~[the-appropriate-type-and-quantity-of]~~ special nuclear material [requiring-this-record] under each license for which the procedures were established. ~~[and, if any portion of the procedures is superseded, retain the]~~ Copies of superseded material shall be retained for three years after each change.

\* \* \* \* \*

(4) Each licensee who exports special nuclear material of low strategic significance shall comply with the appropriate requirements specified in paragraphs (c) and (g)(1) and (3) of this section. The licensee shall retain each record required by these sections ~~[until-the-commission-terminates-each-license]~~ for [the] three years after close of period [during-which-the] licensee possesses ~~[the-appropriate-type-and-quantity-of]~~ special nuclear material [requiring-this-record] under each license that authorizes the licensee to export this material. Copies of superseded material shall be retained for three years after each change.

(5) \* \* \*

(i) comply with the requirements specified in paragraphs (c) and (g)(2) and (3) of this section and retain each record required by these paragraphs ~~[until-the-commission-terminates-each-license]~~ for [the] three years after close of period [during-which-the] licensee possesses ~~[the-appropriate-type-and-quantity-of]~~ special nuclear material [requiring-this-record] under each license that authorizes the licensee to import this material. Copies of superseded material shall be retained for three years after each change.

\* \* \* \* \*

76. Section 73.70 is revised to read as follows:

§ 73.70 Records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. Each licensee subject to the provisions of §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.55, or 73.60 shall keep the following records:

(a) Names and addresses of all individuals who have been designated as authorized individuals. The licensee shall retain this record of currently designated authorized individuals ~~[until-the-commission-terminates]~~ for the period during which the licensee possesses the appropriate type and quantity of special nuclear material requiring this record under each license that authorizes the activity that is subject to the recordkeeping requirement and, [if-any-portion-of-the-record-is-superseded;-retain-the] for three years thereafter. Copies of superseded material shall be retained for three years after each change.

(b) Names, addresses, and badge numbers of all individuals authorized to have access to vital equipment or special nuclear material, and the vital areas and material access areas to which authorization is granted. The licensee shall retain the record of individuals currently authorized this access ~~[until-the-commission-terminates]~~ for the period during which the licensee possesses the appropriate type and quantity of special nuclear material requiring this record under each license that authorizes the activity that is subject to the recordkeeping requirement and, for three years thereafter. [if-any-portion-of-the-record-is-superseded;-retain-the] Copies of superseded material [for] shall be retained for three years after each change.

(c) A register of visitors, vendors, and other individuals not employed by the licensee pursuant to §§ 73.46(d)(1), 73.55(d)(6), or §73.60. The licensee shall retain this register as a record for three years after the last entry is made in the register.

(d) A log indicating name, badge number, time of entry, reason for entry, and time of exit of all individuals granted access to a normally unoccupied vital area. The licensee shall retain this log as a record for three years after the last entry is made in the log.

(e) Documentation of all routine security tours and inspections, and of all tests, inspections, and maintenance performed on physical barriers, intrusion alarms, communications equipment, and other security related equipment used pursuant to the requirements of this part. The licensee shall retain the documentation for these events for three years from the date of documenting each event.

(f) A record at each onsite alarm annunciation location of each alarm, false alarm, alarm check, and tamper indication that identifies the type of alarm, location, alarm circuit, date, and time. In addition, details of response by facility guards and watchmen to each alarm, intrusion, or other security incident shall be recorded. The licensee shall retain each record for three years after the record is made.

(g) Shipments of special nuclear material subject to the requirements of this part, including names of carriers, major roads to be used, flight numbers in the case of air shipments, dates and expected times of departure and arrival of shipments, verification of communication equipment on board the transfer vehicle, names of individuals who are to communicate with the transport vehicle, container seal descriptions and identification, and any other information to confirm the means utilized to comply with §§ 73.25, 73.26, and 73.27. This information must be recorded prior to shipment. Information obtained during the course of the shipment such as reports of all communications, change of shipping plan, including monitor changes, trace investigations, and others must also be recorded. The licensee shall retain each record about a shipment required by this paragraph (g) for three years after the record is made.

(h) Procedures for controlling access to protected areas and for controlling access to keys for locks used to protect special nuclear material. The licensee shall retain a copy of the current procedures as a record until the Commission terminates each license for which the procedures were developed and, if any



portion of the procedure is superseded, retain the superseded material for three years after each change.

[75--IN-§-73.71, paragraph-(e)-is-revised-to-read-as-follows:-

§-73.71--Reports-of-unaccounted-for-shipments, suspected-thefts, unlawful diversion, radiological-sabotage, or-events-which-significantly threaten-or-lessen-the-effectiveness-of-safeguards.

\*-----\*-----\*-----\*-----\*

(e)--Each- licensee-under-either-a-specific-or-general-license-shall notify-the-NRG-Operations-Center-via-the-Emergency-Notification-System as-soon-as-possible, and-in-all-cases-within-one-hour, of-any-event-that significantly-threatens-or-lessens-the-effectiveness-of-a-physical security-system-as-established-by-regulations-in-this-chapter, or-by-the licensee's-approved-physical-security, contingency, and-security-personnel-qualification-and-training-plans, or-by-both.--If-the-Emergency Notification-System-is-inoperative-or-unavailable, the- licensee-shall make-the-required-notifications-via-commercial-telephone-service, other dedicated-telephone-systems, or-any-other-method-that-will-ensure-a report-being-made-promptly-to-the-NRG-Operations-Center.--This-notification-must-be-made-within-the-time-period-specified-below.--The-time period-begins-upon-discovery-of-the-event-by-any-member-of-the-security organization-or-any-other-employee-of-the- licensee.--The- licensee-shall submit-a-written-report-to-the-appropriate-NRG-Regional-Office, listed in-Appendix-A-to-this-part, describing-the-event-in-detail-within-five days-of-the-time-of-discovery.--A-copy-of-this-written-report-must-be sent-to-the-Director-of-Inspection-and-Enforcement, U.S.-Nuclear-Regulatory-Commission, Washington, D.C.-20555.--This-notification-and-these reports-satisfy-both-the-notification-requirements-of-Part-21-of-this chapter, if-the-event-is-also-reportable-under-Part-21, and-§-50.72(a)(4) of-this-chapter, if-applicable.--A-separate-log-must-be-maintained-to record-events-reportable-under-this-section.--Licensees-need-not-report any-event-that-is-designated-as-not-reportable-in-their-security-or contingency-plans.--The- licensee-shall-retain-the-log-of-events-reported

under this section as a record for three years after the last entry is made  
in each log.

\*-----\*-----\*-----\*-----\*]

77. In Appendix B to Part 73, Section I.C, E, and F and II.A, B, C, and E, and the introductory text to Section IV are revised to read as follows:

## APPENDIX B - GENERAL CRITERIA FOR SECURITY PERSONNEL

\* \* \* \* \*

### Criteria

I. \* \* \*

C. Physical fitness qualifications--Subject to a medical examination conducted within the preceding 30 days and to a determination and written certification by a licensed physician that there are no medical contraindications to participation by the individual as disclosed by the medical examination, guards, armed response personnel, and armed escorts shall demonstrate physical fitness for assigned security job duties by performing a practical physical exercise program within a specific time period. The exercise program performance objectives must be described in the licensee training and qualifications plan and must consider such job-related functions as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations. The physical fitness qualification of each guard, armed response person, and armed escort must be documented and attested by a licensee security supervisor. The licensee shall retain this documentation as a record for three years from the date of each qualification.

\* \* \* \* \*

E. Physical requalification--At least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b of this section, and guards, armed response personnel, and armed escorts shall be required to meet the physical requirements of paragraphs B.1.b (1) and (2), and C of this section. The licensee shall document



each individual's physical requalification and shall retain this documentation of requalification as a record for three years from the date of each requalification.

F. Documentation--The results of suitability, physical, and mental qualifications data and test results must be documented by the licensee or the licensee's agent. The licensee or the agent shall retain this documentation as a record for three years from the date of obtaining and recording these results.

\* \* \* \* \*

## II. Training and Qualifications.

A. Training requirements--Each individual who requires training to perform assigned security-related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or the licensee's agent's documented training and qualifications plan. The licensee or the agent shall maintain documentation of the current plan and retain this documentation of the plan as a record ~~[until the Commission terminates each license]~~ for [the] three years after close of period [during which the] licensee possesses [the appropriate type and quantity of] special nuclear material [requiring this record] under each license for which the plan was developed and, if any portion of the plan is superseded, retain the material that is superseded for three years after each change.

B. Qualification requirements--Each person who performs security-related job tasks or job duties required to implement the licensee physical security or contingency plan shall, prior to being assigned to these tasks or duties, be qualified in accordance with the licensee's NRC-approved training and qualifications plan. The qualifications of each individual must be documented and attested by a licensee security supervisor. The licensee shall retain this

each individual's physical requalification and shall retain this documentation of requalification as a record for three years from the date of each requalification.

F. Documentation--The results of suitability, physical, and mental qualifications data and test results must be documented by the licensee or the licensee's agent. The licensee or the agent shall retain this documentation as a record for three years from the date of obtaining and recording these results.

\* \* \* \* \*

## II. Training and Qualifications.

A. Training requirements--Each individual who requires training to perform assigned security-related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or the licensee's agent's documented training and qualifications plan. The licensee or the agent shall maintain documentation of the current plan and retain this documentation of the plan as a record ~~[until the Commission terminates each license]~~ for [the] three years after close of period [during which the] licensee possesses [the appropriate type and quantity of] special nuclear material [requiring this record] under each license for which the plan was developed and, if any portion of the plan is superseded, retain the material that is superseded for three years after each change.

B. Qualification requirements--Each person who performs security-related job tasks or job duties required to implement the licensee physical security or contingency plan shall, prior to being assigned to these tasks or duties, be qualified in accordance with the licensee's NRC-approved training and qualifications plan. The qualifications of each individual must be documented and attested by a licensee security supervisor. The licensee shall retain this



documentation of each individual's qualifications as a record ~~[as-long-as]~~ for three years after the [individual] employee ends [is-employed-in] employment in the security-related capacity and for [the] three years after close of period [during-which-the] licensee possesses [the-appropriate-type-and-quantity of] special nuclear material [requiring-this-record] under each license, and superseded material for three years after each change.

C. Contract personnel--Contract personnel shall be trained, equipped, and qualified as appropriate to their assigned security-related job tasks or job duties, in accordance with sections II, III, IV, and V of this appendix. The qualifications of each individual must be documented and attested by a licensee security supervisor. The licensee shall retain this documentation of each individual's qualifications as a record ~~[as-long-as-the-individual-is-employed in]~~ for three years after the employee ends employment in the security-related capacity and for [the] three years after close of period [during-which-the] licensee possesses [the-appropriate-type-and-quantity-of] special nuclear material [requiring-this-record] under each license, and superseded material for three years after each change.

\* \* \* \* \*

E. Requalification--Security personnel shall be requalified at least every 12 months to perform assigned security-related job tasks and duties for both normal and contingency operations. Requalification shall be in accordance with the NRC-approved licensee training and qualifications plan. The results of requalification must be documented and attested by a licensee security supervisor. The licensee shall retain this documentation of each individual's requalification as a record for three years from the date of each requalification.

\* \* \* \* \*



#### IV. Weapons Qualification and Requalification Program.

Qualification firing for the handgun and the rifle must be for daylight firing, and each individual shall perform night firing for familiarization with assigned weapon(s). The results of weapons qualification and requalification must be documented by the licensee or the licensee's agent. Each individual shall be requalified at least every 12 months. The licensee shall retain this documentation of each qualification and requalification as a record for three years from the date of the qualification or requalification, as appropriate.

\* \* \* \* \*

#### PART 74 - MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

78. In § 74.31, the introductory text of paragraph (a) and paragraphs (c)(1), (2), (5), (6), (7), and (8) and paragraph (d) are revised to read as follows:

§ 74.31 Nuclear material control and accounting for special nuclear material of low strategic significance.

(a) General performance objectives. Each licensee who is authorized to possess and use more than one effective kilogram of special nuclear material of low strategic significance, excluding sealed sources, at any site or contiguous sites subject to control by the licensee, other than a production or utilization facility licensed pursuant to Part 50 of this chapter, or operations involved in waste disposal, shall implement and maintain a Commission-approved material control and accounting system that will achieve the following objectives. The licensee shall retain the current Commission-approved system until the Commission terminates each license to possess this material.

\* \* \* \* \*

(c) \* \* \*

(1) Establish, document, and maintain a management structure which ensures clear overall responsibility for material control and accounting functions, independence from production responsibilities, separation of key responsibilities, and adequate review and use of critical material control and accounting procedures. The licensee shall retain this documentation of the current management structure until the Commission terminates each license to possess this material;

(2) Establish and maintain a measurement system which ensures that all quantities in the material accounting records are based on measured values. The licensee shall retain a copy of a description of the current measurement system until the Commission terminates each license to possess this material;

\* \* \* \* \*

(5) Unless otherwise required to satisfy Part 75 of this chapter, perform a physical inventory at least every 12 months and, within 60 days after the start of the inventory, reconcile and adjust the book inventory to the results of the physical inventory, and resolve or report an inability to resolve any inventory difference which is rejected by a statistical test that has a 90 percent power of detecting a discrepancy of a quantity of uranium-235 established by NRC on a site-specific basis. The licensee shall record the results of each physical inventory and retain this record for three years after the record is made. The licensee shall also record the source data for resolving any inventory difference and retain this record for ~~one-year~~ three years after the required 60-day reporting date;

(6) Maintain current knowledge of items when the sum of the time of existence of an item, the time to make a record of the item, and the time necessary to locate the item exceeds 14 days. Store and handle, or subsequently measure, items in a manner so that unauthorized removals of substantial quantities of material from items will be detected. Exempted are items individually containing less than 500 grams of U<sup>235</sup> up to a total of 50 kilograms of U<sup>235</sup>, solutions with a concentration of less than 5 grams of U<sup>235</sup> per liter, and items of waste destined for burial or incineration. The licensee shall

record evidence of its current knowledge of these items and retain this record for ~~[one-year]~~ three years after the record is made;

(7) Resolve, on a shipment basis, and when required to satisfy Part 75 of this chapter, on a batch basis, shipper/receiver differences that exceed both twice the combined measurement standard error for that shipment and 500 grams of U<sup>235</sup>. The licensee shall record these excessive shipper-receiver differences and retain this record for ~~[one-year]~~ three years after the record is made; and

(8) Independently assess the effectiveness of the material control and accounting system at least every 24 months, and document management's action on prior assessment recommendations. The licensee shall retain this documentation of management's action as a record for three years after the record is made.

(d) Each licensee shall maintain and retain records as required by paragraph (c) of this section unless a longer retention time is required by Part 75 of this chapter.

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

79. The heading for § 75.6 is revised and a new paragraph (e) is added to read as follows:

§ 75.6 Maintenance of records and delivery of information, reports, and other communications.

\* \* \* \* \*

(e) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.



80. In § 75.12, paragraphs (b)(1) and (4) are revised to read as follows:

§ 75.12 Communication of information to IAEA.

\* \* \* \* \*

(b)(1) A licensee may request that information of particular sensitivity, which it customarily holds in confidence, not be transmitted physically to the IAEA. A licensee who makes such a request should, at the time the information is submitted, identify the pertinent document or part thereof and make a full statement of the reasons supporting the request. The licensee shall retain a copy of the request and all documents related to the request as a record until the Commission terminates the license for each installation involved with the request or until the Commission notifies the licensee that the licensee is no longer under the agreement, and superseded material shall be retained for three years after each change is made.

\* \* \* \* \*

(4) If a request is granted, the Commission will determine a location where the information will remain readily available for examination by the IAEA and will so inform the licensee. The licensee shall retain this information as a record until the Commission terminates the license for the installation involved with the request or until the Commission notifies the licensee that the licensee is no longer under the agreement, and superseded material shall be retained for three years after each change is made.

\* \* \* \* \*

81. In § 75.21, paragraph (a) is revised to read as follows:

§ 75.21 General requirements.

(a) Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall establish,

maintain, and follow written material accounting and control procedures. The licensee shall retain as a record current material [and] accounting and control procedures [~~and-superseded-records for-[five]-three-years-after-each-change-or~~ until the Commission terminates the license for the installation involved with the request or until the Commission notifies the licensee that the licensee is no longer under the agreement, and superseded material shall be retained for three years after each change is made.

\* \* \* \* \*

PART 95 - SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL  
SECURITY INFORMATION AND RESTRICTED DATA

82. Section 95.11 is revised to read as follows:

§ 95.11 Specific exemptions.

The Commission may, upon application of any interested party, grant an exemption from the requirements of Part 95. Exemptions will be granted only if they are authorized by law and will not constitute an undue risk to the common defense and security. The licensee shall retain the documentation related to the request, notification, and processing of an exemption for three years beyond the period covered by the exemption.

83. Section 95.13 is revised to read as follows:

§ 95.13 Records maintenance.

(a) Each licensee or organization granted security facility approval under this part shall maintain such records as prescribed within the part. These records shall be subject to review and inspection by NRC representatives during security surveys.

(b) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that they copy or microform is

authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

84. In § 95.25, paragraphs (a)(3), (c)(1), [(d);-(g)(1);] and (h) are revised to read as follows:

§ 95.25 Protection of national security information and restricted data in storage.

\* \* \* \* \*

(a) \* \* \*

(3) When protective personnel are used, physical checks of security containers must be made as soon as possible after the close of each normal workday and at least once every eight hours thereafter during non-working hours. The licensee shall record the results of these checks and retain each record for three years after it is made.

\* \* \* \* \*

[(c)-Classified-lock-combinations:]

[(1)-The-licensee-shall-limit-knowledge-of-lock-combinations-protecting classified-information-to-a-minimum-number-of-personnel-necessary-for-operating purposes;-with-a-need-to-know;-and-possessing-the-highest-access-authorization of-the-matter-stored-or-authorized-to-be-stored-in-the-container:--The-licensee shall-maintain-records-identifying-personnel-having-knowledge-of-these-lock combinations-until-superseded-by-a-new-form-or-list-or-until-the-container-is removed-from-service:--The-licensee-shall-retain-each-superseded-record-for three-years-after-the-record-is-superseded]

\* \* \* \* \*

[(d)-Records-of-combinations:--The-licensee-shall-classify;-mark;-and-safeguard records-of-combinations-in-a-manner-appropriate-for-the-highest-classification



of-the-matter-authorized-to-be-stored-in-the-security-container--The-licensee shall-retain-each-record-of-combinations-until-it-is-superseded-by-a-new-or revised-record-or-until-the-container-is-removed-from-service-and-shall-retain each-superseded-record-for-three-years-after-each-change]

\* \* \* \* \*

[(g)-Posted-information--(1)-The-licensee-shall-post-the-names, addresses, and-telephone-numbers-of-the-custodian-and-all-alternates-having-knowledge-of the-combination-on-the-outside-or-inside-of-each-security-container--The licensee-shall-post-the-custodian-list-until-it-is-superseded-by-a-new-or revised-list-or-until-the-container-is-no-longer-in-use-and-shall-retain-the superseded-list-for-three-years-after-the-list-is-superseded]

\* \* \* \* \*

(h) Unattended security container found opened: In the event that an unattended security container housing classified matter is found unlocked, the custodian or an alternate shall be notified immediately. The container shall be secured by protective personnel and the contents shall be inventoried as soon as possible but not later than the next workday. A report reflecting all actions taken shall be submitted to the responsible Regional Office (see Appendix A, 10 CFR Part 73 for addresses) with an information copy to the NRC Division of Security. The licensee shall retain records pertaining to these matters for three years after completion of final corrective action.

§ 95.33 [Amended]

85. Section 95.33 is amended by changing "one year" to "three years" in the last sentence.

86. In § 95.37, paragraph (i) is revised to read as follows:

§ 95.37 Classification and preparation of documents.

\* \* \* \* \*

(i) Document which custodian believes is improperly classified or lacking appropriate classification markings. If a person receives a document which, in his or her opinion, is not properly classified, or does not have appropriate classification markings, he or she shall immediately notify the sender and suggest to the originator the classification which he believes to be appropriate. Whenever requested, this challenge of classification marking shall be handled in a manner which will ensure the anonymity of the challenger. Pending final determination of proper classification, such document shall be safeguarded in accordance with the procedures required for the highest classification in question. Where unauthorized disclosure may have occurred, a report in accordance with § 95.57 of this part is required. These reports shall be retained for three years after final corrective action has been taken.

§ 95.41 [Amended]

87. Section 95.41 is amended by changing "two years" to "three years" in the last sentence.

88. Section 95.47 is revised to read as follows:

§ 95.47 Destruction of matter containing national security information and/or restricted data.

Documents containing National Security Information and/or Restricted Data may be destroyed by burning, pulping, or another method that ensures complete destruction of the information which they contain. The method of destruction must preclude recognition or reconstruction of the classified information. Any doubts on methods should be referred to the NRC Division of Security. If the document contains Secret National Security Information and/or Restricted Data a record of the subject or title, document number, if any, originator, its date of origination, its series designation and copy number, and the date of destruction shall be signed by the person destroying the document and shall be maintained in the office of the custodian at the time of destruction. These destruction records shall be retained for three years after destruction.

PART 110 - EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

89. In § 110.53, paragraph (b) is revised to read as follows:

§ 110.53 United States address, records, and inspections.

\* \* \* \* \*

(b) Each licensee shall maintain records concerning his exports or imports. The licensee shall retain these records for five years after each export or import except that byproduct material records shall be retained for three years after each export or import.

\* \* \* \* \*

[PART 140---FINANCIAL-PROTECTION-REQUIREMENTS-AND-INDEMNITY-AGREEMENTS

88---In-§-140.6, the heading is revised and a new paragraph (e) is added to read as follows:

§-140.6--Reports and records.

\*-----\*-----\*-----\*-----\*

(e)--Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

[89--In-§-140.91, Appendix A, paragraph 1.(2) under center heading, "Conditions," is revised to read as follows:

\*-----\*-----\*-----\*-----\*



## Conditions

1,-----\*-----\*-----\*-----\*-----\*

(2)--Payments of advance and standard premiums--The named insured shall pay the companies the advance premium stated in the declarations for the period from the effective date of this policy through December 31 following--Thereafter, at the beginning of each calendar year while this policy is in force, the named insured shall pay the advance premium for that year to the companies--The advance premium for each calendar year must be stated in the Advance Premium Endorsement for such calendar year issued to the named insured as soon as practicable prior to or after the beginning of such year--As soon as practicable after each December 31 and after the termination of this policy, the standard premium for the preceding calendar year shall be finally determined and stated in the Standard Premium Endorsement for that calendar year--If the standard premium so determined exceeds the advance premium previously paid for such calendar year, the named insured shall pay the excess to the companies; if less, the companies shall return to the named insured the excess portion paid by such insured.

The named insured shall maintain records of the information necessary for premium computation and shall send copies of these records to the companies as directed, at the end of each calendar year, at the end of the policy period, and at such other times during the policy period as the companies may direct--The named insured shall retain the records of information until the Commission terminates the license for each facility covered by the policy.

Dated at Bethesda, Maryland, this        day of        , 1987.

For the Nuclear Regulatory Commission.

Victor Stello,  
Executive Director for Operations.

Table of Proposed Changes

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
4.32(c) Compliance reports.	None	Three years or as long as primary recipient retains that status.
4.125(d) Medical History Forms for applicants.	None	Three years from date of application if not hired; date employment ends, if hired.
4.127(d) Transition plan for structural change of facility.	None	Until structural changes are complete.
11.9 Documentation related to a request for exemption from Part 11.	Two years beyond period of exemption.	Three years.*
11.13(b) SNM access authorization number for all individuals assigned to shipment.	None	Three years after record is made.
25.11 Documentation related to a request for exemption from Part 25.	Two years beyond.	Three years.*
25.23 Termination of access authorization by Commission.	One year.	Three years.*
25.35 Visits requiring access to classified information.	Two years.	Three years.*
30.34(g) Test results of generator eluates for molybdenum-99 breakthrough.	None	Three years after the record is made.
30.51(a)(1) Receipt of byproduct material.	Two years following transfer or disposal.	Three years following transfer or disposal; reorganized §30.51.*

\*Indicates increase in retention period to conform to four uniform periods.

Table of Proposed Changes

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
4.32(c) Compliance reports.	None	Three years or as long as primary recipient retains that status.
4.125(d) Medical History Forms for applicants.	None	Three years from date of application if not hired; date employment ends, if hired.
4.127(d) Transition plan for structural change of facility.	None	Until structural changes are complete.
11.9 Documentation related to a request for exemption from Part 11.	Two years beyond period of exemption.	Three years beyond.*
11.13(b) SNM access authorization number for all individuals assigned to shipment.	None	Three years after record is made.
25.11 Documentation related to a request for exemption from Part 25.	Two years beyond.	Three years beyond.*
25.23 Termination of access authorization by Commission.	One year.	Three years.*
25.35 Visits requiring access to classified information.	Two years.	Three years.*
30.34(g) Test results of generator eluates for molybdenum-99 breakthrough.	None	Three years after the record is made.
30.51(c)(1) Receipt of byproduct material.	Two years following transfer or disposal.	Three years following transfer or disposal; reorganized §30.51.*

\*Indicates increase in retention period to conform to four uniform periods.



# Table of Proposed Changes

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
4.32(c) Compliance reports.	None	Three years or as long as primary recipient retains that status.
4.125(d) Medical History Forms for applicants.	None	Three years from date of application if not hired; date employment ends, if hired.
4.127(d) Transition plan for structural change of facility.	None	Until structural changes are complete.
11.9 Documentation related to a request for exemption from Part 11.	Two years beyond period of exemption.	Three years beyond.*
11.13(b) SNM access authorization number for all individuals assigned to shipment.	None	Three years after record is made.
25.11 Documentation related to a request for exemption from Part 25.	Two years beyond.	Three years beyond.*
25.23 Termination of access authorization by Commission.	One year.	Three years.*
25.35 Visits requiring access to classified information.	Two years.	Three years.*
30.34(g) Test results of generator eluates for molybdenum-99 breakthrough.	None	Three years after the record is made.
30.51(c)(1) Receipt of byproduct material.	Two years following transfer or disposal.	Three years following transfer or disposal; reorganized §30.51.*

\*Indicates increase in retention period to conform to four uniform periods.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
30.51(a)(2) Transfer of byproduct material.	Five years after each transfer.	Same; reorganized-§30.51- Three years after each transfer; reorganized §30.51.**
30.51(a)(3) Disposal of byproduct material.	Referenced §20.401(c) Part 20 is being revised.	Until Commission terminates license.
30.51(b) Parts 31 through 35 records not otherwise specified.	Until the Commission authorizes their disposition.	Until the Commission terminates license.
31.5(c)(4)(i) Test for leakage of radioactive material from sealed source.	One year after test is performed or until sealed source is transferred or disposed of.	Three years after test; rest the same.*
31.5(c)(4)(ii) Test of on-off mechanism and indicator for sealed source.	One year after next test or until sealed source is transferred or disposed of.	Three years after next test; rest same.*
31.5(c)(4)(iii) Records required by §31.5(c)(3) for device.	Two years from date of event or until device is transferred or disposed of.	Three years from date of event or until device is transferred or disposed of; section reorganized.*
34.24 Results and date of each instrument calibration.	Two years after date of calibration.	Three years after date of calibration.*
34.25(c) Results of leak tests for sealed sources.	Six months after next test or until source is transferred or disposed of.	Three years after test; rest same.*
34.26 Inventory of sealed sources.	Two years from date of inventory.	Three years from date of inventory.*
34.27 Information about use or storage of sealed source.	Two years from date of event.	Three years from date of event.*

\*Indicates increase in retention period to conform to four uniform periods.

\*\*Indicates decrease in retention period to conform to four uniform periods.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
34.28(b) Inspection and maintenance of radiographic exposure devices, storage containers, and source changers.	Two years from date of inspection or maintenance.	Three years from date of inspection or maintenance.*
34.29(c) Test of alarm system in location where source is installed.	Two years from date of test.	Three years from date of test.*
34.32 Operating and emergency procedures.	None	Until the Commission terminates the license; if superseded, retain superseded material for three years.
34.33(b) Personnel exposures registered on pocket dosimeters.	None	Three years after record is made.
34.33(e) Reports from film badge or TLD processor.	Until Commission authorizes disposal.	Until the Commission terminates license.
[34.43(c)-Survey-of-sealed source-in-its-shielded-position prior-to-locking-device-and ending-direct-surveillance-of operation-	Two-years-	Three-years-from-the date-of-the-survey-*)
35.14(b)(4)(ii)-Written procedures-for-testing-elution or-extraction-of-technetium-99m from-generator-	None	Until-Commission terminates-license;-if superseded;-retain superseded-material-for three-years-
35.14(b)(5)(ii)-Results-of-leak tests-for-sources-or-devices containing-byproduct-material-	Until-inspected-by the-Commission-	Three-years-after-record is-made-
35.14(b)(5)(iv)-Instruction-for use-of-source;-device;-or permanent-container-	None	Until-the-source;-device or-permanent-container-is disposed-of-
35.14(b)(5)(v)-Quarterly inventory-for-all-sources and-devices-received-and possessed	For-inspection-by the-Commission-	Five-years-after-the-record is-made-

\*Indicate increase in retention period to conform to four uniform periods.



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
35:14(e)(2)-Results-of-leak-test of sample-from-sealed-source-or surface-of-the-device:	For-inspection-by the-Commission:	Three-years-after-record is-made:
35:14(f)(1)-Instructions-for-use of-source-or-permanent-container:	None	Until-the-source-or permanent-container-is disposed-of:
35:14(f)(2)-Inventory-to-account for-all-sources-received-and possessed:	None	Three-years-after-the record-is-made:
35:27(b)(1)-and-(2)-Spot-check measurements-and-corrective actions-of-teletherapy-units-used for-treating-humans-and-calibration of-instruments-used-for-spot-checks:	Two-years-after completion-of measurements-and actions:	Three-years-after completion-of-measurements and-actions:*
35:44-Misadministrations-of radiopharmaceuticals:	Until-the-Commission authorizes-their disposition:	Ten-years-after-the record-is-made:
40.26(c)(2) Documentation of daily inspections of tailings or waste retention systems.	None	Three years after each inspection is documented.
40.35(e)(3) Information on transfer of depleted uranium in industrial products or devices.	Two years.	Three years from date of transfer.*
40.61(a)(1) Receipt of source or byproduct material.	As long as material is possessed and for five years following its transfer or disposition.	[Same;-reorganized section:] <u>As long as material is possessed and for three years following its transfer or disposition.**</u>
40.61(a)(2) Transfer of source or byproduct material.	Until Commission authorizes their disposition.	Until the Commission terminates the license.
40.61(a)(3) Disposal of source or byproduct material.	Reference §20.401(c); Part 20 is being revised.	Until the Commission terminates the license.

\*Indicates increase in retention period to conform to four uniform periods.

\*\*Indicates decrease in retention period to conform to four uniform periods.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
40.61(b) Retention periods not otherwise covered.	Until Commission authorizes their disposition.	Until Commission terminates the license authorizing activity.
Appendix A to Part 40, I., Criterion 8, Log of hourly checks of yellowcake stack emission controls.	None	[Five] <u>Three</u> years after last entry is made in log.
Appendix A to Part 40, I., Criterion 8A, Documentation for daily inspection of tailings or waste retention systems.	None	Three years after documentation is made.
50.36(c)(1)(i)(A) Results of review of exceeding safety limits for uncontrolled release of radioactivity for a nuclear reactor.	None	Until the Commission terminates the license for the reactor except that licensees for reactors licensed under §§50.21(b) and 50.22 report under §§50.72 or 50.73.
50.36(c)(1)(i)(B) Results of review of exceeding safety limits for uncontrolled release of radioactivity for a fuel reprocessing plant.	None	Until Commission terminates the license for the plant.
50.36(c)(1)(ii)(A) Results of review of exceeding safety limits for nuclear reactor automatic protective devices.	None	Until Commission terminates the license for the reactor except that licensees for reactors licensed under §§50.21(b) and 50.22 report under §50.72 or §50.73 <u>shall retain the records for three years following issuance of a Licensee Event Event Report.</u>
50.36(c)(1)(ii)(B) Results of review of exceeding safety limits for fuel reprocessing plant automatic protective device.	None	Until Commission terminates the license for the plant.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
50.36(c)(2) Results of review of exceeding limiting condition for equipment in a nuclear reactor or fuel reprocessing plant.	None	Until Commission terminates the license for the plant except that licensees for reactors licensed under §§50.21(b) and 50.22 report under §50.72 or §50.73. LER report records three years and non-LER records of reports as required by technical specifications.
50.36(c)(7) Report submittal for reactors licensed under §§50.21(b) and 50.22.	Revised	To clarify that licensees for reactors licensed under §50.21(b) or §50.22 report under §50.73.
50.36a(a)(1) Operating procedures for control of effluents from a nuclear power plant.	None	Until Commission terminates the reactor license and superseded material for three years.
50.48(a) Fire protection plan for nuclear power plant.	None	Until commission terminates the license for the nuclear power plant <u>and superseded material for three years.</u>
50.49(d) File on electric equipment important to safety for nuclear power plant.	None	Same as 50.49(j) but also specified in 50.49(d) [ <del>Until Commission terminates the license for which file was established</del> ] <u>period of installation or storage of item.</u>
50.54(q) Emergency plan and each change that decreases the effectiveness of plan.	None	Until Commission terminates the license for the nuclear power reactor.
Change to the Emergency plan that does not require prior Commission approval.	None	Clarified. [ <del>Until Commission terminates the license for the facility and superseded material</del> ] <u>For three years from date of change.</u>



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
50.71(c) Retention periods not specified by license condition or technical specification.	None	Until Commission terminates facility license
Appendix R to Part 50, Section III.I.3.d. Critique of unannounced fire brigade drills.	None	Three years after report is completed as specified in App. R, §III.1.4.
60.71(b) Receipt, handling, and disposition of radioactive waste at a geologic repository operations area.	None	In accordance with §60.51(a)(2).
60.72(a) Construction geologic repository operations area.	None	In accordance with §60.51(a)(2).
61.80(e) Location and quantity of radioactive wastes contained in the disposal site.	Transfer upon license termination.	Unchanged; editorial revision.
61.80(f) Date of disposal, location, condition of package, discrepancies between manifest and received materials, and contamination from leaking or damaged package.	None	Until Commission terminates the license or transfers records.
70.22(g)(1) Description of plan for physical protection of 10 kg or more of SNM of low strategic significance in transit, safeguards contingency plan, or response procedures.	None	For [period] <u>three years</u> following date on which licensee <u>last</u> possessed SNM under each license; reorganized.
70.22(h)(1) Physical security plan for protection of 235U, 233U, or 5000g or more computed by given formula.	None	For [period] <u>three years</u> following date on which licensee <u>last</u> possesse[s]d SNM under each license; reorganized.
70.22(i) Emergency plans related to possessing and using SNM for fuel fabrication, scrap recovery, or conversion of uranium hexafluoride.	None	Until Commission terminates each license obtained from application or a renewal application.

Part/Section/Record	Retention Period	
	Existing	Proposed
70.22(j)(3) Safeguards contingency plan for protection of 235U, 233U or 5000, or more computed by given formula <u>and changes to the plan.</u>	None	Until commission terminates each license obtained from application or a renewal application; <u>changes to plan, for three years after the change; reorganized.</u>
70.22(k) physical security plan for protection of SNM of moderate strategic significance or 10 kg or more of SNM of low strategic significance <u>and changes to plan.</u>	None	<del>[Until Commission terminates each license obtained from application or a renewal application]</del> For period licensee possesses SNM under each license <del>[e]</del> , and <u>changes for three years after the change.</u>
70.24(a)(3) Emergency procedures for each area where SNM is handled, used, or stored.	None	As long as SNM is handled, used, or stored in area and superseded material for three years.
70.32(c)(2) Changes to MC&A program made without prior Commission approval.	Five years from date of change.	Three years from the** effective date of change.
70.32(d) Changes to physical protection plan without prior Commission approval.	None	For period licensee possesses SNM under each licensee.
70.32(e) Changes to a security plan made without prior Commission approval.	Two years from the date of the change.	Three years from the effective date of the change.*
70.32(g) Safeguards contingency plan procedures.	None	For period licensee possesses SNM under each license.
Safeguards contingency plan procedures that do not require Commission approval.	None	Clarified. For period licensee possesses SNM under each license and superseded material for three years.
70.42(d)(1) Transferee's specific license or registration certificate.	None	<del>[Five]</del> <u>Three</u> years from date it was obtained.

\*Indicates increase in retention period to conform to four uniform periods.

\*\*Indicates decrease in retention period.



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
70.42(d)(2) Winter certification that transferee is authorized to receive SNM.	None	[Five] <u>Three</u> years from date of receipt of certification.
70.42(d)(3) Written certification of verbal certification that transferee is authorized to receive SNM.	None	[Five] <u>Three</u> years from date of receipt of certification.
70.42(d)(4) Official records confirming that transferee is authorized to receive SNM.	None	[Five] <u>Three</u> years from date that compilation of information was obtained.
70.42(d)(5) Confirmation from Commission or licensing agency or Agreement State that transferee is authorized to receive SNM.	None	[Three] [Five] <u>Three</u> years from date record of confirmation is made.
70.51(b)(2) Retention periods not specified in license condition.	Until Commission authorizes their disposition.	Until the Commission terminates the license.*
70.51(b)(3) [ <del>Inventory-to comply-with-§70-58(h)-</del> ] <u>Record of receipt, acquisition, or physical inventory of SNM that must be maintained pursuant to paragraph (b)(1) of this section.</u>	[ <del>Six-months-</del> ] <u>As long as licensee retains possession of material and for five years following transfer of such material.</u>	[ <del>As-long-as-licensee retains-possession-of material-and-for-five years-after-transfer or-disposal-</del> ] <u>No change.</u>
70.51(b)(5) Transfer of SNM to other persons.	Until Commission authorizes their disposition.	Until Commission terminates the license authorizing possession and <u>(e)(1)(v) regards for three years after made.</u>
70.51(b)(6) Disposal of SNM.	References §20.401(c); Part 20 is being revised.	Until Commission terminates license authorizing possession of the material.
70.51(c) Material control and accounting procedures for licensee possessing quantity exceeding one kilogram of SNM.	None	Until Commission terminates license authorizing possession and <u>superseded material for three years.</u>

\*Indicates increase in retention period to conform to four uniform periods.



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
70.51(e)(1) Process records for licensee possessing quantity exceeding one kilogram of SNM as stated in subparagraphs (i), (ii), (iii), (iv), (v), (vi), and (vii).	None	[Five] <u>Three</u> years after record <u>is</u> made as required by §70.5(b)(2).
70.51(f)(2)(v) Inventory procedures for sealed sources and containers or vaults of SNM.	None	[Five] <u>Three</u> years after record <u>is</u> made.
70.57 Introductory text of (b), Measurement control program.	None	Until Commission terminates license authorizing possession of nuclear materials.
70.57(b)(2) Results of reviews and audit of program.	None	[Five] <u>Three</u> years after record <u>is</u> made.
70.57(b)(3) Results of reviews and audit of contractor program.	None	[Five] <u>Three</u> years after record <u>is</u> made.
70.57(b)(4) Program for maintaining sample integrity.	None	Three years after life of process or equipment.
70.57(b)(6) Results of program measurement system analyses and evaluation.	None	Three years after the life of the process or equipment.
70.57(b)(7) Results of personnel qualification or requalification.	None	Three years after record is made.
70.57(b)(8) Program data for MC&A corrections and uncertainties.	None	For [five] <u>three</u> years after data is recorded.
70.57(b)(11)(i) Statistical control system.	None	Until Commission terminates license for material system affects <u>and superseded material for three years; reorganized.</u>
70.57(b)(11)(ii) Results of investigation of exceeding control chart limits.	None	[Five] <u>Three</u> years after record <u>is</u> made.

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<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
70.57(b)( <del>(11)</del> <del>(14)</del> )(12) Records system of documents generated by measurement control program [ <del>information; reports; and documents and records of training and qualification of personnel;</del> ] and description of records.	Five [ <del>and two</del> ] years, [ <del>respectively;</del> ]	[ <del>Five and three years; respectively.*</del> ] <u>Three years; reorganized.**</u>
70.58(b)(3) Written MCA organizational responsibilities and authorities.	None	Until Commission terminates the license and superseded material for three years.
70.58(e) Written system for producing and moving SNM among MBAs, ICAs; inventory, transfer, and disposal.	None	[ <del>Five</del> ] <u>Three</u> years after record is made.
70.58(f) Program for documenting control of errors of measurement processes.	None	[ <del>Five</del> ] <u>Three</u> years after record is made.
70.58(h) Procedures for system of storage and internal handling controls.	[None] 6 months (Ref §70.51(b)(3))	[ <del>Five years after record is made</del> ] <u>No change.</u>
70.58(i) Procedures for SNM scrap control.	None	Until Commission terminates the license and superseded material for three years.
70.58(j) Procedures for physical inventory of SNM.	None	Until Commission terminates the license and superseded material for three years.
70.58(k) Records and reports necessary to locating SNM.	None	[ <del>Five</del> ] <u>Three</u> years after record is made.
70.60(a) Agreement between licensee and well-logging operator or owner of the well.	None	<u>Three</u> years after completion of well-logging operations subject to the agreement.
71.91(a) Information about shipments.	Two years after shipments.	Three years after shipment.*

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\*\*Indicates decrease in retention period to conform to four uniform periods.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
71.91(c) Documentation on quality of components in packaging and results of determinations of markings on package in §71.85(c).	Life of packaging.	Life of packaging and three years thereafter.*
71.97(c)(4) Copy of advance notification to state of transport of licensed material through state.	One year.	Three years after notification.*
71.97(e) Name of individual in state contacted about delay of transport.	One year.	Three years after contact.*
71.97(f)(2) Copy of notification to state of cancellation of transport.	One year.	Three years after notification.*
71.101(b) Establishment of Q.A. Program.	None	Revised to add §§71.101-71.137 that contain applicable criteria and retention periods.
71.105 Documentation of Q.A. Program.	None	Revised to add §§71.101-71.137 that contain applicable criteria and retention periods.
71.135 Documentation of Q.A. Program, including records retention program.	None	Three years beyond licensee's engaging in activity requiring program and superseded material for three years.
[72-33(e)-Changes-to-the physical-security-plan-made without-prior-approval-of-the Commission-	Two-years-from date-of-the-change-	For-the-period-the licensee-possesses nuclear-material-under the-license-
72-51(b)-Current-inventory of-all-spent-fuel-in-storage-	None	For-the-period-the licensee-possesses-the material-and-for-three years-following-disposition-of-the-material-

\*Indicates increase in retention period to conform to four uniform periods.



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
72-51(c)-Material-control and-accounting-procedures-for spent-fuel-in-storage-	None	Until-Commission terminates-license-for the-installation-and all-superseded-procedures for-three-years-
72-55(c)-Retention-periods not-specified-for-records and-reports-in-Part-72-	None	Until-Commission terminates-license-
72-62(b)-Records-of natural-phenomena-that affect-ISFSI-design-	None	Until-Commission issues-license for-the-installation-
72-81-Physical-security plan-for-protection-of ISFSI-	None	Until-Commission terminates-license-and superseded-material for-three-years-
72-83(b)-Procedures-for safeguards-contingency-plan for-ISFSI-	None	Until-Commission terminates-license-for installation-and superseded-material-for three-years-
72-84(b)-Changes-to-the physical-security-plan-or safeguards-contingency-plan made-without-prior-Commission approval-	Two-years-from-the date-of-the-change-	Three-years-from-the date-of-the-change-*
73.24(b)(1) Log of arrival of SNM at its destination.	None	[Five] Three years from date of last entry in log.
73.25(b)(3) Access authorization controls and procedures to protect SSNM.	None	For period licensee possesses SNM under each license and superseded material for three years.
73.25(c)(1) Access and entry authorization controls and procedures to transports for SSNM	None	For period licensee possesses SNM under each license and superseded material for three years
73.26(c)(1)(ii) Protection of imported formula quantity of SSNM within U.S.	None	For period licensee possesses SNM under each license.

\*Indicates increase in retention period to conform to four uniform periods.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
73.26(c)(2) Protection of exported formula quantity of SSNM to point outside the U.S.	None	For period licensee possesses SNM under each license.
73.26(d)(3) Transportation physical protection procedures for SSNM.	None	For period licensee possesses SNM under each license <u>and superseded material for three years.</u>
73.26(d)(4) Documentation of qualification and requalification for security organization members.	None	Three years after each qualification or requalification.
73.26(e)(1) Safeguards contingency plan against thefts or threats of theft related to SSNM in transit.	None	Until license expires or is revoked:—
73.37(b)(2) Procedures for coping with threats to shipments of spent fuel.	None	Until license expires or is revoked and superseded material for three years.
73.37(b)(3) Instructions for escorts for shipments of spent fuel.	None	Until license expires or is revoked and superseded material for three years:
73.37(b)(5) Log for each shipment of spent fuel.	One year.	Three years after each shipment.*
73.40(b) Safeguards contingency plan for SNM for Parts 50 and 70 licensees.	None	Until Commission terminates license and superseded material for three years.
73.40(c)(2) Safeguards contingency plan procedures.	None	Until commission terminates license and superseded material for three years
73.40(d) Results of review and audit of safeguards contingency plan and procedures.	Two years.	Three years from the date of the review or audit.*

\*Indicates increase in retention period to conform to four uniform periods.



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
73.46(b)(3)(i) Written security procedures that document security organization and responsibilities.	None	Until Commission terminates license and superseded material for three years.
73.46(b)(4) Documentation of requalification of each security organization member.	None	Three years after the requalification.
73.46(d)(3) Written access procedures for entries into protected, material access, and vital areas.	None	Until Commission terminates license and superseded material for three years.
73.46(d)(10) Findings from drum-scanning and tamper-sealing containers of wastes in MAA.	None	Three years after record is made.
73.46(d)(13) Registration of escorted individuals in a protected area.	None	[Five] <u>Three</u> years after record is made.
73.46(h)(1) Safeguards contingency plan against thefts, threats, and sabotage of SSNM and nuclear facilities.	None	Until Commission terminates licenses and superseded material for three years.
73.46(h)(2) Documentation of response arrangements between local law enforcement authorities and licensee.	None	Until Commission terminates license and superseded material for three years.
73.50(a)(3) Written security procedures for licensed activities.	None	Until Commission terminates license and superseded material for three years.
73.50(a)(4) Documentation of requalification of each security organization member.	None	Three years after the requalification.
73.50(c)(5) Registration of escorted individuals in a protected area.	None	[Five] <u>Three</u> years after <del>[record-is-made]</del> <u>last entry.</u>
73.50(g)(1) Safeguards contingency plan against thefts, threats, and sabotage of SNM and nuclear facilities and changes to the plan.	None	Until Commission terminates the license and superseded material for three years.



Retention Period

<u>Part/Section/Record</u>	<u>Existing</u>	<u>Proposed</u>
73.50(g)(2) Documentation of liaison with law enforcement authorities.	None	Until Commission terminates license and superseded material for three years.
73.55(b)(1) Licensees's written agreement with contractor providing a security organization.	None	For duration of the contract.
73.55(b)(3)(i) Written security procedures documenting security organization and responsibilities.	None	Until Commission terminates license and superseded material for three years.
73.55(b)(3)(ii) Written approval of procedures by individual responsible for security.	None	<del>[For-period-procedures are-in-effect:]</del> For three years from <u>date of approval</u> <del>[and superseded-material for-three-years:]</del>
73.55(b)(4)(i) documentation of requalification of each security organization member.	None	Three years after each requalification.
73.55(b)(4)(ii) Training and qualifications plan for security personnel.	None	Until Commission terminates license and superseded material for three years.
73.55(d)(6) Registration of escorted individuals in a protected area.	None	Three years after <del>[record-is-made]</del> <u>last entry.</u>
73.55(h)(2) Documentation of liaison with law enforcement authorities.	None	Until Commission terminates license and superseded material for three years.
73.67(c)(1) Security plan for licensees handling 10 kg or more of SNM of moderate strategic significance.	None	For period licensee possesses SNM under each license <u>and for three years thereafter, and superseded material for three years.</u>

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
73.67(d)(5) Written controlled badging and lock system.	None	Until Commission terminates license <u>and for three years thereafter, and superseded material for three years.</u>
73.67(d)(11) Written response procedures dealing with thefts or threats of thefts at fixed sites.	None	Until commission terminates license <u>and for three years thereafter, and superseded material for three years.</u>
73.67(e)(3)(iv) Written response procedures dealing with thefts or threats of thefts while in transit.	None	For period licensee possesses SNM under each license <u>and for three years thereafter, and superseded material for three years.</u>
73.67(e)(4) Records in specified sections.	None	For period licensee possesses SNM under each license <u>and for three years thereafter, and superseded material for three years.</u>
73.67(e)(5) Exports of SNM of moderate strategic significance.	None	For period licensee possesses SNM under each license <u>and for three years thereafter, and superseded material for three years.</u>
73.67(e)(6) Imports of SNM of moderate strategic significance.	None	For period licensee possesses SNM under each license <u>and for three years thereafter, and superseded material for three years.</u>
73.67(f)(4) Response procedures for thefts and threats of thefts of SNM of low strategic significance.	None	For period licensee possesses SNM under each license <u>and for three years thereafter, and superseded material for three years.</u>

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
73.67(g)(3)(i) Response procedures for thefts and threats of theft of SNM of low strategic significance in transit.	None	For period licensee possesses SNM under each license and for <u>three years thereafter, and superseded material for three years.</u>
73.67(g)(4) Imports of SNM of low strategic significance.	None	For period licensee possesses SNM under each license and for <u>three years thereafter, and superseded material for three years.</u>
73.67(g)(5)(i) Records in specified sections.	None	For period licensee possesses SNM under each license and for <u>three years thereafter, and superseded material for three years.</u>
73.70(a) Names and addresses of designated authorized individuals.	None	Until Commission terminates license and superseded material for three years and for <u>three years thereafter, and superseded material for three years.</u>
73.70(b) Names, addresses, and badge number of individuals authorized access to vital equipment, SNM, and certain areas.	None	Until Commission terminates license and superseded material for three years and for <u>three years thereafter, and superseded material for three years.</u>
73.70(c) Register of individuals other than licensee employees.	None	Three years after last entry in register.
73.70(d) Log about individuals entering normally unoccupied vital area.	None	Three years after last entry in log.
73.70(e) Documentation of certain security operations information.	None	Three years from date of documenting each event.



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
73.70(f) Information about alarms and security incidents.	None	Three years after the record is made.
73.70(g) Information about SNM shipments.	None	Three years after record is made.
73.70(h) Procedures for controlling access to protected areas and locks protecting SNM.	None	Until license is terminated and superseded material for three years.
Appendix B to Part 73, Section I.C. Physical fitness qualification for security personnel.	None	Three years from date of each qualification.
Appendix B to Part 73, Section I.E., Physical requalification of security personnel.	None	Three years from date of each requalification.
Appendix B to Part 73, Section I.F., Results of suitability, physical, and mental qualifications data and test results.	None	Three years from date of obtaining and recording results.
Appendix B to Part 73, Section II.A., Training and qualification plan for individuals performing certain security-related job tasks.	None	For period licensee possesses SNM under each license and superseded material for three years.
Appendix B to Part 73, Section II.B, Documentation of qualification of individuals performing certain security-related tasks or duties.	None	As long as individual is employed in security-related capacity <u>and</u> for period licensee possesses SNM under each license.
Appendix B to Part 73, Section II.C, Documentation of qualification of contracted security personnel.	None	As long as individual is employed in security-related capacity <u>and</u> for period licensee possesses SNM under each license.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
Appendix B to Part 73, Section II.E, Documentation of requalification of security personnel.	None	Three years from date of each requalification.
Appendix B to Part 73, Section IV, Documentation of qualification and requalification for firing of handguns and rifles.	None	Three years from date of each qualification or requalification.
74.31(a) Commission-approved MCA system.	None	Until Commission terminates license to possess the material.
74.31(c)(1) Documentation of current management structure.	None	Until Commission terminates license to possess the material.
74.31(c)(2) Measurement system that ensures records are based on measured values.	None	Until Commission terminates license to possess the material.
74.31(c)(5) Results of each physical inventory.	None	Three years after record is made.
Source data for resolving any inventory difference.	None	Three years after 60-day reporting date.
74.31(c)(6) Current knowledge of certain quantities of U <sup>235</sup>	None	Three years after record is made.
74.31(c)(7) Certain shipper-receiver differences.	None	Three years after record is made.
74.31(c)(8) Assessment of effectiveness of MCA system.	None	Three years after record is made.
74.31(d) Paragraph stating generic retention period for §74.31(c).	Revised	To remove overall retention periods from §74.31(d) and incorporate into §74.31(c) subsections.

<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
75.12(b)(1) Request for not physically transmitting certain sensitive information to IAEA.	None	Until Commission terminates license for installation involved with request or until the Commission notifies licensee that licensee is no longer under agreement and superseded material for three years after change is made.
75.12(b)(4) Availability of untransmitted information.	None	Until Commission terminates license for installation involved with request or until the Commission notifies licensee that licensee is no longer under agreement and superseded material for three years after change is made.
75.21(a) Written MCA procedures for installation identified under IAEA Agreement.	None	<del>[Current-procedures-for five-years-after-each change-or-until-Commission notifies-licensee-that installation-is-no longer-identified-under the-agreement:]</del> Until Commission terminates license for installation involved with request or until the Commission notifies licensee that licensee is no longer under agreement and superseded material for three years after change is made.
95.11 Exemption to the requirements of Part 95.	Two years beyond the period covered by the exemption.	Three years beyond the period covered by the exemption.*
95.25(a)(3) Results of physical checks of security containers.	One year.	Three years after record is made.*

\*Indicates increase in retention period to conform to four uniform periods.



<u>Part/Section/Record</u>	<u>Retention Period</u>	
	<u>Existing</u>	<u>Proposed</u>
95.25(c)(1) Identification of personnel aware of lock combinations protecting classified information.	Until superseded by a new form or list or container is removed from service.	Same
95.25(h) Discovery of unlocked container of classified information that is unattended and corrective action.	Two years after completion of corrective action.	Three years after completion of corrective action.*
95.33 Security personnel initial and refresher orientations.	One year.	Three years after termination of individual's access authorization.*
95.37(i) Challenge of document believed to be improperly classified.	Two years after final corrective action has been taken.	Three years after final corrective action has been taken.*
95.41 Accountability and disposition of classified matter.	Two years after disposition.	Three years after disposition.*
95.47 Destruction of document that contains Secret National Security Information or Restricted Data.	Two years after destruction.	Three years after destruction.*
110.53(b) Export and import of materials.	Five years after each export or import except two years after each export or import of byproduct materials.	Same; three years after each export or import of byproduct materials.*
Boiler plate paragraph on maintenance of records.		
4.5		Added
11.10		Added
25.13(b)		Added
31.12		Added
32.3		Added
34.4		Added
[35:5		Added]

\*Indicates increase in retention period to conform to four uniform periods.

60.4(b)		Added
71.1(b)		Added
75.6(e)		Added
95.13(b)		Added

Deletion of stale  
dates.

4.127(d)	...within six months...	Deleted
50.54(q)	02/09/83 and 10/01/83	Deleted
70.32(g)	02/09/83 and 10/01/83	Deleted
73.40(b)	09/19/78, 03/23/79, and 03/23/78	Deleted
73.55(b)(4)(ii)	08/29/79, 10/23/80, and 03/06/80	Deleted

\*Indicates increase in retention period to conform to four uniform periods.

## SUPPORTING STATEMENT

### Title 10, Chapter 1, Code of Federal Regulations

#### Recordkeeping Requirements

#### Description of the Information Collection

NRC is revising its record retention periods and, where applicable, establishing specific retention periods.

#### A. JUSTIFICATION

1. Need for the Collection of Information. To comply with the Office of Management and Budget's (OMB) regulations, 5 CFR 1320, that require specific retention periods for all recordkeeping requirements, and in accordance with the NRC 1982 plan for paperwork control, as submitted to OMB (Attachment 1), the U.S. Nuclear Regulatory Commission (NRC) reviewed and identified the recordkeeping requirements contained in the enclosed Federal Register Notice as being vaguely defined and/or having no specific retention periods. The vagueness and non-specificity of the retention periods for the recordkeeping requirements currently result in NRC licensees retaining some records unnecessarily as well as indefinitely retaining other records. This request for approval is to rectify the open-ended retention problem and to clarify and standardize other vague recordkeeping requirements.

This information collection impacts all NRC licensees subject to 10 CFR. The number of licensees totals about 9,000. Making the requirements effective upon publication of the Final Rule will result in immediate savings to the licensees. About 140 open-ended recordkeeping requirements have been closed.

This approval request deals specifically with simplifying the regulatory recordkeeping requirements by establishing consistent, definitive retention periods and by clearly defining the records to be retained. This approach will reduce the amount of time devoted to recordkeeping and will allow licensees more time for technical matters. This action can also reduce the amount of prime space that is possibly being used for records storage. If NRC were not to take this approach, licensees would be required to keep records indefinitely at astronomical costs.

NRC proposes four basic retention periods for its records: 3 years, 5 years, 10 years, and life. This approach reduces by 50% the number of various retention periods currently assigned and will be applied to any future recordkeeping requirements defined by NRC to ensure a consistent framework. Where the proposed retention periods exceed the three-year period normally approved under the guidelines contained in OMB regulations, it has been determined by NRC staff, in consultation with the Nuclear Information and Records Management Association (NIRMA) and the National Archives and Records Administration (NARA), that the data are directly related to public health and safety.



Records identified as requiring retention until termination of the license or until the source, device, or container is disposed of must either be so retained to ensure that the licensee handles nuclear material in a routine manner that protects the public health and safety or to ensure that all issues related to protecting the public health and safety can be properly investigated and resolved before allowing a licensee to terminate its activities involving nuclear material. Since the records referred to in sections 60.71(b) and 60.72(a) relate to the permanent disposal of high level nuclear waste and such waste must be contained for 10,000 years, in order to protect the health and safety of future generations, these records must be retained such that knowledge of the receipt and storage of these wastes is maintained. The records referred to in section 71.91(c) must be retained for the life of the packaging to ensure that documentary evidence related to the quality of packaging components that supports the conclusion that the public health and safety is being adequately protected is maintained as long as the package can be used for transporting nuclear material.

2. Agency Use of Information. Records must be retained to ensure compliance with regulations and to allow verification by NRC of that compliance.
3. Reduction of Burden Through Information Technology. There are no legal obstacles to reducing the burden; however, the record retained must meet current established standards for retained records.
4. Effort to Identify Duplication. Not applicable for purposes of this submittal for OMB review. This is a clarification of existing recordkeeping requirements with a primary objective of decreasing the burden on the licensees by immediately reducing their records holdings and decreasing the retention period for many records that currently have no established retention.
5. Effort to Use Similar Information. Not applicable.
6. Effort to Reduce Small Business Burden. The burden on all licensees will be reduced.
7. Consequences of Less Frequent Collection. Not applicable.
8. Circumstances Which Justify Variation from OMB Guidelines. The records contained in 10 CFR will generally be retained 3 years, 5 years, 10 years, or life of the equipment, termination of license, etc. Those records that are retained beyond three years have been determined by staff to be directly related to public health and safety. These are primarily records required of reactor licensees as they relate to safety procedures and employee exposure.
9. Consultation Outside the NRC. NRC worked directly with the NIRMA and NARA. Assistance was provided in identifying and establishing or modifying retention periods, as well as determining the cost savings to industry.

10. Confidentiality of Information. Not applicable, licensees maintain their own records.
11. Justification for Sensitive Questions. Not applicable.
12. Estimated Annualized Cost to the Federal Government. The burden associated with identifying the open-ended recordkeeping requirements, developing and publishing the rule, briefing the staff, review by staff, mailing, and all cost directly related to the rulemaking process resulted in approximately 3,000 hours of NRC staff time. At an estimated \$60.00 per hour, the total estimated cost for effort is \$180,000.
13. Estimate of Burden.
  - a. If fully implemented throughout the industry, the proposed rule could reduce the recordkeeping burden by an estimated 10% or approximately 466,232 hours annually. This burden will be factored into the respective 10 CFR Parts after the rule is made final. 10 CFR 50's burden will be reduced by approximately 250,000 hours; the remaining 216,232 hours will be dispersed among the remaining 10 CFR Parts.
  - b. An estimated annual cost reduction of \$27,973,920 (466,232 hours x \$60) would be realized.
14. Reasons for Change in Burden. Record retention periods are being reduced.
15. Publication for Statistical Use. Not applicable.





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

January 26, 1982

Mr. Christopher DeMuth  
Administrator for Information  
and Regulatory Affairs  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. DeMuth:

By letter of October 30, 1981, to Nunzio Palladino, Chairman of the United States Nuclear Regulatory Commission (NRC), you requested the NRC submit to the Office of Management and Budget (OMB) its plans to identify and implement improvements in controlling the paperwork burden imposed on NRC licensees. We are pleased to provide you the enclosed descriptions of our plans.

The NRC has already established several mechanisms to improve the control of the paperwork burden imposed on NRC licensees. On October 8, 1981, the Commission established the new position of Deputy Executive Director for Regional Operations and Generic Requirements. The principal purpose for establishing the position is to provide a single agency focal point for controlling generic requirements imposed on, and generic communications with NRC licensees. Specifically the Deputy Director for Regional Operations and Generic Requirements coordinates licensing, inspection and enforcement interactions with licensees by NRC's major offices responsible for those activities and provides management control of these activities involving Headquarters programmatic offices and Regional operations offices. He also controls the imposition of all generic requirements on licensees including paperwork requirements. In addition, he serves as Chairman of the Committee to Review Generic Requirements which is assigned to review generic requirements imposed on licensees operating one or more classes of nuclear reactors. A detailed description of the functions of that Committee is set forth in Enclosure 1.

We also have two other efforts in progress which will improve control of reporting and recordkeeping requirements imposed on licensees. These include a review of NRC guidelines for performing a regulatory analysis and the agency's review of existing regulations. These efforts are described in Enclosure 2.

In addition, our plans include two other projects which will lead to improvements in the paperwork burden imposed on NRC licensees. First, a review will be conducted to establish retention periods for those recordkeeping requirements which currently are open-ended. Second, the NRC staff will prepare an NRC manual which will govern the imposition of reporting and recordkeeping requirements on members of the public. A work plan for carrying out these projects is described in Enclosure 3.

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Mr. Christopher DeMuth

-2-

We feel the appointment of the Deputy Executive Director for Regional Operations and Generic Requirements, the establishment of the Committee to Review Generic Requirements, and the other projects I have described, represent significant efforts to control the paperwork burden imposed on licensees. We recognize the need to continue to monitor our efforts and take additional steps when necessary. To keep the OMB informed of our efforts to control and monitor paperwork burdens imposed on licensees the NRC will provide the reports listed in Enclosure 4.

Sincerely,

*E. Kevin Cornell / for*

William J. Dircks  
Executive Director for Operations

Enclosures:  
As stated



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

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~~8202230095~~ 10 pp.

Mr. Christopher DeMuth

-2-

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Sincerely,

*E. Kevin Cornell / for*  
William J. Dircks  
Executive Director, for Operations

Enclosures:  
As stated



ENCLOSURE 1

The Committee to Review Generic Requirements

The United States Nuclear Regulatory Commission established, effective November 2, 1981, the Committee to Review Generic Requirements. The objectives of the Committee are to improve the NRC control over requirements imposed on NRC licensees and to focus priorities of the agency and the nuclear industry on those requirements having the greatest safety significance. The Committee has the responsibility to recommend to the Executive Director for Operations the approval or disapproval of requirements to be imposed on one or more classes of nuclear reactors, thus serving as a single, agency-wide point of control. The Committee will determine whether or not proposed new requirements will contribute effectively to health and safety or will place an unnecessary burden on licensee or agency resources. The Committee consists of representatives of seven NRC offices, including NRC's four major program offices. Its Chairman is the new Deputy Executive Director for Regional Operations and Generic Requirements. The Charter of the Committee prescribing the scope of the Committee's responsibility and its procedures are now pending Commission review. A copy of the Charter will be sent to you in a few weeks.

As acknowledged in OMB's letter of October 30, 1981, the NRC has taken a major step in controlling reporting and recordkeeping requirements imposed on licensees in the establishment of the Committee to Review Generic Requirements. The Committee will review the need and practical utility of all reporting and recordkeeping requirements imposed on one or more classes of nuclear reactors. Interim procedures and review criteria have been established for the Committee's review of reporting and recordkeeping requirements (Attached).

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INTERIM  
PROPOSED PROCEDURE FOR THE ASSESSMENT OF REPORTING  
AND RECORDKEEPING REQUIREMENTS IMPOSED ON LICENSEES

This procedure applies to all Requests for OMB Clearance under the Paperwork Reduction Act which are submitted to CRGR as part of the package requesting approval to impose a requirement on one or more classes of reactors.

1. When a requirement imposes a reporting or recordkeeping requirement on licensees, the office submitting the package will submit a draft of the OMB Clearance Application required in the memorandum of April 24, 1981 from William J. Dircks, Executive Director for Operations to all Directors regarding the implementation of the Paperwork Reduction Act. A copy of the draft OMB Clearance Application shall be concurrently furnished to the Division of Technical Information Document Control.
2. The following factors will be considered by the DEDROGR and the CRGR evaluating a proposed reporting or recordkeeping requirements:
  - (a) Is the reporting or recordkeeping requirement needed (i.e., Is it the best means to achieve a necessary regulatory objective?).
  - (b) Does the information reported or required to be kept, have practical utility, i.e., does the NRC have the capability to use the information in a timely and useful fashion?
  - (c) Is the schedule for imposing the reporting or recordkeeping requirement reasonable?
  - (d) Is the reporting or recordkeeping requirement selected the least burdensome method for achieving a necessary regulatory objective (i.e., Does it impose the appropriate degree of formality and detail?).
  - (e) Does the requirement duplicate or overlap requirements imposed by the NRC?
  - (f) Does the requirement duplicate or overlap requirements imposed by other government agencies?
  - (g) Was the method used to estimate the burden adequate?
  - (h) Are the burden estimates reasonable when compared with similar requirements previously cleared?
  - (i) Is the method proposed for collecting or keeping the information consistent with sound record management practices?

(j) Is the record retention period sufficiently definitive and reasonable?

(k) Does the requirement adequately identify the records to be maintained and the information to be reported?

(l) Are NRC administrative support requirements sufficient to manage the information collected?

(m) What is the impact on the agency's information collection budget?

3. The Office of Administration within five days of the submission of the reporting or recordkeeping requirement will provide to DEDROGR a written assessment of the factors set forth above in Item 2.
4. DEDROGR will decide which Requests for OMB Clearance should be submitted for CRGR review. All others will be returned to ADM for appropriate action.
5. For each OMB Clearance Package submitted for the review, the CRGR will determine if the proposed reporting or recordkeeping is needed and has potential utility.
6. The Chairman of the CRGR, once a reporting or recordkeeping requirement is approved, will provide the Office of Administration a written statement of the CRGR decision.
7. After concurrence by DEDROGR or approval by CRGR, the Office of Administration will submit the NRC application to OMB for clearance.



ENCLOSURE 2

Agency Projects in Progress Which Affect Control of Reporting and  
Recordkeeping Requirements

1. Review of Agency Value Impact Guidelines

In a March 25, 1981, letter to the Commission, Vice President Bush asked that the Commission comply with the spirit of Executive Order 12291 (the "Order") and adhere voluntarily to Sections 2 and 3 of the Order. The response to the Vice President stated the Commission's support for the purposes and objectives of the Order and informed the Vice President that the staff would conduct a study to identify particular changes, consistent with NRC responsibilities under the Atomic Energy Act, to bring Commission procedures and practices more in line with the spirit of Sections 2 and 3 of the Order.

To carry out this study, the NRC's Executive Director for Operations on December 7, 1981, appointed an agency-wide Task Force to review the agency's Value Impact Guidelines which were adopted in 1978. The objective of the review is to improve the quality and use of analyses within the NRC and to promote consistency with Executive Order 12291.

One of the several principal purposes of the review will be to integrate the analysis of reporting and recordkeeping requirements into the overall analyses of substantive regulatory requirements to which these paperwork requirements relate. The integration is expected to result in a more effective analysis of NRC regulatory actions and provide a more effective mechanism for identifying the costs and benefits of imposing requirements.

It is another purpose of the Task Force to consider whether more effective institutional mechanisms are needed to assure procedural compliance with the Value Impact/Regulatory Analysis Guidelines and to assure the analyses of both substantive regulatory requirements and reporting and recordkeeping requirements are adequate.

The revised Guidelines which will be developed by the Task Force is expected to become a principal decision document for the Committee to Review Generic Requirements and other senior NRC managers including the Agency's Senior Official.

The revised Guidelines being developed by the Task Force are expected to become effective in April, 1982. A copy of the revised Guidelines, when approved, will be provided to OMB.

2. The Periodic and Systematic Review of Existing Regulations

The Commissioners of the United States Nuclear Regulatory Commission, in its Three Mile Island Action Plan, directed the NRC staff to review all existing NRC regulations over a five-year period. An interoffice Regulations Coordinating Committee was appointed on September 16, 1980, to coordinate the review. This "Periodic and Systematic Review" establishes a mechanism to identify potential substantive changes to NRC regulations, through

analysis of a specific regulation, or through an analysis of several regulations affecting the same topic. The review is designed to evaluate all existing regulations for need, benefit cost, content, quality, clarity and structure.

This "Periodic and Systematic Review of Regulations" is also responsive to Section 3(i) of Executive Order 12291 which requires Executive Branch agencies to initiate a review of all existing regulations to determine if they satisfy the criteria of the Executive Order, and to Section 610 of the Regulatory Flexibility Act (Public Law 96-354) which requires agencies to review the continued need for all regulations which have a significant impact upon a substantial number of small entities. The revised Value Impact/Regulatory Analysis Guidelines discussed above are expected also to apply to these reviews of existing regulations. Such will further the responsiveness of the NRC review to Executive Order 12291.

Among the several specific criteria against which the regulations will be reviewed are several which address reporting and recordkeeping requirements. These include (1) whether the regulatory requirement is needed, (2) whether alternative approaches have been considered and the least burdensome of acceptable alternatives has been chosen and (3) an estimate has been made of reporting burdens and recordkeeping requirements necessary to comply with the regulations.

Where the review of existing regulations finds reporting or recordkeeping requirements which should be changed, the NRC will apply to OMB for approval through normal clearance procedures. OMB will also be notified of any previously approved reporting or recordkeeping requirements which are deleted.



ENCLOSURE 3

Projects to be Undertaken Which Relate Directly to Information  
Collection Requirements

1. Review of record retention requirements for records required to be maintained by NRC licensees.

a. Focus

The NRC published a notice in the Federal Register on May 3, 1976 (41 FR 18300) which prescribed definite time periods for many of the records required to be maintained by licensees. The NRC regulations still contain a number of recordkeeping requirements for which no definite retention period has been established. The purpose of this review is (1) to determine if those retention periods which have definite time periods established are still valid and (2) to establish, where possible, definite retention periods which are currently open ended. In reaching these decisions, the following will be considered:

- 1) Is the retention period justified by Regulatory needs?
- 2) What burden is imposed on licensees as a result of requiring the records to be maintained?

b. Review Product

Federal Register Notice of a proposed rule identifying and describing the proposed changes to the NRC recordkeeping requirements.

c. Tentative Schedule of Milestones and OMB Deliverables

Initiation Date: February, 1982.  
Draft Federal Register Notice to the Commission: June, 1982.  
Publication of Federal Register Notice: August, 1982.  
Federal Notice sent to OMB: August, 1982.  
Final Rule sent to OMB: October, 1982.

d. Estimated Resources

12 man months

2. Preparation of NRC Manual Chapter for processing applications for OMB approval of reporting and recordkeeping requirements.

a. Focus

There are several on-going activities which will affect the preparation of an NRC manual for processing OMB clearance applications. First, the NRC currently uses interim procedures for processing applications for OMB approval of reporting and recordkeeping requirements imposed on members of the public. These interim procedures were established in a memorandum dated April 24, 1981, from William J. Dircks, Executive Director for Operations, to all NRC Office Directors (Enclosure 3).



Since that time the NRC has developed operating experience applying new guidelines resulting from requirements in the Paperwork Reduction Act. Second, the NRC has pending with OMB an application for approval of an exemption from the requirement to obtain an OMB approval of class exemption for an information collection where it is needed due to urgency to protect the public health and safety. Third, a Task Force reviewing the Value Impact/Regulatory Analyses Guidelines of the Agency are addressing the integration of the analyses of reporting and recordkeeping requirements with the technical and administrative regulatory requirements to which they relate.

The results of the OMB consideration of the class exemption, the Task Force review of regulatory analysis guidelines, and knowledge gained from several months of operating experience will provide an adequate basis for developing a formal manual addressing policies, procedures, and responsibilities for conducting information collections. The Manual Chapter will do the following:

- 1) Define the information collections required to be approved by OMB.
- 2) Assign responsibility for preparing, evaluating and approving the OMB application.
- 3) Establish procedures for obtaining routine OMB approval of NRC imposed reporting or recordkeeping requirements and for obtaining an OMB emergency clearance when necessary.
- 4) Define the contents of the supporting statement which is to be included in the OMB application.
- 5) Establish the procedures and define the criteria for exempting the imposition of a reporting or recordkeeping requirement due to the urgency of the need to protect the public health and safety under the class exemption.
- 6) Establish procedures for giving notice in an information collection requirement when the requirement applies to nine or fewer people and thus is not subject to OMB clearance.

b. Product

NRC Manual Chapter 0230.

c. Tentative Schedule of Milestones and OMB Deliverables

Initiation Date: March, 1982.

Draft Manual Chapter to NRC Offices for Review: May, 1982.

Manual Chapter to the Executive Director for Operations  
for Approval: July, 1982.

Approved Manual Chapter to OMB: July, 1982.

d. Estimated Resources

Four (4) man-months.

ENCLOSURE 4

Periodic NRC Reports to be Provided to the OMB

1. The NRC Semi-Annual Regulatory Agenda (published quarterly).
2. The Monthly Report to the Commission of Actions Taken by the Committee to Review Generic Requirements.





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

25 MAR 1986

*Dr. [unclear]*  
*[unclear]*  
*B. Stone*

MEMORANDUM FOR: Patricia G. Norry, Director  
Office of Administration ✓

FROM: Jesse L. Funches, Director  
Planning and Program Analysis Staff  
Office of Nuclear Reactor Regulation

SUBJECT: REQUEST FOR REVIEW AND CONCURRENCE OF PROPOSED RULE,  
"RETENTION PERIODS FOR RECORDS"

Reference: Your memorandum dated March 11, 1986

By the referenced memorandum you requested NRR review and concurrence of the notice and other related documentation for the proposed recordkeeping rule, because the rulemaking package has been revised to reflect comments resulting from program offices' review of CRGR's recommendations of April 17, 1984.

NRR has reviewed the revised proposed rule and recommend the changes reflected on the enclosed page. NRR concurs in its publication after these clarifying changes have been completed.

Jesse L. Funches, Director  
Planning and Program Analysis Staff  
Office of Nuclear Reactor Regulation

Enclosure:  
Page 4 (markup)

cc: w/enclosure  
H. Denton  
D. Eisenhut

~~8604030435~~ 2pp



action, which may include shutting down the reaction. The licensee shall notify the Commission, review the matter, and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. The licensee shall retain the record of the results of each review until the Commission terminates the license for the reactor except as noted below. For nuclear power reactors licensed under §50.21(b) or §50.22 of this part, the notification to the Commission shall be as required by §50.72 and a Licensee Event Report shall be submitted to the Commission as required by §50.73. Licensees in these cases shall retain the records of the review for a period of one year following issuance of a Licensee Event Report.

(B) (No change from current draft)

(2) Limiting conditions for operation. Limiting conditions for operation are the lowest <sup>acceptable</sup> functional capability or performance levels of equipment required for <sup>continued</sup> ~~safe~~ <sup>start</sup> operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action, such as action statements, required by the technical specifications until the condition can be met. When a limiting condition for operation of any process step in the system of a fuel reprocessing plant is not met, the licensee shall shut down that part of the operation or follow any remedial action permitted by the technical specifications until the condition can be met. In the case of a nuclear reactor not licensed under §50.21(b) or §50.22 of this part or a fuel re-



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

SEP 5 1985

*Handwritten signatures and initials in the top right corner.*

MEMORANDUM FOR: Patricia G. Norry, Director  
Office of Administration

FROM: Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

SUBJECT: CRGR-RECOMMENDED ACTION ON THE PROPOSED RULE,  
"RETENTION PERIODS FOR RECORDS"

This memorandum forwards the NRR input requested by your June 21, 1985, memorandum on the same subject. Each NRR Division has conducted a detailed review of Enclosure 2 to your memorandum, which is a working chart of each proposed change to recordkeeping requirements in CFR Title 10, Chapter 1. The results of our review are documented in Enclosures 1 through 5 to this memorandum.

The most common finding resulting from our review is that NRR, by the nature of its mission within the agency, has very minimal need for licensees to maintain records. However, other offices (i.e., IE, NMSS) and the five regions do require retention of and access to a large quantity of records in order to conduct compliance inspection and audit activities. Therefore, we would expect most justifications regarding the need to retain records to come from IE, NMSS and the Regional Administrators. It was noted by my staff that your June 21, 1985 request was not sent to the Regional Administrators. This was brought to the attention of Mr. Philips on your staff and it is my understanding that regional input has also now been requested.

During the course of this review, my staff noted significant deficiencies in 10 CFR 50.36 (Technical Specifications) in terms of recordkeeping and reporting requirements which, if literally interpreted, could result in a significant burden to licensees of nuclear power reactors. Enclosure 2 is a discussion of these deficiencies, as we perceive them, and a proposed change to the regulation that we believe will reflect the staff's intent. Mr. R. Hernan of my staff has discussed these proposed changes with the appropriate people in IE and AEOD and has sent them information copies of Enclosure 2.

Should you have any questions on the enclosed material, please contact R. Hernan on X24735.

*Handwritten signature of Harold R. Denton.*

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc: Next Page

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- 2 -

cc: W. Russell  
T. Speis  
J. Knight  
R. Bernero  
H. Thompson  
H. Smith





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

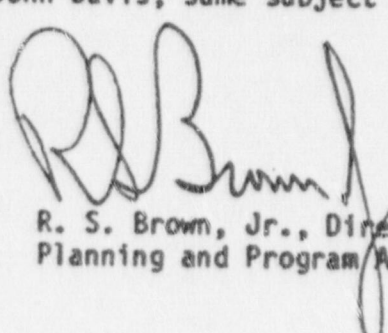
MAR 27 1986

MEMORANDUM FOR: Steve Scott, Chief  
Information and Records Management  
Branch, ADM

FROM: R. S. Brown, Jr., Director  
Planning and Program Analysis  
Staff, NMSS

SUBJECT: REVIEW OF PROPOSED RULE "RETENTION PERIODS  
FOR RECORDS"

The NMSS staff has reviewed the Federal Register Notice, backfit analysis, supporting statement and other related documentation for the proposed recordkeeping rule in response to the March 1, 1986 memorandum from Patricia Norry to John Davis, same subject as above. The NMSS comments are enclosed.

  
R. S. Brown, Jr., Director  
Planning and Program Analysis Staff, NMSS

Enclosure:  
As stated

CONTACT:  
George Gardes  
42-74026

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NMSS Comments on The Proposed Rule  
"RETENTION PERIODS FOR RECORDS" Proposed Rule

<u>No.</u>	<u>Page Number</u>	<u>Comment</u>	<u>Reason</u>	
1.	Page 3	Delete the last sentence of the first paragraph. <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">L</span>	Retention periods of QA records are included in Part 71. Also, it is not appropriate to say that as long as industry is conforming voluntarily NRC will not include the act in a rule.	Check not with Dredger: D/L
2.	Page 21	The retention period in Section 35.27(b) should be changed to three years. <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">V</span>	To conform to NMSS comments in the previous review.	10 new w/
OK 3.	Page 34	In the last sentence of Section (f), change the last two lines to read "...licensee transfers these records as required by...." <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">V</span>	Clarity	
4.	Page 38	In Section 70.24(a)(3), last sentence, change "five years" to read "three years." <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">V</span>	To conform to NMSS comments in the previous review.	by Cassidy/ check 10
OK 5.	Page 39	Delete words "Commencing on February 9, 1983, licensees in Regions I and II, and commencing on October 1, 1983," in the last sentence of paragraph (d). <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">V</span>	Clarity	Nothing is done if it is no longer OK

Table of Proposed Changes to Record Retention Periods

6.	Page 4	In 35.27(b)(1) and (2) change "Five" to "Three" under Proposed.	To conform to NMSS comments in the previous review.	
7.	Page 7	For both paragraphs 60.71(b) and 60.72(a) delete the word "none" under Existing and substitute therefore "Retain until Commission Terminates license."	To conform to paragraph (f), page 34, proposed rule.	

<u>No.</u>	<u>Page Number</u>	<u>Comment</u>	<u>Reason</u>
8.	Page 8	In paragraph 70.24(a)(3), change "five" to read "three" under Proposed.	To conform to NMSS comments in the previous review.
9.	Page 16	For paragraph 73.55(d)(6) change the comment under Proposed to read "not necessary."	To conform to NMSS comments in the previous review.
10.	Page 17 and Page 18	For paragraphs 73.70(a), 73.70(b), 73.70(c), 73.70(d), 73.70(e), 73.70(f), 73.70(g) and 73.70(h) under Proposed change "three years" to read "two years."	To conform to NMSS comments in the previous review.
11.	Page 19	Under Part/Section/Record add "74.11, 74.13, 74.13(b) and 74.15" to 74.31(a).	To conform to NMSS comments in previous review.
12.	Page 19	Under Part/Section/Record add "74.31(b)" to 74.31(c).	To conform to NMSS comments in previous review.
13.	Page 19	For Part 74.31(c)(7) change "one year" to read "three years" under Proposed.	To conform to NMSS comments in previous review.