

March 14, 1997

SECY-97-062

FOR: The Commissioners

FROM: L. Joseph Callan /s/  
Executive Director for Operations

SUBJECT: PROPOSED RULEMAKING ACTIVITY PLAN

PURPOSE:

The purpose of this Commission paper is to provide for Commission review the staff's proposed Rulemaking Activity Plan (RAP), (Enclosure 2). The RAP includes descriptions of rulemakings under the direction of the EDO that are currently actively being conducted and those that are being considered for future action. This process is intended to ensure that the staff incorporates Commission policy input to contemplated rulemakings at an early stage of rule plan development, before significant resources are expended. It further will provide a mechanism to determine whether previously initiated rulemakings should continue, be redirected or be terminated. Finally, the "Rulemaking Activity Plan" includes priorities for all ongoing and planned rules to allow effective allocation of resources in a manner consistent with Commission policy.

BACKGROUND:

**CONTACT:**

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In a Commission Staff Requirement Memorandum (SRM) of April 7, 1995, on the status of ongoing regulatory reform initiatives, the Commission directed the staff to (1) establish a process to review and prioritize rulemaking efforts on a continuing basis and (2) pay particular attention to how rulemaking efforts receive staff approval for initiation. The Commission asked that the staff identify all rulemakings currently under development or being contemplated and, based on safety benefit and cost, make a recommendation on

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the need for continuing the rulemaking process, and submit this information to the Commission for its review. In response to this SRM, the staff developed the initial version of the "Rulemaking Activity Plan" (RAP). This plan was transmitted to the Commission by memorandum dated May 10, 1995 and the Commission approved the initial version of the plan on May 26, 1995. The structure and format of the RAP has been designed to facilitate a review of all ongoing and planned rulemaking activities at various stages of development. RES is responsible for maintaining and periodically updating this Plan such that its updating will be synchronous with the 6-month update and input interval required for the OMB Regulatory Agenda for major agency rulemakings, and for the more detailed NRC Regulatory Agenda, published as NUREG-0936. The Office Directors under the EDO are responsible for the timely supply of Plan input to RES for all rulemakings under development and those being contemplated for development in their respective offices. RES will continue to submit the updated Rulemaking Activity Plan for review on an approximate 6-month interval.

On August 8, 1996, the semiannual update of the "Rulemaking Activity Plan" was sent to the Commission for approval via SECY-96-176, and was approved by the Commission's SRM dated October 9, 1996. Responding to a previous Commission SRM, the staff provided a summary of significant changes to the rulemaking activity plan (new rulemakings and petitions, rules terminated and rules that are on-hold) in each of the updates. This summary of changes has been included as Enclosure 1. Proposed changes in the priority of certain rules are also included in this enclosure.

#### Regulatory Improvement In Granting Generic Exemptions From Regulations

A Commission paper, Secy 96-147, "Planning for Pursuing Regulatory Improvement in the Area of Exemptions Granted to Regulations," dated July 1, 1996, identified 11 rulemaking actions with the potential for reducing the present and future need for recurring exemptions. Nine of these rulemaking actions are included in the Rulemaking Activity Plan and specifically identified in Appendix B. Two of the rulemaking actions previously listed were dropped: the rulemaking to minimize exemptions to 10 CFR 50.55a is now not considered necessary (per Secy-96-218, PRA Implementation Plan) and the rulemaking to change various parts of the regulations to modify the definition of decommissioning has been subsumed into the rulemaking activity for license termination.

In Secy 96-147, the staff committed to review recent experience

with exemptions to determine whether any changes or additions to these nine candidate rulemakings are warranted. This review will continue on an ongoing basis. However, the staff has not identified any such additions at this time.

In addition to this, the Commission SRM dated January 29, 1997 on SECY-96-247, "Staff Response to SRM on SECY-96-147 Regarding Reducing Need For Exemptions and Consistency of the Exemption Process" provided additional guidance to the staff. Specifically, the staff was directed to include in future semiannual updates of the Rulemaking Activity Plan a listing and description of the

applications for exemptions that have been received and the exemption applications that have been granted or denied during the reporting period of the plan. The requested information will be included in the next update of the Rulemaking Activity Plan.

Proposed Major Rulemaking Revision to 10 CFR Part 35

The staff is preparing a Commission paper containing a proposed process for revising 10 CFR Part 35 which will reflect Commission Strategic Assessment direction. The Commission paper will detail the development of a rulemaking plan including proposed resolutions for major issues, and the completion of appropriate public workshops and additional interactions involving the medical community, public interests, and NRC's Advisory Committee on Medical Uses of Isotopes. This Commission paper will identify certain rulemaking activities specifically associated with Part 35 that will be incorporated into this revision. The affected rulemakings include the following: RM #310 "Pregnancy and Breast-Feeding Status of Patients, Part 35"; RM #385 "Revisions to Parts 31 and 35 to Address MMP Items"; RM #406 "Revise Brachytherapy Procedures, Part 35"; RM #478 "Relief From Requirements Dealing with the Medical Uses of Radiation, Parts 35.29c and d"; and RM #463 "NRRPT - Training Requirements for RSOs". These rulemakings will be subsumed in one rulemaking activity and will be dropped as individual activities if the Commission approves the staff's proposed approach.

RECOMMENDATION:

Unless the Commission directs otherwise, the staff will continue to implement the RAP as provided in Enclosure 2.

L. Joseph Callan  
Executive Director  
for Operations

Enclosures:

1. Summary of Changes to the RAP
2. Rulemaking Activity Plan
  - Appendix A to Encl. 2, Summary of Rulemaking Activities
  - Appendix B to Encl. 2, Exemptions Granted to Regulations

**ENCLOSURE 1**

**SUMMARY OF CHANGES TO THE**  
**RULEMAKING ACTIVITY PLAN SINCE**  
**THE LAST PLAN UPDATE IN JUNE 1996**  
**FOR RULEMAKINGS UNDER THE**  
**OFFICE OF THE EDO**

NEW RULEMAKING ACTIVITIES (EITHER REQUESTED BY USER OFFICES OR HAD RULEMAKING PLANS COMPLETED) THAT HAVE BEEN ADDED TO THE VARIOUS CATEGORIES

**CATEGORY I (ACTIVE RULES)**

**HIGHER PRIORITY**

- o USEC Privatization Act (Public Law 104-134)  
Parts 40, 70, AND 76--RM#442--W#960075--RES-C1HP-23 SEE PAGE CVI-6
- o Requirements for Shipping Packages Used to  
Transport Vitrified Wastes Containing Plutonium,  
Part 71 (PRM-71-11)--RM#491--AF59--RES-C1HP-24 SEE PAGE CI-8
- o Fissile Material Shipments And Exemptions,  
Part 71--RM#492--RES-C1HP-25 . . . . . SEE PAGE CVI-6
- o Amending Initial Operator License Examination  
Requirements, Part 55--RM#484--RES-C1HP-26 . . . SEE PAGE CI-9
- o Removal of the 5-Year Term For Licenses  
For The Medical Use of Byproduct Material,  
Part 35.18--RM#493--NMSS-C1HP-27 . . . . . SEE PAGE CI-10
- o Revision to Nuclear Power Reactor Decommissioning  
Financial Assurance Implementation Requirements,  
Part 50.2 and Part 50.75--RM#424--AF41--RES-C1HP-28 SEE PAGE CI-10
- o Insurance Requirements For Power Reactor  
Facilities Under a Possession Only License,  
Part 50--RM#312--AF16--RES-C1HP-29 . . . . . SEE PAGE CI-11

**MEDIUM PRIORITY**

- o Alternative Criteria For Non-Profit Entities and  
Alternative Financial Criteria For Non-Bond Issuing  
Licensees--RM#408--RES-C1MP-17 . . . . . SEE PAGE CI-15
- o Audit Frequency For Emergency Planning and Security,  
Part 50, PRM-50-59, PRM-50-60--RM#413--RES-C1MP-18 SEE PAGE CI-15
- o Addition of Radon-222 and Technetium-99 Values to Table S-3  
and Revisions Resulting from Consideration of Higher-Burnup

Fuel (Part 51)--RM#116--AA31--RES-C1MP-19 . SEE PAGE CI-16

- o Environmental Report Requirements For Material Licensees Terminating A Uranium Milling License, Part 51.60--RM#443--RES-C1MP-20 . . . . . SEE PAGE CI-16

**LOW PRIORITY**

- o Notice to Employees; Minor Amendment to Part 19--RM#495--C1LP-19 . . . . . SEE PAGE CI-19

**CATEGORY II (TECHNICAL BASES UNDER DEVELOPMENT)**

- o Amend Certification of Compliance NO.72-1007 For The VSC-24 Dry Spent Fuel Storage Cask, Part 72.214--RM#390--RES-C2HP-07 . . . . . SEE PAGE CII-2

**CATEGORY III (NEW RULEMAKING PLANS BEING DEVELOPED OR IN QUEUE)**

**HIGHER PRIORITY**

- o Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 (PRM 20-24)--RM#490--RES-C3HP-22 . . SEE PAGE CIII-4
- o Specific Domestic Licenses of Broad Scope For Byproduct Materials, Part 33--RM#448--AF54--NMSS-C3HP-23 . . . . . SEE PAGE CIII-5
- o Major Revision to Part 35--RM#497--RES-C3HP-24 SEE PAGE CIII-6

**MEDIUM PRIORITY**

- o Alternative Site Reviews, Part 50--RM#313--RES-C3MP-16 . . . . . SEE PAGE CIII-12
- o Miscellaneous Changes to Part 72 and Amendment to Exempt Natural or Depleted Uranium Metal Used In Storage Cask Shielding, Part 40--RM#446--W#960162--RES-C3HP-24 SEE PAGE CIII-13
- o Exemption From Criticality Monitor Requirements For



- Fresh Fuel, Part 70.24--RM#494--RES-C3MP-23 SEE PAGE CIII-15
- o Compatibility with the IAEA Standards,  
Part 71--RM#496--RES-C3MP-26 . . . . . SEE PAGE CIII-17
- o Codes and Standards; Change to  
Part 50.55a, Paragraph H--RM#498--RES-C3MP-28 SEE PAGE CIII-18

**LOW PRIORITY**

- o Eliminate 10 CFR Part 2,  
Appendix A--RM#489--RES-C3LP-06 . . . . . SEE PAGE CIII-19

**NEW PETITION FOR RULEMAKINGS THAT HAVE BEEN RECEIVED AND/OR PUBLISHED FOR PUBLIC COMMENT**

**CATEGORY IVA (ON HOLD, BUT IN QUEUE)**

- o PRM-70-07 Petitioner/Petition Docket Number:  
Nuclear Energy Institute--Uranium processing,  
uranium enrichment and fuel fabrication licensees  
RM#469-RES-C4A-24 . . . . . SEE PAGE CIVA-3

**RULEMAKING/PETITION ACTIVITIES THAT HAVE BEEN PLACED ON HOLD OR TERMINATED**

**CATEGORY IVB (ON HOLD)**

- o Reduction of Additional Reporting Requirements  
Imposed on NRC Licensees (10 CFR 50),  
RRGR Item 59a--RM#387--RES-C4B-24 . . . . . SEE PAGE CIVB-10
- o Extremity Dosimetry--RM#146--RES-C4B-25 . . . . . SEE PAGE CIVB-10

**CATEGORY V (ACTIONS TERMINATED)**

- o Revise Uranium Recovery Financial  
Assurance Requirements, Appendix A  
Part 40 Criteria 9--RM#410--RES-C5-12 . . . . . SEE PAGE CV-3

- o Clarification of Assessment Requirements for Siting Criteria and Performance Objectives, Part 60--RM#338--AE40--NMSS-C5-13 . . . . . SEE PAGE CV-3
- o Alternative to The Use of ASME Boiler and Vessel Code in the Areas of Inservice Inspection and Testing, Part 50.55A--RM#476--RES-C5-14 . . . . . SEE PAGE CV-5
- o Modification of The Definition of Decommissioning, Part 20--RM#481--RES-C5-15 . . . . . SEE PAGE CV-5
- o Antitrust Review of Facility License Applications, (Part 50, Appendix L)--RM#427--RES-C5-16 . . . . . SEE PAGE CV-6
- o Conformance of Part 61 Dosimetry Doses to Revised Part 20--RM#407--RES-C5-17 . . . . . SEE PAGE CV-6
- o Addition Of DOE Multi Purpose Canisters, Part 72.214--RM#412--RES-C5-18 . . . . . SEE PAGE CV-6

**RULEMAKINGS WHOSE PRIORITY HAVE BEEN CHANGED SINCE LAST REPORTING PERIOD**

**CHANGED FROM HIGH PRIORITY TO MEDIUM PRIORITY**

- o Staffing and Training Requirements For Defueled Nuclear Power Plants, Part 50, 55--RM#444--RES-C3MP-18 . . . . . SEE PAGE CIII-13
- o Use of Advanced Cladding Material in Light Water Reactor Fuel Designs, Part 50--RM#449--RES-C3MP-19 . . . . . SEE PAGE CIII-14
- o Storage of Greater Than Class C Waste, Part 72--RM#436--W#960157--RES-C3MP-25 . . . . . SEE PAGE CIII-16
- o Revision of Respiratory Protection Requirements, Part 20--RM#269--RES-C3MP-27 . . . . . SEE PAGE CIII-17

**CHANGED FROM LOW PRIORITY TO MEDIUM PRIORITY**

- o Modify The Financial Assurance Requirements For Decommissioned Plants To Eliminate The Need For Unnecessary Financial Assurances, Parts 30, 40, 70, 72--RM#482--RES-C3MP-21 . . . . . SEE PAGE CIII-14

- o Relief From The Use of Part 35 Requirements For Teletherapy Devices For Non-Human Irradiation, Part 36--RM#479--RES-C3MP-22 . . . . . SEE PAGE CIII-15

**CHANGED FROM LOW PRIORITY TO HIGH PRIORITY**

- o Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements, Part 50.2 and Part 50.75--RM#424--AF41--RES-C1HP-30 . . . . . SEE PAGE CI-10

**CHANGED FROM MEDIUM PRIORITY TO HIGH PRIORITY**

- o General Revisions to the Fitness-For-Duty Rule, Part 26--RM#397--AF12--NRR-C1HP-30 . . . . . SEE PAGE CI-12

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**ATTACHMENT 2**

**RULEMAKING ACTIVITY PLAN**

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Key to Rulemaking Categories in Rulemaking Activity Plan

- Category I:            Active Rulemakings - Those rules that have been judged to be needed by user/sponsoring offices, have been approved by the EDO and the Commission by previously approved Rulemaking Activity Plan (RAP) or by individual rulemaking plans and are currently in progress.
- Category II:        Technical Basis Under Development - Development of the Technical Basis is needed to support certain rulemaking activities. All the activities in this category will be subject to further approval using MD 6.3 rulemaking plan process.
- Category III:      Rules Being Planned - Rules (including petitions)



that are judged to be needed based on preliminary assessment by the user/sponsoring office but that must be processed through the new planning process (MD 6.3) for EDO review and approval; to include a Commission negative consent opportunity.

Category IV: Activities on Hold (2 Subcategories)

- IVa Rules (including petitions) for which further assessment is required before deciding whether to initiate rulemaking; or to grant, to deny, or to partially grant a petition.
- IVb Rules for which further work cannot be undertaken until information needed from outside sources is obtained or until resources become available.

Category V: Drop - may require some closeout actions.

Category VI: Rules Completed or Nearly Completed (Commission Approved)

**INDEX FOR**  
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**CATEGORY I, ACTIVE RULES**

**HIGHER PRIORITY**

Design Certification for Advanced Boiling Water Reactor  
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Radiological Criteria for License  
Termination of Nuclear Facilities (Parts 20,  
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**MEDIUM PRIORITY**

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Audit Frequency For Emergency Planning and  
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Keith J. Schiager, Ph.D., et al.--RM#451--RES-C4A-07 . CIV A-1

PRM-50-62 Petitioner/Petition Docket Number:  
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PRM-50-63 Petitioner/Petition Docket Number:  
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PRM-70-07 Petitioner/Petition Docket Number:  
Nuclear Energy Institute--RM#469-NMSS-C4A-24 . . . . CIV A-3

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CATEGORY IVB- ON HOLD

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 and EPA HLW Standards (Part 60)--RM#79--AC03--W#840171--RES-C5-06  
 CV-1

Distribution of Source and Byproduct  
 Material: Licensing and Reporting  
 Requirements, Parts 32 and 40--RM#292--AE33--W#940069--RES-C5-09  
 CV-1

Criteria for Extraordinary Nuclear  
 Occurrence, Part 140--RM#51--AB01--W#810014--RES-C5-10 . . CV-2

Safe Concentration For Possession of  
 SNM in Contaminated Soil--RM#409--NMSS-C5-11 . . . . . CV-2

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Doses to Revised Part 20--RM#407--RES-C5-17 . . . . . CV-6

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**CATEGORY VI, RULES COMPLETED OR NEARLY COMPLETED (COMMISSION APPROVED)**

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Effects (Part 51)--RM#256--AD63--RES-C1HP-02 . . . . . CVI-1

Codes and Standards for Nuclear Power Plants (ASME  
Code, Section XI, Division 1, Subsection IWE and

Subsection IWL) (Part 50)--RM#136--AC93--RES-C1HP-04 . CVI-1  
 Constraint Level for Air Emissions of  
 Radionuclides (Part 20 )--RM#377--AF31--RES-C1HP-07 . . CVI-2  
 Criteria for the Release of  
 Patients Administered Radioactive  
 Material (Parts 20, 35)--RM#291--AE41--RES-C1HP-13 . . CVI-3  
 Design Basis Events, Part 60--RM#179--AD51--NMSS-C1HP-16 CVI-4  
 Revise Reciprocity Provisions For Agreement  
 State licensees in Areas of Exclusive Federal  
 Jurisdiction, Part 150.20--RM#209--AF49--RES--C1HP-20 . CVI-5  
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 USEC Privatization Act (Public Law 104-134)  
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 Fissile Material Shipments  
 And Exemptions, Part 71--RM#492--AF58--RES-C1HP-25 . . CVI-6  
 Reactor Site Criteria; Including Seismic and



Earthquake Engineering Criteria for Nuclear  
Power Plants (Parts 50,52,100)--RM#267--AD93--RES-C1MP-01 CVI-7

Radiography and Radiation Safety Requirements for  
Radiographic Operations (Part 34)--RM#287--AE07--RES-C1MP-04 CVI-8

Minor Amendments to 10 CFR  
Parts 2 and 51--RM#421--AF43--RES-C1MP-12 . . . . . CVI-8

PRM-61-03 Petitioner/Petition Docket Number:  
Heartland Operation to Protect the Environment--RM#461-RES-C4A-16  
CVI-9 . . . . .  
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PRM-72-03 Petitioner/Petition Docket Number:  
Fawn Shillinglaw--RM#464-RES-C4A-19 . . . . . CVI-9  
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PRM-20-24 Petitioner/Petition Docket Number:  
University of Cincinnati--RM#465-RES-C4A-20 . . . . . CVI-9

PRM-34-05 Petitioner/Petition Docket Number:  
Amersham Corporation--RM#466-RES-C4A-21 . . . . . CVI-10  
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PRM-35-14 Petitioner/Petition Docket Number:  
IsoStent, Inc.--RM#467-RES-C4A-22 . . . . . CVI-10  
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Petition For Rulemaking From U.S. Department of  
Energy on Packaging and Transportation of  
Radioactive Materials, Part 71.63--PRM-71-11--NMSS-C5-02 CVI-11

**CATEGORY I**  
**ACTIVE RULES**

**RULES IN DEVELOPMENT/BEING COMPLETED**

**THOSE RULEMAKINGS THAT HAVE**

BEEN JUDGED TO BE NEEDED BY  
THE USER OFFICE AND HAVE BEEN  
APPROVED BY THE EDO AND ARE  
CURRENTLY IN PROGRESS.

**HIGHER PRIORITY**

**NRR-C1HP-06 Design Certification for Advanced Boiling Water Reactor (ABWR) AND SYSTEM 80+ (Part 52)--RM#366--AE87--W#910065**

**OBJECTIVE--** The proposed rulemaking will amend the Commission's regulations by providing a standard design certification for the U.S. Advanced Boiling Water Reactor and the System 80+ designs. Design certification rulemakings are initiated by an applicant for a design certification under the provisions of Subpart B of 10 CFR Part 52. A major purpose of Part 52 was to achieve early resolution of safety issues and to provide a more stable and predictable licensing process.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Design certification rules do not establish generic regulatory requirements unlike other rulemakings. Therefore, a formal cost/benefit analysis is not needed. However, if they are referenced for use by more than one combined license applicant, the NRC expects enhanced safety and cost-effectiveness to generally result.

**Recommendation to Proceed--** Yes The staff believes that the rulemakings should continue. The proposed rulemakings were published for comment on 04/07/95 (60 FR 17902). The final

rulemaking was published for 30 day public comment period on 04/24/96 (61 FR 18099). The comment period was extended to July 23, 1996 on May 30, 1996 (61 FR 27027). Commission SRM dated December 6, 1996 approved publication of the final rulemaking. We expect that the final rulemaking will be published in the Federal Register in April 1997.

**RES-C1HP-08 Radiological Criteria for License Termination of Nuclear Facilities (Parts 20, 30, 40, 50, 51, 70, 72)--RM#211--AD65--W#830615**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations regarding decommissioning of licensed facilities to provide specific radiological criteria for license termination of lands and structures. These criteria apply to the decommissioning of all NRC licensed facilities and facilities subject to the Commission's jurisdiction. These criteria will be used in determining the adequacy of remediation of residual radioactivity resulting from the possession or use of source, byproduct, and special nuclear material. However, they do not apply to sites already covered by a plan approved by the Commission before the effective date of this rule.

The intent of the rule is to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be remediated before a site can be considered decommissioned. The NRC believes that inclusion of criteria in the regulations will result in more efficient, less expensive, consistent licensing actions related to the numerous and frequently complex site remediation and decommissioning activities anticipated now and for the future. The NRC has reassessed the basis for the residual contamination levels contained in existing guidance in light of changes in basic radiation protection standards, improvements in remediation and radiation detection technologies, decommissioning experience obtained during the past 15 years, and comments received from workshops held as part of this rulemaking effort.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

(Originally the rule was intended to codify a performance goal for decommissioning. However, unless the rulemaking is changed it may become burdensome for some licensees.)

**COST/BENEFIT--** The cost of this rulemaking to NRC licensees is not considered significant as they are currently having to demonstrate compliance with a similar limit (other than Uranium and Thorium) without the benefit of consistent, demonstrable standards. The benefit to NRC licensees is that they will be able to better plan for decommissioning during operation as the goals of license termination will be clear. The guidance being provided will assist licensees in making decisions about

remediation. This guidance should allow NRC licensees to much more effectively prepare for decommissioning.

The cost of this rulemaking to NRC is not insignificant. To date it is estimated that approximately 12.5 FTE and \$5.5 million has been spent on this participatory type of rulemaking. However, the cost of individually evaluating each facility requesting license termination is also high. With the expected increase in the number of facilities requesting license termination, it is believed that the costs are justified and will be recovered in savings on individual decommissioning actions over the several years ahead.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The Commission has directed the staff to proceed with the final rulemaking expeditiously. The final rulemaking was sent to EDO for approval on February 12, 1997. The final rule was sent for Commission approval on 02/21/97 Via SECY-97-046.

**RES-C1HP-11 Codes and Standards for NPP (Part 50.55a)--RM#318--AE26**



**OBJECTIVE--** The proposed rule would amend the Commission's regulations section 10 CFR 50.55a, Codes and Standards, that mandates use of Section III of the ASME Boiler and Pressure Vessel Code (ASME BPV Code) for construction of Class 1, 2, and 3 components in nuclear power plants, and use of Section XI of the ASME BPV Code for inservice inspection (ISI) and inservice testing (IST) of those components. Section 50.55a requires that each licensee update its ISI and IST programs every 120 months to the latest edition of the ASME BPV Code endorsed by the NRC in that section of the regulations.

Initially, using cost-beneficial licensing action (CBLA) evaluation, NRR had concluded that cost savings could be realized by licensees without adversely affecting safety by establishing a baseline edition of the ASME BPV Code, and entirely eliminating the 120-month update requirement for licensee ISI and IST programs. The staff had proposed to endorse the use of most provisions in later editions and addenda of the ASME BPV Code for voluntary use by licensees, and would backfit only those Code changes that could be supported by analysis that comports with the intent of 10 CFR 50.109, Backfitting. The rulemaking would include the first such justified backfit for the expedited implementation of Section XI Appendix VIII, Performance Demonstration for Ultrasonic Examination Systems. The backfit is considered to be necessary to improve the effectiveness of ultrasonic examinations. In addition the rulemaking would, for the first time, incorporate by reference the ASME Operation and

Maintenance (OM) Code to replace the Section XI requirements for IST (Note: The latter action is made necessary by the ASME directive that transferred all responsibility for IST from Section XI to the ASME Operation and Maintenance Committee.)

A part of this rulemaking has been reoriented. The staff is preparing two rulemaking options for review by CRGR.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** As a part of this rulemaking, advantages and disadvantages of three different options for revising 10 CFR 50.55a will have been evaluated in detail. Licensee and NRC costs, and related costs, such as State and Insurance agency costs, associated ISI and IST program revisions, related procedure modifications, submittals for staff review, program revisions in response to staff comments, ISI and IST NRC inspection activities and also effects of each option on Codes and Standards development will have been considered. The rule will be revised in accordance with the option that can best be supported by overall cost/benefit regulatory analysis.

The revision process for this particular amendment to 10 CFR 50.55a provides, for the first time, a detailed evaluation of possible options followed by revising the rule using the option that results in the most improvement in the safety of nuclear

power plants at the lowest relative overall cost to both the industry and the NRC.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue.

**AEOD-C1HP-12 Reporting Reliability and Availability Information For Risk-Significant Systems and Equipment, PART 50.76--RM#414--AF33--W#940180**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations in 10 CFR Part 50 to require that licensees for commercial nuclear power reactors report summary reliability data for risk-significant systems and equipment to the NRC. This will help the NRC to move towards risk-informed performance based regulation and to improve the regulatory process via: (1) more risk-effective safety decisionmaking, (2) more efficient focus on use of agency resources, and (3) reduction in unnecessary burdens on licensees.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Present net worth of NRC and Licensee costs is estimated at \$89 million. Benefit estimates are largely qualitative because it is difficult to ascribe specific benefits to data collection alone, apart from the overall process of moving towards risk-informed performance based regulation. Regardless, the benefits appear to clearly outweigh the costs. For example, saving only 6 hours per year of plant unavailability would outweigh the average plant's annual recurring cost of \$72,000.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue because reliable information is needed to improve the regulatory process. This will provide substantial net benefits in the long run, including a reduction in unnecessary regulatory burdens. A general deferral would be recommended only if the industry begins to supply adequate information voluntarily. In October 1996 industry representatives provided a sample of data representing a proposed voluntary alternative to the rule. The staff is evaluating the sample data and will provide a recommendation to the Commission in April 1997. Commission SRM on SECY-95-215 dated 10/24/95 approved publication of the proposed rule for public comment. The proposed rule was published for comment in the Federal Register on February 13, 1996 (61 FR 5318). The draft regulatory guide was noticed for comment in the Federal Register on May 2, 1996 (61 FR 19645).

**RES-C1HP-18 Addition of 10 CFR 20.2205, Unauthorized Use Of Licensed Radioactive Material--RM#429--AF44--W#950124**

**OBJECTIVE--** The Nuclear Regulatory Commission (NRC) is proposing to add a new requirement for licensees to notify the NRC Operations Center of any diversion of licensed radioactive material from its intended or authorized use. The proposed rule would require licensees to notify the NRC as soon as possible of such incidents, that are either intentional or allegedly intentional, or where the licensee is unable, within 48 hours of discovery, to rule out that the use was intentional. The proposed rule would require reporting of events that could lead to an exposure of individuals whether or not the exposure exceeds the regulatory limits.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** The costs to licensees of the proposed rule, if adopted, could be estimated as follows. The number of such events is estimated at 20 per year. The NRC further estimates that 20 hours would be required to determine the cause of the event, prepare the report, complete management review, and make a telephone call to the NRC Operations Center. The total estimated burden to all licensees would be 400 hours per year. Assuming

administration and labor costs of approximately \$116 per hour, the total cost would be about \$46,400 per year.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The proposed rulemaking will not have an adverse effect on licensees subject to this rule. The proposed rulemaking was sent to the Commission, SECY-95-275, for approval on November 21, 1995. Commission SRM dated 12/19/95 approved publishing proposed rulemaking for comment. The proposed rulemaking was published for comment on 01/31/96 (61 FR 3334). The final rulemaking was sent for EDO/Commission approval on November 20, 1996. The final rule was sent for Commission approval on 02/20/97 Via SECY-97-045.

**NRR-C1HP-19 Steam Generators--RM#394--AF04--W#940048**

**OBJECTIVE--** The steam generator rule is being proposed to resolve the following problems: Out-of-Date Criteria due to improved technology (e.g., nondestructive testing, data acquisition capability), changes in degradation mechanisms, and operating experience gained in the last 20 years, the current regulatory criteria applicable to steam generator (SG) tube integrity are out of date; Overly Conservative Repair Criterion the 40% through-wall (TW) steam generator repair tube limit that

is typically incorporated into plant technical specifications, has been applied, in the absence of any other repair criteria, to all forms of steam generator tube degradation. Although the 40% TW depth criterion for steam generator tube repair is a good criterion for tube wastage (i.e., steam generator tube wall thinning), it is generally overly conservative for many other forms of steam generator degradation such as pitting or stress corrosion cracking; NDE Limitations associated with current nondestructive examination technology for detection, as well as, the limited capability to accurately size crack depths for degradation such as ODSCC make it impossible to practically implement or comply with the current 40% TW depth repair limit. As a result, licensees are generally forced to plug or sleeve indications as soon as they are detected; Inflexibility the current criteria do not readily allow licensees the flexibility to manage different types of steam generator tube degradation. Licensees must either use the 40% TW repair criteria for all forms of degradation or submit a plant-specific technical specifications amendment for staff approval to enable the use of more appropriate repair criteria that consider the structural integrity implications of the given mechanism; Overly Conservative Dose Calculation the radiological dose calculation assumptions for accident analysis are overly conservative, as indicated by data that have become available since the methodology of the Standard Review Plan was developed; and Leakage Requirements there are no requirements for instrumentation for monitoring steam generator leakage, although

such instrumentation is widely used and has improved significantly in recent years.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Implementation of the rule will increase costs associated with: developing and implementing a SG program for each licensee; and use of more comprehensive inspection procedures increases inspection costs, although use of alternate repair criteria necessitates improved inspections and extends the life of SGs. Implementation of the rule will reduce the following costs: allowing use of alternate repair criteria will reduce costs that licensees incur with continuing with the use of the 40% TW overly conservative repair criteria and will reduce tube repair and associated costs including long term costs associated with unit derating and potential shutdown for some plants; and long term resource expenditures for both the staff and industry associated with SG inspection Benefits: rule will implement better inspection techniques--safety enhancement; rule will implement more restrictive leakage limits--safety enhancement; rule will implement a more flexible framework providing incentives for using better NDE technology--safety enhancement; and rule will reduce regulatory uncertainty that results from the current ad hoc approach.

**Recommendations to Proceed--** Yes The staff believes that the rulemakings should continue. An advanced notice for proposed



rulemaking (ANPRM) was published in the Federal Register on September 19, 1994, inviting comments, advice, and recommendations from interested parties on the proposed steam generator rule. The public comments submitted in response to the ANPRM indicate agreement with the staff that rulemaking is the preferred regulatory approach for resolution of current problems associated with steam generator tube integrity. The staff believes that the rulemaking effort in SECY-95-131 to develop and issue for public comment a proposed rule and an associated regulatory guide should be continued. A revised schedule for the proposed rulemaking was provided to the Commission in a memorandum dated May 20, 1996. The need for this rulemaking is being reconsidered, as discussed in a memorandum that was sent from L. Callan to the Commission dated February 24, 1997.

**RES-C1HP-21 Reduction In Nuclear Power Reactor Security Requirements Associated With Insider Threat (Part 73.55)--RM#405--AF11--W#950117**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations by

updating the requirements for the physical security of nuclear power reactors. The proposed rule will reduce the regulatory burden without compromising physical protection against insider threat by revising or eliminating requirements in five areas: key controls for access to vital areas, maintenance of access lists for vital areas, response to vital area doors, search requirements for on-duty guards, and requirements for vehicle escort.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** It is expected that the licensees will realize cost savings, with no reduction in health and safety.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. The rulemaking plan was sent for EDO/Commission approval on 05/09/96 using Management Directive 6.3 process. The rulemaking plan was sent for Commission approval, SECY-96-105, on 05/14/96. The rulemaking plan was approved by Commission SRM dated June 11, 1996. The proposed rulemaking was sent for EDO/Commission approval on August 22, 1996. The proposed rulemaking was sent for Commission, SECY-96-248, approval on December 9, 1996. Commission SRM on SECY-96-248 dated January 29, 1997 approved the proposed rulemaking. The proposed rulemaking was sent to ADM to be published for public comment in the Federal Register on February 7, 1997. The

proposed rulemaking was published for public comment in the Federal Register on February 20, 1997 (62 FR 7721).

**RES-C1HP-22 Safeguards for Spent Nuclear Fuel or High-Level Radioactive Waste, (Parts 60, 72, 73, 75)--RM#346--AF32--W#930128**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to clarify safeguards requirements for spent nuclear fuel or high-level radioactive waste (HLW) stored at independent spent fuel storage installations, power reactors that have permanently ceased reactor operations, monitored retrievable storage installations, and geologic repository operations areas. This action is necessary to reduce the regulatory uncertainty regarding the safeguards requirements for the storage of spent nuclear fuel and high-level radioactive waste without reducing the level of protection for public health and safety.

The proposed rule: (1) Addresses a safeguards issue; (2) Has potential for reducing regulatory burden; and (3) Will improve efficiency of licensing.

Currently, the Commission's regulations addressing the storage of spent nuclear fuel or high-level radioactive waste (HLW), 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," refer the

applicant or licensee to "...applicable requirements of Part 73..." for requirements for physical protection. However, Part 73 does not identify any physical protection requirements as specific to the storage of spent nuclear fuel or HLW. In practice, affected facilities are being licensed using selected portions of 10 CFR 73.50 and 73.55 and interim licensing criteria as guidance. In addition, the Commission's requirement for the safeguards of HLW and spent nuclear fuel at the Department of Energy's (DOE) geologic repository is that DOE provide "...such safeguards as it requires at comparable surface facilities..."

For DOE's geologic repository operations area, 10 CFR Part 60 does not currently specify the physical protection and safeguards requirements that DOE must meet. Simply stated, the requirements are that DOE: 1) certify that it will provide the same safeguards as DOE requires at comparable DOE surface facilities; and 2) provide a description of the physical security plan. Also, 10 CFR Part 60 does not provide specific requirements that establish what the safeguards and physical protection plans must contain to be acceptable. When the staff attempted to develop individual review plans that it could use to evaluate the requirements in 10 CFR 60.21(b)(3) and (b)(4), it found that the existing requirements were sufficiently ambiguous that review criteria could not be written. For these reasons, Part 60 needs to be revised to specify the safeguards and physical protection requirements that are acceptable to the Commission. Moreover, by defining the requirements more clearly in advance of the

submission of a license application, opportunities for timely public review and comment may be enhanced.

In licensing (under Part 72) the storage of spent nuclear fuel or HLW at an ISFSI or a power reactor that has permanently ceased reactor operations, the NRC staff has had to sort through the many safeguards requirements of Part 73 to choose appropriate safeguards requirements, and impose those requirements through license conditions. This rulemaking is needed to codify existing practice for the safeguarding of stored spent nuclear fuel or HLW and provide a consistent set of requirements for future licensing.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The original intent of the proposed requirements was to clarify and codify the existing regulatory practice with no additional burden placed on current licensees. The NRC would derive a cost savings through a more efficient licensing process providing a basis for future licensing actions. However, a number of those commenting on the rule contend that the costs of some of the proposed safeguards measures were too high when considered in terms of the degree of safeguards protection they would provide. Based on these comments, the costs and benefits of the proposed rule are being re-evaluated. Also the possibility of a more performance-based approach is being considered to maximize flexibility.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The proposed rulemaking was published for comment on 08/15/95 (60 FR 42079). A Commission paper will be sent to seek direction from the Commission on cost reduction options developed by the staff to respond to the industry comments on the proposed rule, also whether to revise and republish the rule as performance based with a Reg Guide or fix the proposed rule, address the opposing comments, and publish the rule as final. On the basis of the vehicle bomb study and the cost options, the Commission paper will present the following issues: (1) what is a reasonable level of protection for ISFSIs, (2) to what degree must there be human involvement in monitoring the ISFSI, and (3) should barriers be erected to protect against vehicle bombs.

**RES-C1HP-24 Requirements for Shipping Packages Used to Transport Vitrified Wastes Containing Plutonium, Part 71 (PRM-71-11)-- RM#491--AF59--W#960169**

**OBJECTIVE--** The proposed rule would exempt canisters containing vitrified plutonium waste from the packaging requirement for double containment. This amendment is being proposed in response to a petition for rulemaking (PRM-71-11) submitted by the

Department of Energy. The primary purpose for double containment is to ensure that any respirable plutonium will not be leaked into the atmosphere. The staff believe that vitrified waste containing plutonium is essentially nonrespirable, and therefore, the packaging requirement for double containment is unnecessary. This proposed rule would also make a minor correction to the usage of units to be consistent with existing NRC policy.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** It is expected that the proposed regulatory action will reduce the regulatory requirements for certain DOE plutonium shipments, and therefore cost less, while having no significant impact to safety.

**Recommendation to Proceed--** Yes The staff believes that the rulemakings should continue. Commission SRM on SECY-96-215 dated October 31, 1996 approved a proposed rulemaking on an expedited basis. The proposed rulemaking was sent for EDO/Commission approval on February 13, 1997.

**RES-C1HP-26 Amending Initial Operator License Examination Requirements, Part 55--RM#484--W#950056**

**OBJECTIVE--** The proposed rule change would revise 10 CFR 55 to require that licensees prepare, conduct, and grade the licensing examinations that are given to reactor operators and senior reactor operators. Although the Code of Federal Regulations does not specify who will be responsible for these examinations, the current practice has been for the NRC or its contractors to prepare and conduct these examinations. The NRC has conducted a pilot program in which it has had licensees prepare these examinations and submit them to NRC for review. Evaluations of the pilot program have indicated that with experience licensees can do an adequate job of preparing, conducting, and grading these examinations. The NRC has an obligation to prescribe uniform conditions for licensing operators and senior operators. This rule change will either require licensees to use the methods published in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," or it will incorporate those standards directly into the Code of Federal Regulations.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemakings should continue. The final rulemaking plan was sent for office concurrence on 08/26/96 using MD 6.3 process. The



final rulemaking plan was sent for EDO approval on 09/09/96. The final rulemaking plan was sent to the Commission, SECY-96-206, for approval on 09/25/96. Commission SRM on SECY-96-206 dated December 17, 1996 approved the rulemaking plan.

**NMSS-C1HP-27 Removal of the 5-Year Term For Licenses For The Medical Use of Byproduct Material, Part 35.18--RM#493**

**Objective** The purpose of this proposed rulemaking is to remove from 10 CFR 35.18 the 5-year term for licenses for the medical use of byproduct material. There is no reference to a specific term for other licenses issued under 10 CFR Parts 30, 40, and 70. Removal of this reference to a 5-year license term would enable the license term for medical use of byproduct material to be set by practice, as is the case with other material licenses.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**Cost/Benefit--** This rulemaking would eliminate an inconsistency between how license terms for medical licenses, and all other materials licenses are established. The former are established in codified regulation, whereas the latter are set by practice.

Assuming that the Commission approves the extension of the license term for all other materials licenses from 5-years to 10-years, failure to complete this rulemaking would result in a disparity between medical use licenses and all other materials licenses.

**Recommendation to Proceed--** The staff believes that the rulemaking should continue. Commission SRM on SECY-96-252 dated January 24, 1997 approved the rulemaking plan.

**RES-C1HP-28 Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements, Part 50.2 and Part 50.75--RM#424--AF41--W#950112**

**OBJECTIVE--** The purpose of this proposed rulemaking is to modify the financial mechanism required to provide decommissioning funds when needed because the impact of deregulation of the power generating industry has created potential uncertainty with respect to the availability of decommissioning funds when needed. The proposed rulemaking would allow licensees to take credit for earnings on their trust funds during an extended safe storage period. Also, the proposed rulemaking would require periodic

reporting to monitor compliance with decommissioning funding assurance regulations by power reactor licensees.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** For those non-rate setting licensees that would attempt to qualify for a parent company or self-guarantee, the staff estimates 8 to 40 hours would be needed to complete the financial test documents. The burden on the NRC to review these documents would be approximately 2 hours per licensee.

If the NRC imposed a periodic reporting requirement (e.g., every 3 years) on the status of decommissioning funding assurance, the staff estimates that licensees would submit approximately 100 reports every 3 years, or an average of 33 reports each year. The impact on licensees would be in copying and transmitting information they already have, which staff estimates to be approximately 2 staff-hours per licensee or 66 staff-hours annually.

It should take approximately 1 NRC-staff hour on average to review and analyze each report. An annual summary report based on the submissions current up to that year should require approximately 8 NRC-staff hours to prepare and disseminate. No contractor effort should be needed. Thus, total NRC staff effort should be about 41 staff-hours annually (i.e., 33 reports x 1 NRC-staff hour + 8 NRC-staff hours) for a decommissioning funding

status report. Using the Financial Accounting Standards Board (FASB) information would entail similar staff effort.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The rule plan was approved by the EDO on September 1, 1995. Commission SRM on SECY-96-030 dated 03/27/96 approved the ANPR. The ANPR was published in the Federal Register on 04/08/96 (61 FR 15427). The comment period has ended and the staff is evaluating 650 comments received to date. The priority of this rulemaking has been raised from low to high in anticipation of the impact of deregulation.

**RES-C1HP-29 Insurance Requirements For Power Reactor Facilities Under a Possession Only License, Part 50--RM#312--AF16--W#930116**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations regarding appropriate relief from insurance coverage for various spent fuel configurations during permanent plant shutdown. The proposed rule will also address a petition for rulemaking from North Carolina Public Utility Commission (PRM-50-57).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Reduces NRC burden and licensee costs in the review of licensee submittals for determining appropriate licensee exemptions, relief and insurance coverage from regulatory requirements during permanent shutdown based on the spent fuel storage configurations.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. The rulemaking category listing was changed from Category II to Category III. The rulemaking plan was sent for office concurrence on 04/25/96 using Management Directive 6.3 process. The rulemaking plan was sent for EDO approval on August 6, 1996. The rulemaking plan was resent for EDO approval on December 6, 1996. The rulemaking plan was sent for Commission, SECY-96-256, approval on December 17, 1996. Commission SRM on SECY-96-256 dated January 28, 1997 approved the rulemaking plan.

**NRR-C1HP-30 General Revisions to the Fitness-For-Duty Rule, Part 26--RM#397--AF12--W#890042**

**OBJECTIVE--** The proposed rule would amend the Commission's fitness for duty (FFD) regulations based on experience gained. This proposed rule would also address the petition for rulemaking from Virginia Electric and Power Company (PRM-26-1) to reduce the

frequency of audits to biennially, and address the Regulatory Review Group items on audit frequency and annual submittal of data. The proposed revisions were previously submitted to the Commission as SECY-92-308 but were withdrawn by the EDO because of backfit issues. The Commission requested that the proposed amendments be resubmitted after the backfit issues are resolved. The Commission subsequently approved the revised rulemaking package. The proposed rule would also significantly reduce regulatory burden, improve the effectiveness of licensees' FFD programs at little or no cost, adopt changes made to the HHS guidelines and address legal, technical, and policy issues, such as the Americans With Disabilities Act

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Industry burden would be reduced by about \$27 million per year. The proposed rule would enhance the ability of licensees to deter and detect substance abuse and remove unfit workers. The proposed rulemaking is expected to provide an incremental increase in safety relative to the FFD safety requirements previously approved by the Commission.

**Recommendation to Proceed--** Yes Significant improvements in effectiveness and efficiencies in licensees' FFD programs and reduced burden on the NRC staff would result. The proposed rulemaking package was published for public comment on 05/09/96 (61 FR 21105).

**MEDIUM PRIORITY**

**NRR-C1MP-10 Shutdown and Spent Fuel Pool Operations, Part 50--  
RM#398--AE97--W#920223**

**OBJECTIVE--** This rule is intended to provide a regulatory basis for spent fuel pool operations and for the protection of public health and safety during shutdown operation. It will establish minimum functional requirements consistent with minimizing event occurrence, mitigating events that do occur, and providing defense-in-depth to assure prevention of core damage and provision of containment integrity.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** Planned NRC cost to complete is 1.0 FTE and \$50K contract cost. Spent fuel pool operations backfit is not justified on a cost/benefit basis and would be voluntary. Benefit for shutdown operations backfit is estimated to be a reduction of core damage frequency of approximately 4E-04 per reactor-year for PWRs and approximately 2E-05 per reactor-year

for BWRs. Value/impact ratios greater than unity (i.e., supportive of backfitting) are estimated for both reactor types.

**Recommendation to Proceed:** Yes The staff believes that the rulemaking should continue. Although such requirements exist for power operation, no comparable rule based requirements are provided for shutdown operation. Further, the staff is in the process of revising the proposed rule to address spent fuel pool operations. Although the staff has previously determined that public health and safety are adequately protected without this rule, this assurance presently depends in part, upon measures for which a codified basis does not exist. In order to assure that these measures are not eroded in the future when economic pressures are likely to drive utilities to streamline operations, certain requirements should be codified.

**ADM-C1MP-13 Access to and Protection of Classified Information, Parts 25, 50, 54, 95--RM#417--AF37**

**OBJECTIVE--** The final rule would conform NRC policy for the protection of classified national security information at



licensee and certificate holder facilities with new national policy directives and initiatives, including the National Industrial Security Program Operating Manual (NISPOM); Executive Order (EO) 12958, "Classified National Security Information"; and EO 12968, "Access to Classified Information." The NRC must comply with these Presidential and national policies.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There is little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/certificate holders from this rulemaking. Some affected organizations may have to modify Part 95 security plans for the protection of classified information, but there should not be any significant or costly security revisions required.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue to ensure that NRC conforms with national policies for the protection of classified information. Deferring action would simply delay implementation of policies mandated by the President. The proposed rulemaking package was published for public comment on 08/05/96 (61 FR 40555).

**RES-C1MP-14 Deliberate Misconduct Rule, Parts 30, 40, 50, 60, 61, 70, 72, 110)--RM#425--AF35--W#960007**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations by extending the requirements of the deliberate misconduct rule to apply to the applicants for NRC licenses and certificates of compliance applicants and reciprocity applicants.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** It is expected that the rulemaking will not create an additional cost to licensees, however it will be a potential benefit to health and safety.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. The rulemaking plan, using Management Directive 6.3 process, was approved by Commission SRM on SECY-96-017 dated February 8, 1996. The proposed rulemaking was sent for office review and comment on 06/03/96. The proposed rulemaking was sent for EDO approval on 08/13/96. The proposed rulemaking was sent to the Commission, SECY-96-184, for approval on 08/20/96. Commission SRM on SECY-96-184 dated 09/11/96 approved the proposed rulemaking. The proposed rulemaking was published for comment on 10/04/96 (61 FR 51835).

**ADM-C1MP-15 Criteria and Procedures For Determining Eligibility For Access to Restricted Data or National Security Information, Parts 10 --RM#431--AF48**

**OBJECTIVE--** The final rule would conform NRC policy for the protection of classified national security information at licensee facilities with new national policy directives and initiatives, including the National Industrial Security Program Operating Manual (NISPOM); Executive Order (EO) 12958, "Classified National Security Information"; and EO 12968, "Access to Classified Information." The NRC must comply with these Presidential and national policies.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There is little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/certificate holders from this rulemaking. There should not be any significant or costly security revisions required.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue to ensure that NRC conforms with national policies for the protection of classified information. Deferring action would simply delay implementation of policies mandated by the President.

**RES-C1MP-17 Alternative Financial Criteria For Non-Profit Entities and Alternative Financial Criteria For Non-Bond Issuing Licensees--RM#408--W#930212**

**OBJECTIVE--** The proposed rulemaking would revise the Commission's regulations to publish criteria that would allow qualifying non-profit entities and non-bond issuing business corporations to use self-guarantee as an additional mechanism for financial assurance. The overall objective is to reduce the licensee's cost burden without causing adverse effects on public health and safety.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Estimated annual savings to industry is over \$1.0 million.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. The contractor recommendations have been reviewed and have been incorporated in a Commission memorandum, SECY-95-278 dated November 28, 1995, recommending that a rulemaking plan be developed. Commission SRM dated 02/05/96 approved development of a rulemaking plan using MD 6.3 process.

The rulemaking plan was sent for Commission, SECY-96-091, approval on 04/30/96. Commission SRM on SECY-96-091 dated May 24, 1996 approved sending the rulemaking plan to the agreement states for comment. The final rulemaking plan was approved on September 4, 1996 and the proposed rulemaking is being developed. The proposed rulemaking was sent for office review on 12/19/96. The proposed rulemaking was sent for EDO approval on 1/31/97. The proposed rulemaking was sent for Commission approval on 02/13/97 Via SECY-97-041.

**RES-C1MP-18 Audit Frequency For Emergency Planning and Security, Part 50, PRM-50-59, PRM-50-60--RM#413**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations by changing the frequency with which licensees conduct independent reviews and audits of their safeguards contingency plans, security programs and emergency preparedness programs. The regulations would be revised to require that licensees conduct program reviews and audits at least every 24 months. It would also clarify that the necessity for more frequent, focused audits be based on an assessment by the licensee against performance indicators or a significant change in personnel, procedures, equipment, or facilities. These

proposed changes promote performance-based, rather than compliance-based review and audit activities. The proposed changes will further clarify that programs must be reviewed and audited following a significant change in personnel, procedures, or equipment as soon as reasonably practicable, but no later than 12 months after the changes. The purpose of these focused audits would be to ensure that changes have not adversely affected the operation of the particular program element or function in question. In addition, the proposed rule will respond to petitions for rulemaking (PRMs 50-59 and 50-60).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Industry burden would be reduced by about \$1 million per year, and should result in improved, performance-based audits.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. The revised rulemaking plan was resent to the EDO/Commission for approval on August 22, 1996. Commission SRM on SECY-96-236 dated December 5, 1996 approved the final rulemaking plan.

**RES-C1MP-19 Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel (Part 51)--RM#116--AA31--W#910146**

**OBJECTIVE--** The proposed rule is mandated by the Commission and would amend the Table of Uranium Fuel Cycle Environmental Data (Table S-3) by adding new estimates for potential releases of technetium-99 and radon-222 and by updating other estimates. The proposed rule would remove the environmental impacts related to the technetium-99 and radon-222 values in Table S-3 from consideration in individual light-water-cooled nuclear power reactor (LWR) licensing proceedings.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** It is not possible to perform a quantitative cost-benefit analysis because the number and timing of applications for construction permits for LWRs and production and utilization facilities are uncertain at this time. However, this rule would result in up-front implementation costs to the NRC (estimated to be about \$258,000) and cost reductions in the preparation and review of CP stage environmental documents (estimated to be about \$14,000 per LWR).

**Recommendation to Proceed--** YES The staff believes that the rulemaking should be continued. In so far as this issue impacts

existing OLS, the staff notes that the Part 51 rulemaking for license renewal for NPP's should generally suffice for those license renewal applications and environmental assessments that rely on the use of Table S-3. Thus, the proposed rulemaking package is being developed now that the License Renewal rulemaking has been completed.

**RES-C1MP-20 Environmental Report Requirements for Terminating a Uranium Milling License, 10 CFR Part 51.60--RM#443**

**OBJECTIVE--** The proposed rulemaking would revise the Commission's regulations to delete the requirement for an environmental report required by 10 CFR Part 51. The requirement is contained in Section 51.60 of the 10 CFR. Subsection b of this part lists the types of actions that require an environmental report. Item 3 under subsection b is the "Termination of a license for the possession and use of source material for uranium milling".

This requirement has been in the regulation since the 1970's and is unique in that there is no such requirement at license termination for any other nuclear facility. The Program Office (NMSS) has been unable to provide any justification or explanation for why the requirement exists in the first place.



The staff believes the requirement is unnecessary because of the length of time involved in terminating a license of a uranium mill and the process of conducting multiple environmental reviews throughout the termination process. By the time the licensee requests termination of its license, any environmental impacts previously identified in the licensing and amendment processes will have been mitigated through compliance with EPA rules and NRC rules. The only condition that would remain at that time is those dealing with what monitoring the licensee needs to perform. Therefore an Environmental Report at License termination is a useless and unnecessary reporting requirement.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** A Preliminary cost benefit analysis done as part of the rulemaking plan showed a favorable, but marginal, benefit.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on September 30, 1996. The rulemaking plan was sent for EDO approval on December 6, 1996. The rulemaking plan was sent for Commission, SECY-96-254, approval on December 17, 1996. Commission SRM on SECY-96-254 dated January 9, 1997 approved the rule plan.

**LOWER PRIORITY**

**RES-C1LP-05 Revision to 10 CFR Parts 20, 32, 35, 36, and 39  
Regarding Minor Administrative Changes, Clarifications, and a  
Minor Policy Change--RM#402--AF46**

**OBJECTIVE--** The proposed rulemaking will amend the Commission regulations to make minor administrative changes and clarifications to 10 CFR Part 20, "Standards for Protection Against Radiation." The proposed amendments also would conform other 10 CFR Parts with the Commission's revised radiation protection requirements. In addition, a minor policy change is proposed that would revise the monitoring criterion for minors from 0.05 rem (0.5 mSv) to 0.1 rem (1 mSv) in a year and for declared pregnant women from 0.05 rem (0.5 mSv) to 0.1 rem (1 mSv) during their pregnancies.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** These changes will reduce licensees burden slightly and also simplify licensee procedures.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The proposed rulemaking was sent for office review on 02/12/96. The proposed rulemaking was sent for EDO approval on August 20, 1996. The proposed rulemaking was

approved by EDO on September 6, 1996. The proposed rulemaking was published for comment on 10/07/96 (61 FR 52338).

**IRM-C1LP-17 Submittal procedures For Documents, Parts 19, 20, 30-36, 39, 40, 51, 52, 55, 60-62, 70-75, 140, 150--RM#445**

**OBJECTIVE--** The objective of this rulemaking is to establish standardized procedures for use by licensees and applicants when submitting applications, reports, and other written communications to the NRC. It would require that the signed original of licensee submittals and reports be addressed to the Document Control Desk. Copies would also be sent to the Regional Administrator and the NRC Resident Inspector, if appropriate.

The current regulations are not consistent in the instructions given to external entities for submitting licensing related communications to the NRC. Currently, submittals may be addressed to an Office Director, an individual staff member, a Regional Administrator, the Document Control Desk, or various combinations of these addresses. The current regulations also contain outdated references to NRC organizational units that have been renamed or reorganized into different organizations. As a result, there is the increased probability that some

communications from licensees may not be captured for placement in the NRC central document management system or properly disseminated to the NRC staff, official file centers, and the public document rooms.

10 CFR Part 50 document submittals are directed to a central receipt and distribution point, the Document Control Desk. Extending standardized requirements to other 10 CFR parts will enable the Document Control Desk to better control agency records, place documents on the Nuclear Documents System (NUDOCS) before distributing them to intended recipients, and direct official records to their proper file stations.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There would be little or no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/applicants from this rulemaking. The affected licensees and applicants would have to revise their correspondence procedures, but this is expected to be a very minor administrative burden.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should continue to ensure that written communications received from licensees and applicants are captured for placement in the NRC central document management system, and are properly

disseminated to the NRC staff, official file centers, and the public document rooms. Deferring action would simply delay the implementation of improved administrative practices.

**ADM-C1LP-18 Nuclear Regulatory Commission Acquisition Regulation (48 CFR Chapter 20)--RM#475--AF52**

**OBJECTIVE--** The proposed rule would amend the Nuclear Regulatory Commission Acquisition Regulation (NRCAR) for the procurement of goods and services within the NRC to satisfy the particular needs of the agency. The proposed rule would incorporate streamlining and simplification methods identified under the NRC's Procurement Reinvention Laboratory (PRL) and legislated under the Federal Acquisition Streamlining Act of 1994 (FASA), the Federal Acquisition Reform Act of 1996 (FARA), and the Information Technology Management Reform Act (ITMRA) of 1996.

**TYPE--OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** It is expected that the rulemaking will not create an additional cost to licensees, however, the proposed rule will simplify processes for small business, non-profit organizations, and universities.

**Recommendation to proceed--** Yes The staff believes that this rulemaking should continue. The intent of the FASA, FARA, and ITMRA is to streamline procurement processes within the Federal

Government. Implementing instructions are needed for some of these processes. Additionally, under the authority of the NRC's PRL, the procedures in the NRCAR will be streamlined and simplified wherever possible.

**RES-C1LP-19 Notice to Employees; Minor Amendment to Part 19--RM#495**

**OBJECTIVE--** The proposed rule would amend the Nuclear Regulatory Commission regulations to refer to "the current" NRC Form 3, "Notice to Employees" instead of referencing, by date, the latest version of this form in the Federal Register. This action is necessary because the version referenced in the Code of Federal Regulations has been updated and to eliminate the need to update the Federal Register every time the form is changed.

**TYPE--OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** It is expected that the rulemaking will create an insignificant additional cost to licensees.

Recommendation to proceed-- Yes The staff believes that this rulemaking should continue. The direct final rulemaking was sent for office review on January 31, 1997.

**CATEGORY II**

**TECHNICAL BASIS UNDER DEVELOPMENT**

**DEVELOPMENT OF THE TECHNICAL**

**BASIS IS NEEDED TO SUPPORT**

**THESE RULEMAKING ACTIVITIES**



PREVIOUSLY APPROVED OR  
EXPECTED BY EDO OR COMMISSION.

**HIGHER PRIORITY**

**RES-C2HP-04 Criteria For Recycle/Reuse--RM#381--W#940059**

**OBJECTIVE--** Provide a uniform, risk-informed performance based standard for the recycle or reuse of materials and equipment that are radioactively contaminated. The proposed regulation would replace non-codified guidance and practices for the restricted or unrestricted release of materials and equipment with a uniform, risk-informed performance based standard. The proposed regulation would provide regulatory relief from the currently used, case-by-case practices of applying either Regulatory Guide 1.86 surface contamination values or no detectable activity using environmental measurements methodology. There are no current release levels established generally for volumetrically contaminated materials. The regulation would provide a generic risk-informed performance-basis for the release of slightly contaminated materials and equipment rather than case-by-case analysis or disposal in a low-level waste facility.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ ADDS FLEXIBILITY**

**COST/BENEFIT--** The primary benefit anticipated is the cost savings from avoiding costs of low-level waste disposal of the materials and equipment.

**Recommendation to Proceed--** YES The staff believes that the rulemaking is needed to complement the radiological criteria for decommissioning rule, but it should be initiated after the technical underpinnings for risk-informed performance based analyses are in place. However, the staff is preparing a Commission Paper that describes options on the recycle and reuse rulemaking to reflect shifts in EPA's approach to their parallel rulemaking. In any case the staff will continue to take advantage of the efficiency realized from cooperative efforts to develop the technical basis for the recycle rulemaking while the final rulemaking on radiological criteria for license termination is being completed.

**RES-C2HP-05 Disposal by Release into Sanitary Sewerage, Part 20-  
-RM#288--AE90--W#94008**

**OBJECTIVE--** The proposed rulemaking would amend the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. This rulemaking would also address a petition for

rulemaking (PRM-20-22) submitted by the Northeast Ohio Regional Sewer District.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed after a defensible technical basis has been established. The NRC and EPA are conducting a joint survey of sewage treatment plants in the U.S. to supplement the technical basis for the rulemaking. The agencies anticipate submission of the OMB clearance package for the survey and completion of a trial survey at 9 facilities in Summer 1997.

**RES-C2HP-07 Amend Certification of Compliance NO.72-1007 For The VSC-24 Dry Spent Fuel Storage Cask, Part 72.214--RM#390**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to add the modified VSC-24 dry spent fuel storage cask to Part 72.214 so that holders of operating power reactor licenses can use this cask under a general license. Otherwise

holders of power reactor operating licenses would have to obtain a specific license in order to use this cask. The modified cask will store spent fuel with control components. The currently approved VSC-24 cask cannot store spent fuel with control components.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The net benefit of the rule to the NRC is that the modified cask would have to be approved only once for use by a number of licensees. If a specific license would be required, the NRC would have to review each license application. For licensees, the rule would provide another option for the storage of spent fuel under the provisions of a general license.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. The certification process for dry spent fuel storage cask designs has been codified under Part 72 pursuant to the Waste Policy Act. Accordingly it is expected that this rulemaking amendment will proceed because it will further streamline the cask licensing process.

**MEDIUM PRIORITY**

**RES-C2MP-05 Exemption from Licensing of Certain Products, Parts 30, 32--RM#400--W#900208**

**OBJECTIVE--** NMSS has requested that a new exemption be established to cover a number of types of devices that are currently used under specific or general license. Types of products that are considered candidates for exemption include some: electron capture detectors, X-ray fluorescence analyzers, static eliminators, static monitors, beta backscatter gauges, and calibration and reference sources, which meet certain design and safety criteria.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** An exemption would relieve the users of the reporting, recordkeeping, testing and disposal requirements associated with the use of the devices under license. For those now used under specific license, additional technical and financial burdens would be relieved. These burdens may not be appropriate given the low hazards associated with the devices. Details of costs and benefits have yet to be determined; the potential exposures of the public from exempting these categories of devices is under study.

NMSS also notes that the exempt quantities (§ 30.18) and exempt concentrations (§ 30.14) of byproduct material may need to be made more restrictive. Because of this, NMSS recommends coordinating both of these actions because there are calibration sources exempt under § 30.18, which may be more appropriately covered under the proposed new exemption for devices, and the impact of revising exempt quantities could be minimized with the new exemption. The reason for the difference is that the new exemption would be for specific devices reviewed for safety by the Commission, while the exempt quantities are contained in a broad exemption covering material in any form.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, The staff believes that the rulemaking should proceed. However, it may need to be modified based on Commission direction on action plan of working group on accountability of sources and devices. Refer to C4B-01.

**LOWER PRIORITY**

NONE

**CATEGORY III**  
**RULES BEING PLANNED**

**RULES (INCLUDING PETITIONS) THAT ARE**



JUDGED TO BE NEEDED BASED ON PRELIMINARY  
ASSESSMENT BY USER OFFICE BUT MUST BE  
PROCESSED THROUGH PLANNING PROCESS  
(MANAGEMENT DIRECTIVE 6.3) FOR  
EDO/COMMISSION REVIEW AND APPROVAL.

**HIGHER PRIORITY**

**RES-C3HP-07 Skin Dose Limits For Hot Particles--RM#164--  
W#9900178**

**OBJECTIVE--** The rulemaking will establish dose limits and calculational procedures for dealing with the "hot particle" issue (small particles found in nuclear reactors and some material facilities that, because of their high activity and small size, produce high localized doses to the skin). The skin dose limits in the revised 10 CFR Part 20 are not supported by research results directly applicable to hot particles. Furthermore, there are significant differences in the applicable dose limit recommendations of the ICRP and NCRP. Brookhaven National Laboratory is providing the technical basis for the rulemaking by conducting hot particle exposures on live swine skin to establish the threshold dose(s) for ulceration.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The final dose constraint is most likely to be less restrictive than the conservative interim limit. Therefore both the NRC and its licensees will realize a reduction in the current regulatory burden and improvement in health and safety. Since the rulemaking process has not yet begun, the details of the costs and burdens to the NRC and its licensees have not been determined.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. The rulemaking category listing has been changed to Category III.

**RES-C3HP-09 Update of Decommissioning Funding Certification Amounts For Applicants and Licensees, Parts 30, 40, 70--RM#243**

**OBJECTIVE--** The proposed rule will revise the Commissions regulations that would make any necessary adjustments to the certification amounts financial assurance in Parts 30, 40 and 70. The certification amounts will likely need to be revised upward to account for inflation in decommissioning costs since when they were promulgated in 1988.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. Support for this rulemaking was contained in a memorandum to the Commission from J. Taylor, "Response For Recommendation As to Whether Reexamination of Requirements For

Decommissioning Funding For Materials Licenses Is Appropriate",  
May 28, 1993.

**RES-C3HP-10 Elimination of 30-Day Delay in Loading Spent Fuel  
After Preoperational Testing, Part 72.82(E)--RM#433**

**OBJECTIVE--** The proposed rulemaking would shorten or eliminate the 30-day delay for the loading of spent reactor fuel into an Independent Spent Fuel Storage Installation (ISFSI) following completion of preoperational testing. The staff considers the extent of this time delay to be excessive and unnecessary because the NRC has an extensive oversight presence during preoperational testing looking at the acceptance criteria and test results in real time. The staff will propose shortening or removing this requirement.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office concurrence on 07/19/96 using Management Directive 6.3

process. However, NMSS memorandum (E-Mail Travers to Greeves, Morris, et. al.) dated September 5, 1996 indicated that the rulemaking should be terminated. Accordingly, the rulemaking plan was not completed and not sent to the Commission for approval. However, Commission SRM on SECY-96-176 dated 10/09/96 directed the staff to continue the development of the rulemaking plan. The final rulemaking plan will be sent to EDO for approval in the near future.

**RES-C3HP-11 Medical Use of Carbon-14 For The Detection of Helicobacter Pylori, Part 35--Rm#432**

**OBJECTIVE--** The proposed rulemaking would permit any physician to receive and administer to humans capsules containing one microcurie of Carbon-14 for diagnostic testing to detect helicobacter pylori, a bacterium that causes peptic ulcers in the stomach. This proposed rule would also respond to a petition for rulemaking from Tri-Med Specialties, Inc. (PRM-35-12).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on August 14, 1996. The rulemaking plan was sent to the agreement states for comment on September 30, 1996. Agreement States comments have been incorporated into the rule plan and was sent to EDO for approval on January 30, 1997.

**RES-C3HP-13 Energy Compensation Sources For Well Logging, Part 39--RM#440**

**OBJECTIVE--** The proposed rulemaking would allow small energy compensation sources (ECS) used for well logging to be treated differently than well logging sources. Since Part 39 was written, the industry has developed new technology that allows logging operations to be done concurrently with drilling. Even newer technology separates the ECS and the logging tool from the larger logging source to allow easier retrieval of the logging source in the event the drill stem becomes unretrievable. This technology requires an additional small source (less than 0.0001 Curie) versus the normal 3 to 20 Curie well logging sources. Many requirements in Part 39 are not appropriate or necessary for protecting public health and safety and the environment for ECS. However, since Part 39 did not envision these small sources, the

requirements were not written to allow variations in the requirements based on the source. The rulemaking would modify the regulations in Part 39 to define ECS and provide appropriate regulations for their use in well logging.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3HP-14 Expand Applicability to Include Additional Parties, Part 72--RM#439--W#960160**

**OBJECTIVE--** The present regulation dealing with completeness and accuracy of information submitted to the Commission by an applicant for a license, or by a licensee, is found at 10 CFR 30.9, 40.9, 50.9, 54.13, 55.9, 60.10, 61.9a, 70.9a, 71.6a, 72.11, 76.9, and 110.7a.

The proposed rulemaking is intended to correct a weakness in Section 72.11 by expanding its scope to include holders of and applicants for certificates of compliance; fabricators, designers, and vendors of casks; their employees; and the employees of their contractors, subcontractors, and consultants. The correction would clarify that they may be subject to enforcement action for submitting to the NRC information that is not complete and accurate in all material respects. Because of these limited specific requirements in Part 72 for parties other than licensees, the Commission has been unable to issue notices of violation to other parties involved in ISFSI safety related functions. The staff believes there may be safety consequences resulting from this weakness. The ability to issue notices of violation to these parties would improve the effectiveness of the NRC's inspection and enforcement programs in assuring compliance with the Commission's regulations.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed using Management Directive 6.3 process. A letter requesting the EDO's approval to initiate a rulemaking plan has been sent to the EDO. The rulemaking plan was sent for office review on February 10, 1997.



**RES-C3HP-20 Options For The Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477**

**OBJECTIVE--** The purpose of this project is to reevaluate requirements related to radiography and radiographic equipment to determine whether a rule change is required to better meet NRCs regulatory intent. The requirements in 10 CFR Part 34 and ANSI N432, which is incorporated by reference, are sometimes very prescriptive and often require exemptions for special cases. One example is the requirement for rigid guide tubes. These are frequently impractical in the airline industry due to the geometry of the equipment being radiographed. It is expected that broadening the language of § 34.20 will result in a reduction in the number of exemptions sought.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3HP-22 Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 (PRM-20-24)--RM#490**

**Objective:** The Nuclear Regulatory Commission (NRC) received a petition for rulemaking dated April 7, 1996, from the University of Cincinnati. The petitioner requested that the Commission amend its regulations to authorize specified visitors of hospitalized patients, as members of the public, to receive up to 500 mrem per year. The petition was published in the Federal Register on June 21, 1996 (61 FR 31874).

The individuals for whom the petitioner proposes to permit doses in excess of the current 0.1 rem (1 mSv) in a year limit are unlikely to receive this dose more than once in their lifetime. The purpose of permitting the higher dose would be to provide needed support to a patient undergoing diagnosis or treatment with radioactive implants or radiopharmaceuticals. The petitioner suggests that this special dose limit extension be granted only to specified individuals determined by the physician to be necessary for the emotional and/or physical support of the patient (e.g., parents of children, close family members of elderly patients, or other persons who could provide emotional support to the patient). The petitioner agrees that it would be prudent to preclude pregnant women or minors from receiving a

dose in excess of the 0.1 rem ( 1 mSv) limit in Part 20. The petitioner further suggests that radiation dose monitoring devices be provided to the exposed individual and a record of dose received be retained as a mechanism to demonstrate compliance with the limit.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. Commission SRM on SECY-96-176 dated 10/09/96 approved initiating the development of the rulemaking plan.

**RES-C3HP-23 Specific Domestic Licenses of Broad Scope For Byproduct Material, Part 33--RM#448--AF54**

**OBJECTIVE--** The Commission is considering revising its regulations governing specific licenses of broad scope for byproduct material to clarify current licensing practices and to provide licensees with the flexibility to make certain types of

changes to their radiation safety programs. Currently, 10 CFR Part 33 provides limited requirements. In addition to ongoing staff efforts regarding the possible need for clarification of requirements for broad scope licensees, consideration of changes to Part 33 was also a recommendation of the Incident Investigation Team reviewing a recent incident involving ingestion of phosphorus-32 at a broad scope facility. The NRC is also considering codification of guidance, and license standard review plans for management oversight of broad-scope licensed programs, that include the roles of the Radiation Safety Officer, the Radiation Safety Committee, supervision, qualifications of the authorized user, the use of audits and inventory requirements, and security and control of licensed material.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** If 10 CFR Part 33 is revised to provide licensees the flexibility to make certain types of changes to their radiation safety programs without seeking a license amendment, there would be a reduction in the burden to licensees and NRC.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. A draft advanced notice of proposed rulemaking was sent for office review and comment on June 7, 1996. An advanced notice of proposed rulemaking (ANPR) was

published for comment on November 14, 1996 (61 FR 58346). A proposed rule plan is being developed.

**RES-C3HP-24 Major Revision of 10 CFR Part 35--RM#497**

**OBJECTIVE--** The purpose of this proposed rulemaking is to revise 10 CFR Part 35 to reflect a risk-based approach to the regulation of the medical uses of byproduct material. Currently, all modalities of medical use of byproduct material are regulated as though the risk is uniform regardless of the quantity or emissions of the material. Further, for those modalities of use that are adjudged to be of somewhat lower risk, performance oriented requirements would allow licensees the flexibility to develop procedures appropriate to their uses of byproduct material. The revision would address training and experience requirements for physicians, RSOs, physicists, and possibly other allied health personnel. This initiative will include guidance for licensees, inspectors, and license reviewers. Changes to Part 35 will impact on and require changes to other Parts of Title 10 of the Code of the Federal Regulations.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** If 10 CFR Part 35 is revised to reflect a risk-based approach, certain requirements for licensees who use byproduct material for those uses of material that are adjudged

to be lower risk would be reduced or eliminated; there would be a corresponding reduction in burden to medical use licensees.

**Recommendation to Proceed--** Yes, the staff believes that the rulemaking is needed. This initiative may combine/subsume certain existing rulemaking efforts related to other Part 35 changes that are currently on-hold: RM #310, "Pregnancy and Breast-Feeding Status of Patients, Part 35"; RM #385, "Revisions to Parts 31 and 35 to Address MMP Items" (Part 31 portion may be retained as a separate action); RM #406, "Revise Brachytherapy Procedures, Part 35"; RM #478, "Relief From Requirements Dealing with the Medical Uses of Radiation, Parts 35.29d and c"; and RM #463, "NRRPT - Training Requirements for RSOs". These rulemakings will be subsumed in one rulemaking activity and will be dropped as individual activities if the Commission approves the staff's proposed approach.

#### **MEDIUM PRIORITY**

##### **NRR-C3MP-01 Fitness for Duty (Scope)--RM#396--AF13**

**OBJECTIVE--** The proposed rule, if necessary, would amend the Commission's regulations by changing the scope of the random drug

testing requirements. The concern is a balance between the NRC's responsibility to protect public health and safety and perceived encroachment into privacy expectations of individual workers. This action addresses a recommendation by the Solicitor to the Commission after the 9th Circuit Court ruled (in NRC's favor) on a request from the International Brotherhood of Electrical Workers (IBEW) that certain workers be exempt from the random drug testing requirements.

A general notice was published in the Federal Register on May 11, 1994 (59 FR 24373) to solicit public comments on various options for changing the scope of random drug testing. Thirty-four letters were received, with comments generally aligned into two groups: (1) licensees, state governments, NEI and individual responders preferred retaining the current scope of testing and opposed excluding workers (such as clerical) who had unescorted access to protected areas but do not have access to vital areas; and (2) IBEW commenters preferred testing only workers with unescorted access to vital areas and opposed retaining the current scope of testing.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** If the decision is to maintain the rule as is, no cost or savings will accrue. If the decision is to reduce the scope to test only those workers who have unescorted access to vital areas, then each licensee might save approximately \$20K per

year in testing costs, with some unquantified increased risk to public health and safety. If the decision is made to exclude certain types of workers (e.g., clerical) and continue to test all others who have unescorted access to protected areas, then each licensee might save approximately \$2K per year in testing costs, with a smaller unquantified increase in risk to public health and safety. Costs to monitor the access status of workers with respect to the testing pool may offset these savings. If the decision is made to define safety-related positions, there would be a significant cost to licensees and to the NRC staff (not calculated) to develop the standards, define the positions, and if required, defend them in court.

**Recommendation to Proceed--** Yes Since this action deals with a potentially significant legal issue, the staff plans to complete its evaluation and provide the results to the Commission. A Commission paper is being prepared by NRR with a recommendation on whether to proceed with this rulemaking.

**RES-C3MP-04 Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities (Part 50)--RM#340--AF29--W#920197**



**OBJECTIVE--** The proposed rule would amend the Commission's fire protection regulations for voluntary adoption by nuclear power plant licensees. The proposed rulemaking will also respond to a Petition For Rulemaking (PRM-50-61) from NEI. The regulatory framework will be changed to allow flexibility in the implementation of safety objectives and the use of probabilistic risk analysis and fire-model computer codes to demonstrate compliance with the safety objectives as such methods are developed and validated by industry.

Although the primary purpose of this rulemaking is to reduce the regulatory burden on the industry by replacing some of the more prescriptive fire protection requirements with performance based regulations, a concomitant benefit is expected to be a reduction in the number of exemptions sought by licensees in this area.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should result in an overall cost savings to the nuclear industry.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. A Commission option paper was sent to the Commission, SECY-96-134, for approval on June 21, 1996. Commission SRM on SECY-96-134 dated 10/02/96 approved development

of a rulemaking plan based on performance-based and risk-informed approaches for fire protection.

**RES-C3MP-06 Special Nuclear Material Accountability, Parts 70, 74--RM#309--W#960007**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to condense Part 70 by deleting MC&A requirements that largely duplicate requirements in Part 74. It would complete the action begun when Part 74 was created. In addition, it would clarify some terminology that has been a source of some confusion and would address industry concerns regarding the prescriptiveness of some MC&A requirements. A reduction in prescriptiveness may result in burden reduction to the licensees, by allowing more efficient and effective methods to be used to achieve the objectives of the regulation.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The potential benefits to licensees appear to outweigh the cost of implementing a new rule; however, the potential benefits appear to be marginal. The rule will likely involve minor adjustments to several definitions and move the

portion that applies to category 2 licensees to Part 74. There presently are no category 2 licensees but this may change.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3MP-08 Revision of Prototype Testing Requirements for Watches Containing Tritium (PRM-32-04), Part 32.14--RM#423**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to include watches containing gaseous tritium light sources (GTLS's) on the same regulatory basis as luminous tritium paint. Since the application of tritium luminescent technology has changed sufficiently, a modification of the regulation is needed. Although the exemption in 10 CFR 30.15(a)(1) puts no restriction on the form of tritium in timepieces, the prototype testing requirements of 10 CFR 32.14 were designed for luminous tritium paint and preclude distribution of timepieces containing gaseous tritium light sources (GTLS's) for use under this exemption. Currently timepieces containing GTLS's must be approved for distribution under 10 CFR 32.22 for use under 10 CFR 30.19, the class exemption for self-luminous products.

Exposures to the public are very low from watches using either GTLS's or luminous tritium paint, with watches using GTLS's generally resulting in lower exposures. In this case, the more burdensome process involved in obtaining authorization to distribute this product under 10 CFR 32.22 is unnecessary. Revision of the prototype testing requirements will allow distribution on the same regulatory basis as watches containing luminous tritium paint. The proposed rulemaking will also resolve a petition for rulemaking (PRM-32-04) received from mb-microtec.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** It is expected that the licensees will realize a cost saving, with no reduction in health and safety.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on September 05, 1996. The rulemaking plan was sent for EDO approval on January 14, 1997. The rulemaking plan was sent for Commission approval, SECY-97-028, on February 4, 1997.

**RES-C3MP-11 Emergency Planning Requirements For Defueled Reactors and Exercise Requirements For Offsite Emergency Plans, Appendix E and Part 50.54(Q), --RM#435**

**OBJECTIVE--** The proposed rule change would revise 10 CFR 50.54(q) and Appendix E to 10 CFR Part 50 in order to establish appropriate emergency planning licensing requirements for defueled nuclear power plants. This effort is a companion to another rulemaking under development by the staff which relates to reductions in the onsite and the offsite insurance requirements for permanently shutdown power reactors.

The Commission's regulations currently require that each licensee of an operating nuclear power plant establish and maintain emergency plans and preparedness in accordance with 10 CFR Part 50, § 50.54, § 50.47 and Appendix E. An exemption to these requirements is typically requested and granted for defueled nuclear power plants. In order to eliminate the continued use of exemptions, the regulations should be amended to establish the appropriate licensing requirements for defueled plants.

In addition to defueled plants this proposed rule change will also eliminate the need for holders of construction permits or operating licenses to obtain exemptions from the emergency preparedness exercises for offsite plans. This relief is necessary because entities, such as State and local governments, sometimes are unable to participate in these exercises on a

schedule that is consistent with the current NRC requirements. The staff will amend 10 CFR Part 50, Appendix E with the goal of modifying the language in Section (IV)(F) to allow modifications to the schedule of emergency preparedness exercises without the need to seek an exemption.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**Cost/Benefit--** The proposed rule would permit but not require deleting certain Emergency Planning requirements for defueled reactors thereby resulting in a potential cost savings to licensees.

**Recommendation to Proceed--** Yes Pending approved using Management Directive 6.3 process, the staff believes that the rulemaking should continue. The rulemaking plan was sent for office review on August 09, 1996.

**RES-C3MP-12 Clarifications and Addition of Flexibility to Part 72 --RM#438--W#960159**

**OBJECTIVE--** The proposed rulemaking would clarify the applicability of Part 72 for general and site-specific licensees.

It has not always been clear to licensees which requirements are applicable to general versus site-specific licensees. Consequently, the staff has received several inquiries from prospective applicants requesting an interpretation of certain provisions of Part 72. Clarification of which regulations are applicable to site-specific and general licensees would reduce the uncertainty for potential licensees, and lessen the need for legal interpretation by NRC legal staff.

The proposed rulemaking would also allow applicants for site-specific licenses to use cask designs previously approved under 10 CFR 72, Subpart K, without having to submit a separate safety analysis for the cask design. Under the current regulations, the adequacy of the design of these previously approved storage casks could be at issue, particularly during the hearing process, in each site-specific license application. This rulemaking would preclude the staff having to expend considerable resources in repeatedly re-examining and defending technical issues already resolved during the public rulemaking process. The rulemaking process requests public comments which are addressed in the final rule. The rulemaking would also allow the initiation of storage cask construction provided that certain conditions are met. The staff has allowed such construction, via exemption, before a Certificate of Compliance is issued if the construction is performed under an NRC approved quality assurance program and the applicant bears all risk associated with early construction.

This is one of the items considered in PRM-72-3 which was issued for public comment on May 14, 1996.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed:** Yes. The staff believes that the rulemaking should proceed using Management Directive 6.3 process.

**RES-C3MP-13 Geological and Seismological Characteristics of Spent Fuel Storage Systems, Part 72--RM#441--W#960161**

**OBJECTIVE--** The proposed rulemaking would provide conforming changes in Part 72 regarding revised seismic criteria currently proposed for reactor siting in 10 CFR 100, Appendix A, or would provide independent seismic siting criteria for spent fuel storage systems. Amendments to 10 CFR 100, Appendix A are currently under development which may have an impact on Part 72 licensees. This issue will evaluate whether the proposed amendments to Appendix A are suitable for spent fuel storage facilities or if alternate siting provisions specific to Part 72



need to be developed. This rulemaking would also clarify what analyses licensees using the general license process need to perform to assess the geologic and seismic considerations of cask design and siting.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed using Management Directive 6.3 process.

**RES-C3MP-14 Adoption of Part 20 Dosimetry Methodology To Part 72--RM#437--W#960158**

**OBJECTIVE--** The proposed rulemaking would update the criteria for radioactive releases from independent spent fuel storage installations (ISFSI) and monitored retrievable storage installations (MRS). Current standards in §§ 72.104 and 72.106 for ISFSI and MRS radioactive materials in effluents, direct radiation, and exposures from a design basis accident are based on the requirements from Part 20 that have since been updated.

The current Part 20 requirements became effective in 1994. This modification would result in a consistent level of protection of public health and safety, and reduce burden, confusion, and uncertainty resulting from duplicative efforts necessary to comply with two different standards.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using the Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. However, the staff expects that the rulemaking plan will only address exposures due to a design basis accident, since the standards in Part 72.104 only reflect the requirements in 40 CFR 190 for which EPA has no current plans for revising.

**RES-C3MP-15 Financial Assurance Requirements For Waste Brokers and Sealed Source Users--RM#480**

**OBJECTIVE--** The purpose of the rulemaking is to revise the financial assurance requirements that apply to waste brokers and

sealed source licensees. NRC has experienced several cases where bankruptcies or financial problems involving these types of licensees potentially could have shifted the financial burden to pay for decommissioning and waste disposal to taxpayers or other affected parties because, in many cases, waste brokers and sealed source users may not have to provide financial assurance under existing NRC requirements. Possession thresholds and required amounts of financial assurance should be reviewed and updated to ensure that adequate financial assurance is in place for these facilities.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** This rulemaking should avoid an inordinate burden on taxpayers and other affected parties, while ensuring sufficient resources are available to pay for decommissioning in the event of licensee default.

**Recommendation to Proceed--** Yes Pending receipt of NMSS's User Need memorandum and approval using Management Directive 6.3, the staff believes the rulemaking should proceed with an intermediate priority.

**RES-C3MP-16 Alternative Site Reviews, Part 50--RM#313**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to set standards for assessments of alternative sites for future power reactors, which is now lacking in Parts 50, 51 and 52 of the regulations, and would strengthen the bases for acceptance of safety and environmental assessments of proposed reactor sites under Subpart A of Part 52 (Early Site Permits). The overall objective is to propose a more consistent approach for review of alternative site to facilitate and stabilize the Regulatory process.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3, the staff believes the rulemaking should proceed. EDO memorandum dated December 4, 1996 initiated a medium priority rulemaking.

**RES-C3MP-17 Miscellaneous Changes, Part 72--RM#446--W#960162**

**OBJECTIVE--** The proposed rulemaking would correct a number of inconsistencies and clarify the applicability of several sections of part 72 and would also exempt natural or depleted uranium metal used in storage cask shielding from the Part 40 general license. Currently, such use of natural or depleted uranium would be subject to the general license provisions under Part 40 for possession of uranium. The NRC currently exempts the use of these materials in shipping containers, subject to certain conditions. This rulemaking would eliminate the need for multiple requests for exemptions from the general license requirement.

This rulemaking would also modify the date for submittal of dry cask storage effluent reports. These reports, currently submitted in accordance with 10 CFR 72.44(d)(3), would be submitted at the same time as similar reports required under 10 CFR 50.36(a)(2) regarding effluents from reactor operations.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** These changes will reduce licensee burden slightly and also simplify licensee procedures.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The rulemaking plan was sent for office review on February 10, 1997.

**RES-C3MP-18 Staffing and Training Requirements For Defueled reactors, Part 50, 55--RM#444**

**OBJECTIVE--** The purpose of this proposed rule change is to eliminate the need for licensees to seek exemptions from the training and qualification requirements in 10 CFR Part 50.120 in the event that the reactor is permanently defueled and the license is converted to a possession only license. The current language in § 50.120 is sufficiently broad to allow licensees to modify their training and qualification program based on the operating status of the plant. However, the regulation specifies certain employee types which must be subject to these requirements. The staff will consider how this regulation can be modified to give the licensee the flexibility to adjust its staffing without the need for an exemption to these requirements.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT** This action would be a cost savings for both the licensees and the NRC. The licensee would be spared the cost of preparing exemptions for changes that have no safety significance and wait for NRC review and approval. Likewise the NRC will save the resources required to consider each exemption. This change does not address an immediate safety issue or involve significant

cost savings. Its priority has therefore been changed from high to medium.

**Recommendation to proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. A letter requesting the EDO's approval to initiate a rulemaking plan is being developed.

**RES-C3MP-19 Use of Alternate Cladding Material in Reactors, Part 50--RM#449**

**OBJECTIVE--** The purpose of this proposed rule change is to eliminate the need for licensees to seek exemptions from NRC regulations to take advantage of advancements in fuel and cladding engineering. Improvements in cladding materials to minimize corrosion and allow for higher fuel burnup have moved vendors away from the use of zircoloy or ZIRLO cladding materials which are specified in 10 CFR Parts 50.44 and 50.46. The staff will examine alternatives to the language in these parts to allow the use of advanced cladding materials.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This change does not address an immediate safety issue or involve significant cost savings. Its priority has therefore been changed from high to medium.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3MP-21 Modify The Financial Assurance Requirements For Decommissioned Plants To Eliminate The Need For Unnecessary Financial Assurances, Parts 30, 40, 70, 72--RM#482**

**OBJECTIVE--** The purpose of this proposed rule is to modify the financial assurance requirements for decommissioning plants to eliminate the need for exemptions for unnecessary financial assurances. For example, there is no need for financial assurances for krypton-85 since no decontamination is required. This requirement will be eliminated. In addition, there are instances when sources within teletherapy devices need to be changed causing the licensee to temporarily exceed its possession limits requiring financial assurance. The staff envisions changing these requirements to reduce the need for exemptions.



**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry. This change does not address an immediate safety issue or involve significant cost savings. Its priority has therefore been changed from low to medium.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3MP-22 Relief From The Use of Part 35 Requirements For Teletherapy Devices For Non-Human Irradiation, Part 36--RM#479**

**OBJECTIVE--** The purpose of this proposed rule is to reduce the need for licensees using teletherapy devices for non-human irradiation (e.g., blood, organs, research animals, etc) to seek exemptions from the Part 36 requirements for irradiators. Many of the Part 36 requirements are either impractical to implement because of costs, or are unacceptable because they would require alterations to the current electrical interlocks on the units designed to meet the requirements of Part 35. The staff has

previously recommended the revision of Part 36 to specifically exempt Part 35 teletherapy licensees, as well as licensees located in a medical facility that may not have a current teletherapy license. The staff will consider modifications of the Part 36 requirements to make exemptions unnecessary for teletherapy licensees.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry. This change does not address an immediate safety issue or involve significant cost savings. Its priority has therefore been changed from low to medium.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3MP-23 Exemption From Criticality Monitor Requirements For Fresh Fuel, Part 70.24--RM#494**

**OBJECTIVE--** This regulation requires criticality monitors to be used at a facility if certain quantity limits for special nuclear

materials are exceeded. The staff envisions that the regulatory language could be changed to require criticality monitors for those cases in which an evaluation has determined that a criticality is credible. The change is expected to make the rule more performance based for Part 50 licensees, whose fuel handling facilities, equipment, and procedures are designed to prevent inadvertent criticality events. In addition, 10 CFR 70.24 makes reference to a generic exemption for criticality monitoring. The staff envisions that this section 10 CFR 70.24(d) should be eliminated.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry. This change does not address an immediate safety issue or involve significant cost savings to licensees, therefore, its priority is medium.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3MP-25 Storage of Greater Than Class C Waste, Part 72--  
RM#436--W#960157**

**OBJECTIVE--** The proposed rulemaking would expand the scope of Part 72 to include storage of Greater than Class C (GTCC) waste, that is, waste that exceeds the concentration limits in 10 CFR 61.55. It is anticipated that the decommissioning activities at nuclear power plants will generate relatively small volumes of GTCC waste. However, since there are currently no disposal options for GTCC waste, utilities must store these wastes under their Part 50 licenses pending development of a disposal facility. The Department of Energy has the responsibility for developing a national strategy for disposal of GTCC waste. Based on current plans, this disposal capability will not likely be available for many years. This rulemaking would allow independent spent fuel storage installations to store GTCC waste similar to storage of spent fuel and facilitate the likely eventual transfer to a permanent geologic repository. This proposed rule would also respond to a petition for rulemaking from the Portland General Electric Company (PRM-72-02).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** NRC review of the issue revealed that a reactor licensee could elect to store GTCC waste at an ISFSI site under a Part 30 or Part 70 license. However, the regulations are not clear and specific licensing criteria do not exist for storage of

this type of waste. The staff believes that the future level of decommissioning activities and the handling of this type material warrant clear coverage in the regulations and will therefore proceed with rulemaking as a medium rather than high priority as originally planned. This change should not significantly impact this schedule of this work.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office concurrence on 01/14/97 using Management Directive 6.3 process.

**RES-C3MP-26 Compatibility with the IAEA Transportation Standards, Part 71--RM#496**

**OBJECTIVE** This rulemaking will revise 10 CFR Part 71 to make it compatible with the 1996 IAEA (International Atomic Energy Agency) transportation standards. NRC's transportation regulations (Part 71) are based, to a large degree, on IAEA's Safety Series No. 6 which is revised periodically, therefore requiring revision of Part 71. Other objectives of this rulemaking include further revisions to fissile material exemptions, specification of conditions under which the NRC

issues certificates of compliance, and possible amendments to include regulatory oversight parties other than licensees, such as cask fabricators and vendors.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** A cost benefit analysis is being prepared using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes. The staff believes that this rulemaking should proceed as per user need memorandum dated December 18, 1996 from Carl J. Paperiello to David L. Morrison.

**RES-C3MP-27 Revision of Respiratory Protection Requirements, Part 20--RM#269**

**OBJECTIVE--** The proposed rulemaking would update the Commission regulations and guidance by permitting the use of the most current technology to provide respiratory protection. In particular, Appendix A to Part 20, which lists protection factors and certified equipment, does not reflect the current technology or the best practice and may be too prescriptive. Consideration is being given to deleting Appendix A from the regulations and

providing it as guidance. The elimination of other outdated prescriptive requirements will not introduce new requirements but will reduce licensees burden by providing greater flexibility.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3MP-28 Codes and Standards, Part 50.55a (h)--RM#498**

**OBJECTIVE--** The direct final rulemaking would update the Commission regulations in Section 50.55a (h) of 10 CFR Part 50 to reflect current practice. The direct final rulemaking would update and clarify existing regulations and would incorporate a new national consensus standard (ANSI/IEEE Std. 603-1991).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This change would update and clarify existing NRC regulations. The licensing basis of the operating power plants will not change. The rule, however, applies to electrical and I&C system modifications, which are initiated by the licensees.

This is consistent with the NRC forward-looking policy of maintaining state-of-the-technology.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. The direct final rulemaking plan will be sent to EDO for approval in the near future.

**LOWER PRIORITY**

**RES-C3LP-01 Clarification of Criteria for Uranium Mills and Tailings, Part 40--RM#380--W#940078**

**OBJECTIVE--** The Commission published (October 28, 1992) an Advance Notice of Proposed Rulemaking (ANPRM) on the updating of Part 40, "Licensing of Source Material." Through the development of that ANPRM, a number of issues were identified in the area of mills and tailings. With respect to a few of these issues, it appears that a rule change to Appendix A of Part 40 is appropriate primarily for the purpose of clarifying the regulations to reflect Commission policy in these areas. The issues to be addressed are: the definition of ore, which relates to the use of alternate feed materials in addition to natural



ore; clarification of requirements applicable to independent commercial tailings disposal; and clarification of *Criterion 1*, and possibly other criteria contained in Appendix A, regarding differences in application of the criteria with respect to existing sites and new proposed sites.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** By clarifying the regulations, this rule should reduce administrative costs for both the NRC and the affected licensees by making for smoother implementation and fewer questions of interpretation arising. It can also reduce the likelihood of litigation. In the case of *Criterion 1*, clarification would respond to an Atomic Safety and Licensing Appeal Board (ASLAB) interpretation that is contrary to the licensing staff's position. The details of this rule and the costs and benefits have yet to be determined.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the scope of this rule could change because of the changing situation with mill tailings the economics of the industry.

**RES-C3LP-05 Removal of Obsolete Appendices M, N, O, and Q From Part 50--RM#483**

**OBJECTIVE--** The proposed rulemaking would amend the Commission regulations by deleting obsolete Appendices from Part 50. During Part 52 rulemaking, the Commission directed the staff to move several appendices: (1) M, Standardization of Design; Manufacture of Nuclear Power Reactors; Construction and Operation of Nuclear Power Reactors Manufactured Pursuant to Commission License; (2) N, Standardization of Nuclear Power Plant Designs: Licenses to Construct and Operate Nuclear Power Reactors of Duplicate Design and Multiple Sites; (3) O, Standardization of Design: Staff Review of Standard Designs; and (4) Q, Pre-Application Early Review of Site Suitability issues from Part 50 to Part 52 in its final approval of the Part 52 rulemaking. Although these appendices were added to Part 52 in 1989, the appendices were not deleted from Part 50 due to administrative error. Appendices M, N, O, and Q of Part 50 should be deleted because they are duplicative of Appendices M, N, O, and Q in Part 52.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**RES-C3LP-06 ELIMINATE 10 CFR PART 2, APPENDIX A--RM#489**

**OBJECTIVE--** The proposed rulemaking would eliminate 10 CFR Part 2, Appendix A since it is not needed. This appendix provides a narrative restatement of the general policy and procedures applicable to proceedings involving reactor construction permits and operating licenses. It also contains a statement explaining how proceedings are to be conducted for consideration of antitrust issues related to such licensing actions. It has no direct impact on safety and for the most part reiterates the requirements which are already set forth in 10 CFR Part 2.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**CATEGORY IVA  
RULES ARE ON HOLD**

**RULEMAKINGS/PETITIONS FOR WHICH  
FURTHER ASSESSMENT IS REQUIRED**

BEFORE DECIDING WHETHER TO INITIATE  
RULEMAKING OR TO GRANT, TO DENY, OR  
TO PARTIALLY GRANT THE PETITION.

**RES-C4A-02 Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations, Part 50--RM#268--AE38--W#900201**

**OBJECTIVE--** An advance notice of proposed rulemaking (ANPRM) was published to request public comment on amending the Commission's regulations to incorporate severe accident performance criteria applicable to future light water reactor designs. This rulemaking was envisioned as part of a larger effort to decouple source term and dose calculations from reactor siting and to permit the use of updated source term insights for future light water reactors. The NRC is of course presently in the process of reviewing advanced reactor designs under the design certification process.

The larger rulemaking effort comprises two phases. The first phase is described in the final rule titled, "Reactor Site Criteria; Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants (3150-AD93)." The second phase will consist of the issuance of an ANPRM, followed by a final revision of 10 CFR Part 50 to incorporate updated source term and severe accident research insights into plant design requirements for future light water reactors. The intent of this second phase of rulemaking is aimed at codifying requirements for future light water reactors regarding severe accident prevention and

mitigation, and is expected to ensure that the risks from these events remains very low.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There are no significant licensee costs associated with this action.

**Recommendation to Proceed--** Undecided Although the Commission has spoken on this matter and chosen to resume this particular rulemaking effort after the FDA efforts on the GE ABWR and ABB/CE Systems 80+ are completed, the staff believes that the need for this rulemaking can be determined at that time. A recommendation to terminate or to proceed with this rulemaking effort will be provided for Commission approval in fiscal year 1997.

**RES-C4A-07 PRM-20-21 Petitioner/Petition Docket Number: Keith J. Schiager, Ph.D., et al.--RM#451**

Federal Register Citation: September 10, 1993 (58 FR 47676)

Subject: Disposal of certain low-level radioactive wastes to provide

additional options for disposal of very low concentrations of short-lived radionuclides.

The petitioners request that the Commission amend its regulations in 10 CFR Part 20 that became mandatory for all licensees on January 1, 1994, to permit additional methods for disposal of certain low-level radioactive wastes. The petitioners contend that the regulations that became mandatory for all licensees on January 1, 1994, are too restrictive and prevent many research institutions from pursuing certain types of research that cannot be conducted effectively without the use of radioactive materials.

**RES-C4A-14 PRM-50-62 Petitioner/Petition Docket Number:**  
**Nuclear Energy Institute--RM#459**

Federal Register Citation: September 14, 1995 (60 FR 47716)

Subject: Quality Assurance Programs

The petitioner requests that the Commission amend its regulations regarding quality assurance programs to permit nuclear power plant licensees to change their quality programs described or referenced in a licensee's Safety Analysis Report (SAR) without



prior NRC approval under specified conditions. The petitioner believes that this amendment would improve the regulatory process and increase the safety of commercial nuclear power plants through a more efficient use of agency and industry resources.

**RES-C4A-15 PRM-50-63 Petitioner/Petition Docket Number: Peter G. Crane--RM#460**

Federal Register Citation: November 15, 1995 (60 FR 58256)

Subject: Stockpiling Potassium Iodide

The petitioner requests that the Commission amend its regulations to require the U. S. Government to stockpile potassium iodide (KI) for use as a thyroid blocking agent in the event of a nuclear accident. Denial of the Petition for rulemaking was sent for office review on January 14, 1997.

**RES-C4A-18 PRM-35-13 Petitioner/Petition Docket Number:  
National Registry of Radiation Protection Technologists (NRRPT)--RM#463**

Federal Register Citation: February 8, 1996 (61 FR 4754)

Subject: Training requirements for a radiation safety officer

The petitioner requests that the Commission amend its regulations by including acceptance of NRRPT registration as fulfilling some of the training requirements for a radiation safety officer.

**RES-C4A-23 PRM-30-61 Petitioner/Petition Docket Number: Nuclear  
Energy Institute--RM#468**

Federal Register Citation: August 21, 1996 (61 FR 43193)

Subject: Nuclear material licensees.

Summary: The petitioner requested that the NRC amend its regulations governing monitoring and maintenance programs for the decommissioning process at facilities of special nuclear materials licensees. The petitioner's amendments would allow material licensees to continue monitoring and maintaining facilities, separate buildings, or outside storage areas that have not been used for 24 months, rather than requiring licensees

to begin the decommissioning process after 24 months of inactivity.

**NMSS-C4A-24 PRM-70-07 Petitioner/Petition Docket Number:**  
**Nuclear Energy Institute--RM#469**

Federal Register Citation: November 26, 1996 (61 FR 60057)

Subject: Uranium processing, uranium enrichment and fuel  
fabrication  
licensees

Summary: The petitioner requests that the Commission amend its regulations to require uranium processing, uranium enrichment, and fuel fabrication licensees to use an integrated safety assessment (ISA), or an acceptable alternative, to confirm that adequate controls are in place to protect public health and safety. The petitioner also requests that a backfitting provision be established to ensure regulatory stability for these types of licensees.

**CATEGORY IVB  
RULES ARE ON HOLD**

**RULEMAKINGS FOR WHICH FURTHER**

WORK CANNOT BE UNDERTAKEN UNTIL  
INFORMATION NEEDED FROM OUTSIDE  
SOURCES OR RESOURCES BECOME AVAILABLE.

**RES-C4B-01 Requirements for Possession of Industrial Devices  
Containing Byproduct Material (Parts 31, 32)--RM#81--AD34--  
W#890090**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC initially and then on a periodic basis. The report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded; is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing; and would also avoid the unnecessary expense involved in retrieving the manufactured items fabricated from contaminated metal.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** It is estimated that adoption of this regulatory action would result in upfront development and implementation costs to the Commission of \$87,733, annual costs to industry and the Commission of \$506,282 and \$72,952 respectively, and an industry implementation cost of \$29,000. These costs translate

into a very nominal maximum cost of about 1% of the cost of a device over the lifetime of the majority of devices. Although the NRC estimates that the risk associated with these devices is small and, therefore, any risk reduction realized through improved compliance with the Commission's regulations by general licensees will also be small, the staff has concluded that the benefit of increased confidence, in both the assessment of low risk and the efficacy of the general license regulatory program, outweighs the nominal cost per device. The benefit to be realized even further overshadows the nominal costs when considered in light of the possible avoidance of the substantial cleanup costs that have occurred because of past improper disposition of generally licensed devices. If the median saved cleanup costs of \$600,000 were halved and applied to the cost of these requirements, the cost to licensees would be on the order of \$206,000 per year in lieu of \$506,000.

**Recommendation to Proceed--** Not at this time. Rule preparation is in final form, but would require added FTE's in NMSS and the Regions to implement, which are not presently budgeted for. However, it may need to be modified based on Commission direction on action plan of working group report. The fate of this rule is unknown until the staff has prepared a response to SRM dated December 30, 1996. See also C2HP-05 and C4B-02.

**RES-C4B-02 Requirements Concerning the Accessible Air Gap for Generally Licensed Devices (Parts 31, 32)--RM#264--AD82--W#900192**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to provide additional regulatory control over certain measuring, gauging, and controlling devices distributed by manufacturers and used by persons under NRC's general license provisions. The rule will affect devices with an accessible air gap or radiation levels that exceed a specified value. This rule will make it increasingly difficult for personnel to obtain access to the device's radiation beam, thereby reducing the frequency and likelihood of unnecessary radiation exposure to personnel. This rule applies both to persons who distribute these special measuring, gauging, and controlling devices under the NRC general license provisions and to persons who use the devices under the NRC's general license.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** The cost of this regulation would be significant to both NRC and licensees, but quantitative estimates cannot be made at this time. The benefits, which are providing adequate health protection to workers, also cannot be quantified at this time.

**Recommendation to Proceed--** Not at the present time, until assessment of benefits and the potentially reduced burdens (to



industry and staff) reveal that benefits outweigh costs. However, it may need to be modified or terminated based on Commission approval of an action plan responding to the working group report. The fate of this rule is unknown until the staff has responded to SRM dated December 30, 1996. See also C2HP-05 and C4B-01.

**RES-C4B-03 Revisions to Parts 31 and 35, to Address MMP Items--RM#385**

**OBJECTIVE--** Minor revisions to part 31 would be beneficial to clarify the intent of a general license for in-vitro laboratory use of byproduct material and define related terms. A major revision to part 35 is being contemplated to address various administrative and technical issues such as: (1) new and revised guidance for all types of authorized medical use; (2) revised training and experience criteria for physicians, RSO's, physicists, and possibly other allied health personnel; and (3) revised radiation safety requirements based on lessons-learned since the 1987 revision to Part 35.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** Depending on the recommendation of the National Academy of Sciences, there could be either a net increase or decrease in the burden to both NRC and medical licensees.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. However, this rulemaking is on-hold until the staff proceed with the proposed major rulemaking revision to 10 CFR Part 35. The major Part 35 revision will subsume this rulemaking.

**RES-C4B-04 Revision to Parts 30 and 40, to Address RSO Duties--  
RM#386**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to upgrade licensee radiation safety programs by specifying duties and qualifications for a radiation safety officer to oversee the radiation safety program.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should proceed. This rulemaking will become low priority when the plan has been approved.

**RES-C4B-05 Revise Brachytherapy Procedures, Part 35--RM#406**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to address issues on observed errors in the delivery of fractionated doses using remote afterloading devices, the lack of standardized quality control and maintenance of the devices, and the need for increased regulatory flexibility in the authorized use of sealed sources for patient procedures.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** The cost and benefits to NRC and licensees cannot be estimated at this time.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. However, this rulemaking is on-hold until the staff proceed with the proposed major rulemaking revision to

10 CFR Part 35. The major Part 35 revision will subsume this rulemaking.

**RES--C4B-09 Rulemaking on Probabilistic Risk Assessment, Part 52--RM#411**

**OBJECTIVE--** During the staff's recent experience in reviewing the first two LWR design certification applications under the process provided in 10CFR Part 52 (GE ABWR design and ABB/CE System 80+ design), it was determined that updated PRA information should be required for post-certification licensing actions such as COL applications. In the Commission's SRM the staff was directed to proceed with development of this rule. The needed PRA information has been referred to as implementation of a "living PRA."

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** Since this rulemaking project has just been initiated, the cost/benefit issue has not yet been fully addressed and no cost/benefit information exists. However, in discussions with NRR and RES staff involved in the coordination of this rulemaking, it is presently believed that, consistent with the Part 52 Statements of Consideration, a cost/benefit

evaluation is probably not appropriate for this particular rulemaking just as it was determined that it was not appropriate for the Part 52 rulemaking. The reason for this view is that the requirement for implementation of a living PRA (necessity for provision of post-certification PRA information) is a natural and logical part of the Part 52 design certification process. It has become clear through the experience of the design certification reviews for the ABWR and System 80+ designs, that for a utility to proceed to the COL licensing phase, whether or not the design certification approach is utilized, updated PRA information is essential to carrying out that process. In addition, a meaningful quantification of the costs and benefits of this rulemaking if possible is not available at this time.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should proceed pursuant to Commission directions.

**RES-C4B-11 Domestic Licensing of Special Nuclear  
Material-Revision, Part 70 --RM#351--AF22--W#94010**

**OBJECTIVE--** The objective is to upgrade and more clearly define the regulatory base for major fuel cycle licensees. In March 1995 the Commission directed the staff to reconsider the plan to modify 10 CFR Part 70 and to discuss with major fuel cycle

licensees the draft proposed rule that was being developed. Workshops were conducted in May and November 1995 to solicit comments and information from interested parties. Based on this input, six alternatives were presented to the Commission for their consideration in SECY-96-079. The staff and other parties made presentations to the Commission at a meeting on July 2, 1996, to consider the alternatives. A Staff Requirements Memorandum from the Commission is expected.

**TYPE--FURTHER MANAGEMENT CONSIDERATION REQUIRED**

**COST/BENEFIT--** A regulatory impact analysis prepared for the earlier draft rule will need to be modified to accommodate the approach selected by the Commission for further development. Because the regulatory benefits of this rule involve non-quantifiable improvements in confidence in the margin of safety, and because of the differences among the fuel fabrication facilities, a qualitative cost-benefit comparison will be necessary. Costs are expected to vary among the affected licensees depending upon the extent that a licensee has already completed an integrated safety analysis (ISA) and how well it has already documented and understands its safety basis.

The proposed rulemaking would also eliminate the need to seek an exemption from requirements to have a criticality monitoring system at facilities that exceed certain quantities of special nuclear material as provided for in 10 CFR Part 70.24. This rule

change would require the licensee to perform analyses to determine the areas of the facility in which a criticality is credible and provide a monitoring system for these areas. Thus, the generic exemption provided for in §70.24(d) can be eliminated.

**Recommendation to Proceed--** NO The staff believes that the rulemaking should remain on hold pending staff review and recommendation to the Commission on an industry petition for rulemaking.

**NMSS--C4B-13 Conforming 10 CFR Part 60 to EPA Standard and NAS Recommendations--RM#430**

**OBJECTIVE--** Recent recommendations of the National Academy of Sciences (NAS) as well as current legislative proposals (H.R. 1020) have distinct and serious implications regarding the regulation of high-level waste disposal. Important differences exist between the standards recommended by NAS or the Congress and current regulations. Changes to NRC's 10 CFR Part 60 regulations necessitated by either of these new approaches will pose significant implementation challenges and/or redirection of current NRC staff activities.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** Energy Policy Act of 1992 requires this rulemaking.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed and a Commission paper proposing options for Commission consideration for revising the NRC HLW regulation is being developed.

**RES-C4B-14 Allow For Plant Specific Nuclear Power Reactor Decommissioning Costs Requirements, Part 50.75--RM#347--AF40--W#950111**

**OBJECTIVE--** This proposed rulemaking would provide additional flexibility to licensees by allowing licensees the option of submitting plant-specific decommissioning cost estimates when these costs are lower than the generic values currently codified (the current regulation already allow plant specific estimates above the generic value).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**



**COST/BENEFIT--** This proposed rule would give flexibility to licensees by allowing them to submit a site-specific decommissioning cost analysis instead of the generic values. The rule may provide additional savings to a licensee because the required level of decommissioning funding may be reduced. Alternatively, it may allow licensees to collect more funds to cover a higher estimate of required decommissioning funding. Using a site-specific cost estimate would provide a licensee greater flexibility in dealing with site-specific issues such as differences in decommissioning methodology, expected waste volumes, and anticipated labor efforts to perform specific tasks. This would be fairer to ratepayers than using the generic estimate provided in the rule. Moreover, licensees would be able to use an existing PC-based, NRC-endorsed code to incorporate site-specific conditions into their cost estimate. Note however, that annual decommissioning cost updates would be required for the site-specific cost estimates, just as they presently are for the constant dollar amounts.

For licensee submittal of site-specific decommissioning cost estimates, the burden on the NRC staff may be lessened by issuance of a regulatory guide endorsing use of the NRC code or a licensee supplied one. However, additional NRC staff resources would be needed for the review if many licensees elect to use the site-specific funding option for decommissioning cost estimates. Should half of the licensees use the option, it is estimated that the NRC's burden would amount to 0.2 staff year.

Assuming a licensee elected to use a site-specific cost estimate and used the NRC-endorsed code, it is estimated that the licensee burden would be about 40 hours to input and run the NRC-endorsed code. If the licensee were required to provide NRC specified input parameters with their cost estimate, it is estimated that, for those licensee cost estimates that the NRC staff chooses to audit, the NRC staff burden to input and run the NRC-endorsed code would be about 8 hours. The requirements for code use and input parameter specifications would be described in a regulatory guide.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The rulemaking plan was approved by the EDO on September 1, 1995. The proposed rulemaking was sent to the Commission, SECY-96-095, for approval on May 1, 1996. EDO memorandum dated May 13, 1996 requested withdrawal of SECY-96-095 until evolving policies on industry restructuring and deregulation and radiological decommissioning standards are resolved and completion of our independent cost study. Commission SRM on SECY-96-095 dated May 29, 1996 approved placing the rulemaking On-Hold.

**RES-C4B-16 Relief From The Requirements Dealing With The Medical Uses of Radiation, Part 35.29(c) and (d)--RM#478**

**OBJECTIVE--** The purpose of this project is to eliminate or lessen the need for exemptions to the requirements dealing with the medical uses of radiation by mobile nuclear services. Some of these requirements have been found to be too prescriptive and have resulted in many exemptions.

The regulation in § 35.29(c) requires that, if a mobile nuclear medicine service provides services that the client is also authorized to provide, the client is responsible for assuring that services are conducted in accordance with the regulations while the mobile service licensee is under the client's direction. There are many situations in which a mobile service licensee may wish to operate under its license or the client may not wish to be held responsible for the actions of the mobile service licensee. The NRC has received two requests for exemptions and anticipate additional requests in the future with the increased use of mobile services.

The regulation in § 35.29(d) prohibits mobile nuclear medicine services from ordering byproduct materials to be delivered directly to their clients address of use. When the regulation was promulgated, staff envisioned that these mobile units would spend a day or two per week at each site and for safety reasons required that the materials be delivered directly to the service.

In practice, this requirement is causing numerous exemptions because many of these mobile units are spending most of their time at the client's site so that delivery elsewhere is impractical.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. However, this rulemaking is on-hold until the staff proceed with the proposed major rulemaking revision to 10 CFR Part 35. The major Part 35 revision will subsume this rulemaking.

**RES-C4B-19 Transfer of Unimportant Quantities of Source or Byproduct Material to Exempt Persons, Part 40.51--RM#447**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to require licensees wishing to transfer unimportant quantities of source material under the provisions of part 40.51(b)(3) to obtain approval prior to transferring the

material. Paragraph 40.13(a) exempts persons with source material less than 0.05% by weight from Part 40 and the requirements for a license. It is intended to exempt the low concentrations of uranium and thorium which are ubiquitous in the environment. However, the weight percent limit is not adequate to assure the protection of health and safety from any uranium and thorium which could fall under this exemption. Paragraphs 40.51(b)(3) and (4) allow licensees to transfer source material to exempt persons. Although the Commission's intent with respect to exemptions covering materials is that they are not intended to allow disposal of radioactive waste by licensees, this is not clear in the case of 40.13(a). The intent of the rulemaking would be to control the transfer of large quantities of waste containing source material from specific licensees to persons exempt under section 40.13(a).

**TYPE-- SAFETY ENHANCEMENT BUT FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** To be provided using Management Directive 6.3 Process.

**Recommendation to Proceed--** NO Pending approval using Management Directive 6.3 process, the staff believes that the rulemaking should not proceed until another issue is resolved. That is whether to modify through rulemaking or legislative initiatives the concentration or conditions for licensing of

source material. This issue is currently being evaluated by the staff and options will be provided to the Commissioners upon completion of this evaluation.

**RES-C4B-20 Pregnancy and Breast-feeding Status of Patients, 10  
CFR Part 35--RM#310--AE44--W#910129**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to require medical licensees to take actions to prevent unintended radiation exposures to an embryo, fetus, or breast-fed child, which may occur if the pregnancy and breast-feeding status of the patient was not known at the time of the administration. In addition, the rule would modify the definition of a "misadministration" to include unintended radiation exposures exceeding a certain dose threshold, thus, certain events would be reportable. Addition data on the placenta transfer of radioactive drugs is needed before rulemaking can continue.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION REQUIRED**

**COST/BENEFIT--** The cost would be a net cost increase to both NRC and medical use licensees. The benefit would be to prevent

unintended radiation exposures to an embryo, fetus, or breast-fed child. However, the research data to date does not allow us to estimate the cost or the full benefit of the rule.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking is needed. However, this rulemaking is on-hold until the staff proceed with the proposed major rulemaking revision to 10 CFR Part 35. The major Part 35 revision will subsume this rulemaking.

**RES-C4B-21 Revise Part 50.34(f) To Apply To Unknown Future Designs--RM#485**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations on Part 50.34(f) to make it generally applicable to unknown future designs, to make the regulation more performance oriented, to reference updated information (source term) and to utilize current regulatory analysis guidelines. The current regulation applies TMI requirements to certain future plants, but not to ALWRs which are presently seeking design certification.

**TYPE--BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY BUT FURTHER**

**MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** NO Place on hold, a recommendation to terminate or to proceed with the rulemaking effort (RES-C4A-02 Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations, Part 50--RM#268) will be provided for Commission approval in fiscal year 1997. Upon receipt of Commission direction, this rulemaking will be terminated and subsumed into RM #268.

**RES-C4B-22 Licensing Requirements for Senior Reactor Operators Limited to Fuel Handling--RM#486**

**OBJECTIVE--** The purpose of this proposed rulemaking is to minimize the need for granting of exemptions so that senior reactor operators may be permitted to conduct the necessary control manipulations required to grant a license or a renewal. Currently the regulations require that all operator license applicants perform five significant reactivity changes using the controls located in the control room. The senior reactor



operator license however prohibits the performing of these manipulations. This rulemaking will supersede a general exemption which allows senior reactor operators to perform these significant reactivity manipulations pending a rule change.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY BUT FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** NO Place on hold, pending Strategic Assessment review results/guidance.

**RES-C4B-23 General Domestic Licenses For Byproduct Material, Part 31--RM#487**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations on Part 31 since it provides general licenses for the possession, use and transfer of certain products based on the determination that the additional requirements of a specific license are not necessary to ensure public health and safety.

However, questions have been raised as to the effectiveness of the general license provisions in Section 31.5. One issue relates to a determination, from a risk perspective, of the effectiveness of the current methods for licensing similar products. The rule also provides general licenses for the possession, use and transfer of certain products based on the determination that the additional requirements of a specific license are not necessary to ensure public health and safety. One of the general license categories (Section 31.10) is obsolete, since new methods exist that allow ice detection without the use of radioactive material.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY BUT FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** NO Place on hold, pending Strategic Assessment review results/guidance.

**RES-C4B-24 Reduction of Additional Reporting Requirements  
Imposed on NRC Licensees (10 CFR 50), RRGR Item 59a--RM#387--  
W#940118**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to reduce reporting requirements currently imposed on water-cooled nuclear power reactor, research and test reactor, and nuclear material licensees. The proposed rule would implement an NRC initiative to review its current regulations with the intent to revise or eliminate duplicative or unnecessary reporting requirements.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** No estimates can be developed at this time because user offices (i.e., NRR, NMSS, and AEOD) are in process of developing user-need statements concerning which reporting requirements may be affected.

**Recommendation to Proceed--** Yes The Commission has endorsed implementation of the RRGR recommendations and the staff believes that the rulemaking is needed.

**RES-C4B-25 Extremity Dosimetry--RM#146--W#870013**

**OBJECTIVE--** Commission SRM on SECY-86-360 dated 01/21/87 approved rulemaking to amend 10 CFR Part 20 to require the use of Accredited Personnel Dosimetry Processors (for whole body dosimeters). The Commission also agreed that the rule should be applied to extremity monitors as soon as a suitable performance standard became available.

Whole body dosimetry processing is accredited under the National Voluntary Laboratory Accreditation Program (NVLAP), operated by the National Institute of Standards and Technology (NIST), and has been in official operation since February 1988. The testing laboratory utilized by NIST for this work is Battelle Pacific Northwest Laboratories (PNL) at Richland, Wa.

A draft performance standard for extremity dosimeters (HPSSC P/N 13.32) was prepared in June, 1986 by the Health Physics Society at the request of the NRC and has been used for performance testing of extremity dosimeters at PNL under contracts issued by the NRC. As a result of this testing, documented in NRC publications NUREG/CR-4959 (1987), NUREG/CR-5540 (1990) and NUREG/CR-5989 (1993), modifications were made to the draft standard, and a final standard ANSI N13.32 was published in August 1995.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** Implementation of the final rule will begin within six months of publication. Essentially all licensees subject to NVLAP accreditation of extremity dosimeters will be from among the group of licensees that are now subject to NVLAP accreditation for whole body dosimeters. At present 72 licensees are participating in the whole body program and it is estimated that approximately 30 of these will enter the extremity dosimetry program as soon as it becomes available. Based on an estimated participation in 3 of the 4 categories offered, there will be a biennial cost of approximately \$3.2K per licensee for the extremity dosimeter testing and administrative fees, plus an additional one-time inspection and assessment fee of \$2K for those licensees who choose to initiate the extremity accreditation at a time other than that scheduled for their biennial whole body NVLAP inspection and assessment. This latter fee will not be assessed on those licensees that merge their extremity testing program into the same time frame used for the whole body testing program. This change does not address an immediate safety issue or involve significant cost savings. Its priority has therefore been changed from high to medium.

**Recommendation to Proceed--** Not at this time The staff believes that additional information is needed prior to determining whether a sufficient safety concern exists to warrant proceeding with a rulemaking. The staff has no indication at this time that there is a health and safety issue; Therefore, this rulemaking is

being placed on-hold until the staff receives Commission direction on a Commission memorandum sent to EDO on February 14, 1997.

**CATEGORY V**  
**RULES BEING DROPPED**

**RULES TO BE DROPPED FROM**  
**FURTHER CONSIDERATION BUT**

MAY REQUIRE SOME ADDITIONAL  
RESOURCES TO CLOSEOUT  
(I.E., MEMO, FRN. ETC.)



**RES-C5-06 Elimination of Inconsistencies Between NRC Regulations and EPA HLW Standards (Part 60)--RM#79--AC03--W#840171**

**OBJECTIVE--** The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** This rulemaking has been overtaken by new rulemaking on Conform to EPA Standards, NAS Recommendations. Therefore, it is not cost beneficial to proceed.

**Recommendation to Proceed--** No NMSS agrees that this rulemaking effort has been incorporated into C4B-13, RM #430 and is no longer needed. Accordingly, this rulemaking effort has been Terminated (dropped) and will be withdrawn from the regulatory agenda.

**RES-C5-09 Distribution of Source and Byproduct Material:  
Licensing and Reporting Requirements, Parts 32 and 40--RM#292--  
AE33--W#940069**

**OBJECTIVE--** The advance notice of proposed rulemaking (ANPRM) was published to request public comment on contemplated amendments to the Commission's regulations governing the licensing of source material and mill tailings. Fifteen comment letters were received on the ANPRM. These comments were considered in the development of rulemaking plans. The ANPRM suggested that a two-step rulemaking may be initiated starting with a simple rule pertaining to the licensing and reporting requirements for distributors of products and materials used by exempt persons and general licenses. The ANPRM also stated that the NRC would consider whether to address the issues related to mills and mill tailings in a separate rulemaking.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There are no significant licensee costs associated with this action.

**Recommendation to Proceed--** No The staff believes that there is no need for this rulemaking based on ANPR public comments. A recommendation to withdraw the ANPR and terminate the rulemaking was withdrawn from EDO/Commission consideration. The staff is currently reconsidering alternatives.

**RES-C5-10 Criteria for Extraordinary Nuclear Occurrence, Part 140--RM#51--AB01--W#810014**

**OBJECTIVE--** The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems that were encountered in the Three Mile Island ENO determination. The revised criteria should be established in the event they are needed. The current ENO criteria are already codified in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do, is through rulemaking that will also respond to Petition For Rulemaking (PRM-140-1).

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** There are no significant licensee costs associated with this action.

**Recommendation to Proceed--** No We expect that a recommendation to deny the petition for rulemaking and termination of the associated rulemaking will be sent for Commission approval. The request to terminate the rulemaking was sent for office review on May 29, 1996.

**NMSS-C5-11 Safe Concentration For Possession of SNM in Contaminated Soil--**  
**RM#409**

**OBJECTIVE--** The proposed rulemaking will respond to a Petition For Rulemaking From Envirocare of Utah, Inc. (PRM-150-02). The petitioner requests that the Commission amend its regulations to exempt those persons that generate or dispose of very low specific activity wastes contaminated with special nuclear materials that are not capable of forming a critical reaction from the current possession limits specified in its regulations that requires licensing under Part 61 for SNM disposal. The rule is primarily being developed to reduce a regulatory burden. Under the current regulations, licensees are required to obtain an NRC Part 61 disposal facility license to dispose of SNM waste, even though there is no immediate criticality hazard or safeguards concern. NRC case-specific licensing would likely be more expensive and time consuming.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** Licensees would benefit by not having to obtain an NRC license to dispose of this kind of waste. At this time, at most, three licensees dispose of this waste and may benefit from

the proposed rule. New LLW disposal facility licensees may benefit, but that is not clear. Only one waste site in the country is routinely accepting large volumes of these kinds of waste now. There are no clear safety, safeguards, or environmental benefits from this rulemaking. Its purpose is to eliminate unnecessary conservatism in the current regulations.

**Recommendation to Proceed--** No The staff has determined that the rulemaking should be terminated because it would not be desirable nor cost-effective to resolve this issue by rulemaking. The staff proposed an alternative approach to resolve the issue in a memorandum to the Commission dated November 13, 1995 and Commission SRM dated February 7, 1996 approved it. Once implemented, this alternative approach will provide the basis for resolving PRM-150-02 (petition will be denied).

**RES-C5-12 Revise Uranium Recovery Financial Assurance Requirements, Appendix A Part 40 Criteria 9--RM#410**

**OBJECTIVE--** The proposed rulemaking would revise the Commissions regulation to require that when uranium mill licensee submits a revision to an approved reclamation plan, the licensees would have to revise its surety if the reclamation plan revision is

more costly than the approved reclamation plan. The concern is that some reclamation plans revisions add considerable costs to the reclamation and that the approval process can be lengthy. During that period of review, the surety would be underfunded. Under the current rule, the surety cannot be increased until the revision is approved. The proposed rulemaking would also revise the Commission regulation to ensure that a standby trust be incorporated into licensee's surety arrangement for decommissioning. The concern to be addressed deals with a situation whereby a licensee would be in default without completing reclamation. As the rule is currently written, the funds from the surety would not be available to complete decommissioning but would go into the U.S. Treasury, and NRC would have to request a special appropriation to pay for the decommissioning.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** NO The rulemaking plan was sent for office concurrence on 03/18/96 using MD 6.3 process. However, OGC memorandum dated June 7, 1996 did not support the need for rulemaking to revise financial assurance requirements for uranium mill licensees. NMSS memorandum dated August 20, 1996 withdrew

its user need request for rulemaking dated July 12, 1995 and agreed that the rulemaking should be terminated.

**NMSS-C5-13 Clarification of Assessment Requirements for Siting Criteria and Performance Objectives, Part 60--RM#338--AE40**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations concerning regulatory requirements for licensing of high-level waste geologic repositories. The relationship described in 10 CFR Part 60.21 of the siting criteria, in 10 CFR Part 60.122 (defined in terms of potentially adverse and favorable conditions) and the performance objectives in 10 CFR Parts 60.112 and 60.113 has been the subject of conflicting interpretations. The proposed rule would resolve the problem of conflicting interpretations of the terms "adequately investigated" and "adequately evaluated," which are used with reference to the potentially adverse conditions in 10 CFR Part 60.122. In addition, the proposed rule would resolve the conflicting interpretations of the relationship of performance assessment and potentially adverse conditions.

The proposed rule would also revise 10 CFR Parts 60.21 and 60.122 by removing the analysis requirements from 10 CFR Part 60.122 and

placing them in 10 CFR Part 60.21. This would be consistent with other technical aspects of 10 CFR Part 60. These sections would also be revised to clarify that siting criteria must be appropriately considered in the compliance demonstration for the performance objectives of 10 CFR Parts 60.112 and 60.113. Separate acceptability assessments for individual potentially adverse conditions are not required.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** This rule offers a clarification to 10 CFR Part 60 that allows the U.S. Department of Energy (DOE) (the potential licensee) to determine, with a high degree of confidence, how much and what kind of data needs to be collected during site characterization to demonstrate compliance with the post-closure performance objectives in 10 CFR Part 60. This provides savings to all the interested parties who will be collecting, analyzing, and reviewing site characterization and licensing data.

If this rule is not promulgated, there could be an increased litigative risk at licensing if another party concluded that an independent assessment of performance for individual potentially adverse conditions was required and the licensee had followed the staff's interpretation that such assessments were not necessary. The licensing board might also be confronted with the same ambiguities that presently exist in interpreting Part 60. Thus, this rule provides a potential savings to all parties to the



repository licensing proceedings. The staff considered providing these clarifications via some form of regulatory guidance. However, regulatory guidance alone cannot lessen the possibility of litigation by other parties that might not agree with the staff's interpretation. Furthermore, although regulatory guidance and interpretation may clarify NRC's position, compliance by the applicant is not legally required.

**Recommendation to Proceed--** No The staff believes that the rulemaking should not proceed. The staff has had many interactions with DOE and other interested parties, both with regard to this rulemaking and generally with regard to questions of data collection and analysis during site characterization at Yucca Mountain. From these interactions, it is obvious to the staff that this added interpretative guidance is needed, in the form of a rule, to ensure that all parties understand the rule's intent. Commission SRM on SECY-95-019 dated 06/30/95 approved placing this rulemaking On Hold pending the outcome of any Congressional Action that may result on the Nuclear Waste Policy Act. The need for rulemaking will be reconsidered after legislative action has been completed, if any. However, completing the final rulemaking is no longer a planned option regardless of the outcome of the legislation. Concerns addressed by this rulemaking will be incorporated into the rulemaking to conform Part 60 to the EPA standard as appropriate. This rulemaking will also be withdrawn from the regulatory agenda.

**RES-C5-14 Alternative to The Use of ASME Boiler and Vessel Code in the Areas of Inservice Inspection and Testing, Part 50.55A--RM#476**

**OBJECTIVE--** The purpose of this proposed rule is to modify 10 CFR Part 50.55a to eliminate the need for licensees to seek relief from use of the ASME Boiler and Vessel Code in the areas of inservice testing and testing if they were appropriate risk-informed methods. While the main thrust of this rule change is to use risk-informed procedures using insights from PRAs and IPEs, it is expected that this rule change will also reduce the need for exemptions.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry.

**Recommendation to Proceed--** NO The staff believes that the rulemaking should not proceed as a separate rule and therefore, has been subsumed into the PRA Implementation Plan (per SECY-96-218).

**RES-C5-15 Modification of The Definition of Decommissioning,  
Part 20--RM#481**

**OBJECTIVE--** The purpose of this proposed rule is to modify the definition of "decommissioning" because the current application of the term allows only the removal of radioactive material to a level that permits unrestricted use. Therefore, any removal of material in areas for restricted use would require an exemption. The staff envisions a reduction in the number of exemptions once this rulemaking is complete.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This rulemaking should eliminate the need to seek an exemption and result in an overall cost savings to the nuclear industry.

**Recommendation to Proceed--** NO The staff believes that the rulemaking should not proceed because this rulemaking is not needed since it has been subsumed into the rulemaking activity on "Radiological Criteria For License Termination of Nuclear Facilities" (See C1HP-08).

**RES-C5-16 Antitrust Review of Facility License Applications,  
(Part 50, Appendix L)--RM#427**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations by updating the antitrust review requirements to reduce the regulatory burden associated with applying for power production licenses. This proposed revision will clarify existing regulations and eliminate antiquated review requirements associated the antitrust review procedures.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** This action has no effect on current licensees. Future Part 50 licensees will realize cost savings without affecting public health and safety

**Recommendation to Proceed--** NO The staff believes that the rulemaking should not proceed. If rulemaking is needed, OGC will proceed with the rulemaking development.

**RES-C5-17 Conformance of Part 61 Dosimetry Doses to Revised Part  
20--RM#407**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulation to update the public dose limits currently in Part 61.41 to control releases of radioactivity from a low level waste facility to reflect the total effective dose limit concept now used in Part 20.

**TYPE-- FURTHER MANAGEMENT CONSIDERATION IS REQUIRED**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** No The staff believes that the rulemaking is not needed and should be deferred until after completion of the rulemaking on radiological criteria for license termination to judge the general appropriateness of a 15 mrem dose objective.

**RES-C5-18 Addition Of DOE Multi Purpose Canisters, Part 72.214--RM#412**

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to add the Department of Energy (DOE) standardized spent fuel storage systems to the list of approved storage casks

in Part 72.214 for use under a general license. These canisters are a part of the national spent fuel management system. The alternative would be issue a specific license to each operating power reactor licensee wanting or needing to use the system.

**TYPE-- REDUCE REGULATORY BURDEN/ADDS FLEXIBILITY**

**COST/BENEFIT--** A net benefit to the NRC will result because the canisters would have to be approved only once for use by a number of licensees. If a specific license would be required, the NRC would have to review each license application. For licensees, the rule would provide more options for the storage of spent fuel under the provisions of a general license.

**Recommendation to Proceed--** No The staff believes that the rulemaking should not proceed because DOE no longer supports funding for the development of a multi purpose canister as a spent fuel storage system. Therefore, the rulemaking has been terminated.

**CATEGORY VI**  
**RULES COMPLETED**

**RULEMAKINGS/PETITIONS THAT HAVE**  
**BEEN COMPLETED SINCE THE LAST**  
**RULEMAKING ACTIVITY PLAN**

WAS APPROVED AND ISSUED

NOTE--FOR RULEMAKINGS/PETITIONS COMPLETED  
OR TERMINATED SINCE THE INITIAL  
"RULEMAKING ACTIVITY PLAN" WAS  
APPROVED BY THE COMMISSION, REFER TO  
NETSCAPE, "ARCHIVED RULEMAKINGS"



**RES-C1HP-02 License Renewal for NPPs; Scope of Environmental Effects (Part 51)--RM#256--AD63--W#900072**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to establish new requirements for environmental review of applications for renewal of nuclear power plant operating licenses. The proposed rule would define the number and scope of environmental issues that would need to be addressed as part of a license renewal application. Also the generic findings will be used in plant specific reviews thereby reducing the level of effort required to prepare and review license renewal applications.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The Regulatory Impact Analysis shows that the rule will provide a net saving to industry and the NRC. In addition, the rule is expected to contribute to regulatory stability in the license renewal process.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. A draft of the final rulemaking package was sent to the EDO on December 22, 1995. The final rulemaking package was sent for Commission approval, SECY-96-035, on 02/09/96. Commission SRM on SECY-96-035 dated 04/17/96 and 05/08/96 approved issuance of an interim final rulemaking to be published for public comment for 30 days. The interim final

rulemaking was published for comment on June 5, 1996 (61 FR 28467). The revised final rulemaking was sent for Commission approval, SECY-96-190, on September 3, 1996. Commission SRM on SECY-96-190 dated October 18, 1996 approved the revised final rulemaking. The revised final rulemaking was published in the Federal Register on December 18, 1996 (61 FR 66537).

**RES-C1HP-04 Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE and Subsection IWL) (Part 50)--RM#136--AC93**

**OBJECTIVE--** The proposed rule would incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light Water Cooled Power Plants," and Subsection IWL, "Requirements for Class CC Concrete Components of Light-Water Cooled Power Plants," of Section XI (Division 1) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). This final rulemaking will ensure that containment structures at operating nuclear power plants continue to maintain wall design thicknesses and prestressing forces sufficient to resist design loadings.

There have been sixty-one separate occurrences of degradation in operating containments. One-fourth of all containments have experienced corrosion, and nearly one-half of concrete containments have reported degradation related to the concrete or the post-tensioning systems. There have been cases where thickness measurements of the containment walls revealed areas where the wall thickness was below the minimum design thickness. The NRC Regional Offices surveyed licensees in 1990 and determined that there is a large variation with regard to the performance and the effectiveness of containment inspections. Inspections are being performed, but in general, these inspections are not being conducted in a manner that will detect many of the types of degradation that have been reported. As a result of the rate of occurrence of degradation in containments, the extent of containment degradation, and the apparently limited effectiveness of containment examinations, the staff has determined that more specific ISI requirements are needed to ensure compliance with GDCs 16 and 53 and Appendix J.

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** There will be a cost savings to the staff because the staff will not have to develop containment ISI requirements and review individual licensee corrective action plans on a case-by-case basis. A determination has been made, based upon the Documented Evaluation required by § 50.109, that the final amendment is necessary to ensure that the critical areas of

containments are periodically inspected to detect defects that could compromise the containment's pressure-retaining and leak-tight capability. Safety will be strengthened and compliance with the intended defense-in-depth protection afforded by containment will be further assured during term of OC and potentially for term of license renewal.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The final rulemaking package will be sent to EDO for approval on March 5, 1996. The final rulemaking was sent to the Commission, SECY-96-080, for approval on April 16, 1996. Commission SRM dated May 22, 1996 approved the final rulemaking. EDO signed the final rule on June 13, 1996, awaiting OMB clearance before being published. The final rulemaking was published on August 8, 1996 (61 FR 41303).

**RES-C1HP-07 Constraint Level for Air Emissions of Radionuclides (Part 20 )--RM#377--AF31--W#940209**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to provide a constraint level for air emissions of radionuclides of 10 mrem/yr, similar to the program developed pursuant to 10 CFR Part 50 Appendix I for power reactors. This action will provide a codified regulatory basis for the

Environmental Protection Agency (EPA) to make a legal finding that the NRC program provides an ample margin of safety to protect the public and the environment from air emissions of radionuclides. Such a finding would permit EPA to rescind 40 CFR 61, Subpart I, entitled "National Emission Standards for Radionuclides Licensed by the Nuclear Regulatory Commission and Federal Facilities Not Covered by Subpart H" (Subpart I) for NRC licensed facilities other than power reactors. This action is expected to be the final step needed to demonstrate to EPA that the NRC program is sufficient to protect the public and the environment from airborne radionuclide emissions from NRC licensed facilities. The elimination of dual regulation that should result is expected to reduce the burden of compliance to our licensees.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The cost of this action to NRC licensees should be negligible as they are already demonstrating compliance with the 10 mrem/yr EPA constraint. The benefit to NRC licensees will be that they only have to demonstrate compliance to a single regulatory authority (NRC) and methods for demonstration of compliance will be simplified. The cost of this action to NRC is negligible as the inspection of NRC facilities subject to EPA requirements is being performed by NRC pursuant to the NRC'S ALARA inspection guidance. The benefit to NRC is that continued

negotiations with EPA on rescission of Subpart I will not be needed.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. Commission SRM on SECY-95-133 dated November 13, 1995 approved issuing proposed rulemaking for public comment. The proposed rulemaking was published for comment on December 13, 1995 (60 FR 63984). The final rulemaking was sent to EDO for approval on July 15, 1996. Commission SRM on SECY-96-172 dated October 18, 1996 approved the final rulemaking. The final rulemaking was published in the Federal Register on December 10, 1996 (61 FR 65120).

**RES-C1HP-13 Criteria for the Release of Patients Administered Radioactive Material (Parts 20, 35)--RM#291--AE41--W#920203**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to revise the patient release criteria contained in 10 CFR 35.75, and the applicability of the dose limits for members of the public in 10 CFR 20.1301. The Commission has received three petitions for rulemaking, PRM-20-20, PRM-35-10, and PRM-35-11. Concern was expressed that the fivefold reduction rate in the public dose limit (5 to 1 mSv y<sup>-1</sup>) might lead to a

fivefold reduction in the exposure rate and activity criteria for patient release. Consequently, patients might have to remain in hospitals for a longer period of time and that patients now treated on an outpatient basis would have to be hospitalized. The new criteria for patient release are dose-based rather than activity based and are consistent with the recommendations of ICRP and NCRP. Licensees may authorize a patient's release if the total effective dose equivalent to any other individual (including a breast-feeding infant) from exposure to the released individual is not likely to exceed 5 millisieverts (0.5 rem).

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The regulatory analysis, NUREG-1492, found that the 5 millisieverts (0.5 rem) criterion, would result in shorter periods of hospitalization, and therefore, a significant reduction in medical costs. Also, significant psychological benefits to patients and families would be realized, outweighing the estimated increase in societal dose of about 2,700 person-rem, largely to household members.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The final rulemaking package was sent to the Commission, SECY-95-286, for approval on November 30, 1995. The final rulemaking package was returned on December 22, 1995 and was revised to assure that the regulatory analysis is consistent with the new regulatory analysis guidelines. The

final rule was resent to the Commission, SECY-96-100, for approval on 05/08/96. Commission SRM on SECY-96-100 dated October 11, 1996 approved the final rulemaking. The final rule was sent to ARM for publication on 01/21/97. The final rule was published in the Federal Register on 01/29/97 (62 FR 4120).

**NMSS-C1HP-16 Design Basis Events, Part 60--RM#179--AD51--W#890183**

**OBJECTIVE--** The proposed rule would amend the Commission's Part 60 regulations to clarify preclosure regulatory requirements for high-level waste geologic repositories. Several issues associated with preclosure regulatory requirements have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. These involve: (1) the lack of clearly prescribed requirements for the establishment of a preclosure controlled area intended to protect public health and safety in the event of a postulated radionuclide release; and (2) the definition of structures, systems, and components important to safety for which certain design and quality assurance criteria apply. The proposed rule deals only with preclicensing repository designs, and is not affected by the National Academy of Science



report on the technical bases on Yucca Mountain Standards, which deals with post-closure issues. Interpretative guidance is needed from NRC on these matters to enable the U.S. Department of Energy (DOE) to proceed with the development of a proposed design for a geologic repository. The proposed rule grants in part, and denies, in part, a DOE petition for rulemaking of April 19, 1990.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** In the near term, NRC will be required to expend resources to complete and implement this rule. However, the proposed rule would provide clear direction to DOE and reduce the potential for future extensive NRC staff involvement to resolve design deficiencies affecting licensing, and would eliminate regulatory uncertainties that could be the basis for future legal contention or ambiguities facing a licensing board. Although some impacts to DOE's program occur, the proposed rule is not unexpected and is very similar to DOE's 1990 petition for rulemaking. The prescribed design requirements have been fully considered in DOE's system design. Impacts to DOE are, therefore, expected to be compensated for by resolution of identified uncertainties and greater consistency among NRC regulations and their interpretation. NRC resources would, therefore, be conserved in the long term and there would be greater assurance of completing the licensing hearing within the mandated time frame. "No action" by NRC could result in

significant expenditures of DOE and NRC staff and monetary resources at a later date.

The rule should enhance worker and public safety during those DBEs expected to occur one or more times during the operational phase of the repository, and during those unlikely, DBEs by establishing requirements for a "preclosure controlled area" boundary for the geologic repository operations area as well as dose guidelines affecting the public at or beyond that boundary.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The rule appears to be the best option to provide DOE with the regulatory criteria to proceed with the design of the HLW repository and provide necessary protection of worker and public health and safety. As stated above, "no action" by NRC could result in significant expenditures of DOE and NRC staff and monetary resources. The final rulemaking was sent for Commission, SECY-96-136, approval on June 24, 1996. Commission SRM on SECY-96-136 dated October 11, 1996 approved the final rulemaking. The final rulemaking was published in the Federal Register on December 4, 1996 (61 FR 64257).

**RES-C1HP-20 Revise Reciprocity Provisions For Agreement State licensees in Areas of Exclusive Federal Jurisdiction, Part 150.20--RM#209--AF49--W#950039**

**OBJECTIVE--** The proposed rulemaking would amend the Commission regulations to clarify and promulgate more definitive requirements on the handling of reciprocity matters for Agreement State licensee activities in areas of exclusive Federal jurisdiction. Current regulations do not provide provisions for Agreement State licensees to conduct activities in areas of exclusive Federal jurisdiction within Agreement States. By amending the regulations, the NRC would correct this oversight and could reduce licensing burdens by eliminating a need to license Agreement State licensees individually. It would also clarify our inspection and enforcement bases.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** NMSS and OSP have placed a high priority on completion of this rule. It is expected that the proposed regulatory action could reduce NRC and licensee burden by use of expanded reciprocity provisions. The time needed to develop and implement the revisions is estimated to be less than one FTE.

**Recommendation to Proceed--** Yes the staff believes that the rulemaking should proceed. The rulemaking plan was sent to the Commission, SECY-95-310, for approval on 12/28/95 using

Management Directive 6.3 process. Commission SRM dated 02/09/96 approved the rulemaking plan. The proposed rulemaking was sent for office concurrence on 03/21/96. Approval to published the proposed rulemaking for public comment was signed by EDO on June 7, 1996. The proposed rulemaking was published for comment on June 18, 1996 (61 FR 30839). The final rulemaking was sent for office concurrence on 10/09/96. The final rulemaking was sent for EDO approval on December 4, 1996 and was approved on December 30, 1996. The final rulemaking was sent to ADM for publication on January 3, 1997. The final rulemaking was published in the Federal Register on January 13, 1997 (62 FR 1662).

**RES-C1HP-23 USEC Privatization Act (Public Law 104-134), Parts 40, 70, AND 76--RM#442--W#960075**

**OBJECTIVE--** Public Law 104-134, by amending the Atomic Energy Act of 1954, changes the way uranium enrichment facilities are licensed and adds different procedural requirements. The Commissions regulations must conform to these changes. A proposed rule providing the necessary amendments to the Commission's regulations should be published for public comment and codified through the formal rulemaking process. The proposed amendments contain several new and/or revised licensing/certification requirements specific to the Corporation and its successor's operation of uranium enrichment facilities.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** To be provided using Management Directive 6.3 process.

**Recommendation to Proceed--** Yes The staff believes that the rulemakings should continue. There appear to be no alternatives to the codification of the conforming regulations, since they are required by statute. The direct final rulemaking plan was sent for office concurrence on 08/16/96 using MD 6.3 process. The direct final rulemaking plan was sent for EDO approval on September 06, 1996. The direct final rulemaking plan was sent for Commission approval, SECY-96-197, on September 09, 1996. Commission SRM on SECY-96-197 dated October 01, 1996 approved the direct final rulemaking plan. The direct final rulemaking was sent for office review and approval on November 06, 1996. The direct final rulemaking was sent for EDO approval on December 11, 1996. The direct final rulemaking was sent for Commission, SECY-96-258, approval on December 19, 1996. Commission SRM on SECY-96-258 dated January 15, 1997 approved the direct final rulemaking. The proposed rule was published in the Federal Register on 02/12/97 (62 FR 6672). The direct final rule was published in the Federal Register on 02/12/97 (62 FR 6663).

**RES-C1HP-25 Fissile Material Shipments And Exemptions, Part 71--  
RM#492--AF58**

**OBJECTIVE--** This emergency final rule restricts the use of beryllium and other special moderating materials (i.e., graphite and deuterium) in the shipment of fissile materials and consigns quantity limits on fissile exempt shipments. The staff believe that these amendments are necessary to correct a recently discovered defect in the current regulations (in §§ 71.18, 71.22, and 71.53) which could permit, in special circumstances, nuclear criticality to occur in shipments of fissile materials which are permitted to take place under these sections without specific Commission approval. Although this rule is being issued as an immediately effective final rule, the NRC will be requesting public comment and will revise the rule if necessary.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The number of shipments affected by this final rule is a small fraction of the NRC certified fissile package shipments. Since the quantities of affected fissile materials are small, the staff believe that any additional transportation cost would also be small. However, public health and safety is greatly enhanced by implementation of this rule because an inadvertent nuclear criticality in the public domain could involve fatalities, health effects from the resulting radiations, and extensive clean-up costs.

**Recommendation to Proceed--** Yes The staff believes that the rulemakings should continue. Commission memorandum dated December 6, 1996 initiated a direct final rulemaking on an expedited basis. The direct final rulemaking was sent to the Commission (SECY-96-268) for its approval on December 31, 1996. Commission SRM on SECY-96-268 dated January 27, 1997 approved the direct final rulemaking. The direct final rulemaking was published in the Federal Register on February 10, 1997 (62 FR 5907).

**RES-C1MP-01 Reactor Site Criteria; Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants (Parts 50,52,100)--RM#267--AD93--W#900200**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations to update the criteria used in decisions regarding power reactor siting. The proposed rule will improve regulatory flexibility by accommodating Early Site Reviews under Part 52 as well as to permit the use of improved accident source terms, to harmonize the dose acceptance criteria to be in accord with current radiation protection guidance and to incorporate improved knowledge gained in the earth sciences and earthquake engineering

and will also respond to Petition For Rulemaking PRM-50-20 filed by Free Environment, Inc., et al.

**TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY**

**COST/BENEFIT--** The overall cost associated with revising the non-seismic areas are neutral. The overall cost associated with the geosciences aspects of the proposed rule are reduced overall because of anticipated improvement in the licensing process. The revision is expected to increase the time for site approval but is expected to be beneficial overall by reducing time and costs at the OL or COL stage by avoiding licensing delays. The technical underpinning for improved accident source term determinations and timing of release is available for use by existing LWR licensees (on a voluntary basis) and allows for flexibility for OLs to achieve further reductions in plant equipment requirements and testing operations.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The final rulemaking was sent to EDO for approval on May 23, 1996. The final rulemaking was sent to the Commission, SECY-96-118, for approval on May 24, 1996. Commission SRM dated July 2, 1996 requested clarification with respect to emergency planning requirements and an updated source term application for operating plants. Commission SRM on SECY-96-118 dated October 11, 1996 approved the final rulemaking. The



final rulemaking was published in the Federal Register on December 11, 1996 (61 FR 65157).

**RES-C1MP-04 Radiography and Radiation Safety Requirements for Radiographic Operations (Part 34)--RM#287--AE07--W#910033**

**OBJECTIVE--** The final rule would amend the Commission's regulations on licenses for radiography and radiation safety requirements for radiographic operations. The final rule would revise 10 CFR Part 34 to clarify the requirements in part 34.27 and conform it with the approach developed by the Conference of Radiation Control Program Directors, Inc. (Part E of the "Suggested State Regulations for Control of Radiation"), and the State of Texas in Part 31 of the Texas Regulations for Control of Radiation. This final rule would also respond to a petition for rulemaking from International Union of Operating Engineers - Local No. 2 (PRM-34-04).

**TYPE-- SAFETY ENHANCEMENT**

**COST/BENEFIT--** While the final rule will result in no increase in cost for most NRC licensees, there will be some additional cost for a few. One of the new provisions, the requirement that two

qualified individuals be present when radiography is performed at temporary jobsites, could cost some NRC licensees between \$69,000-\$454,000 projected over 10 years, depending on the number of individuals that would need to be hired.

**Recommendation to Proceed--** Yes The staff believes that the rulemaking should continue. The final rulemaking package was sent to EDO/Commission for approval on 01/24/96. COMSECY-96-006, requested early Commission consultation on the Part 34 rulemaking. Commission SRM dated April 26, 1996 approved adoption of the two-person requirement option along with supporting regulatory analysis. The final rulemaking was resent to the Commission, SECY-96-152, for approval on July 3, 1996. Commission SRM on SECY-96-136 dated October 11, 1996 approved the final rulemaking. Publication of the final rulemaking is awaiting OMB clearance.

**RES-C1MP-12 Minor Amendments to 10 CFR Parts 2 and 51--RM#421--AF43--W#940010**

**OBJECTIVE--** The proposed rule would amend the Commission's regulations Part 2, Appendix C and Section 51.10(d) to remove the requirement for licensee response to a Notice of Violation in

cases where the staff believes the licensee has already adequately addressed the issue.

**TYPE-- OTHER: GENERAL/PROCEDURAL/PROCESS/ADMINISTRATIVE**

**COST/BENEFIT--** This rulemaking clarifies the Commission's regulations and will have no cost or burden impact on licensees.

**Recommendation to Proceed--** Yes The staff believes that the rule should continue. The direct final rulemaking was sent for Office review on 04/10/96. The direct final rulemaking was sent for EDO approval on August 7, 1996. The direct final rulemaking was approved by EDO on August 8, 1996. The proposed rulemaking was published in the Federal Register on August 22, 1996 (61 FR 43409). The direct final rulemaking was published in the Federal Register on August 22, 1996 (61 FR 43406).

**RES-C4A-16 PRM-61-03 Petitioner/Petition Docket Number:**  
**Heartland Operation to Protect the Environment--RM#461**

Federal Register Citation: January 9, 1996 (61 FR 633)

Subject: Low-level radioactive waste disposal site

The petitioner requests that the Commission amend its regulations to adopt a rule regarding government ownership of a low-level radioactive waste disposal site that is consistent with Federal statute. The notice of petition denial package was sent to EDO for review and approval on November 27, 1996. The notice of petition denial package was sent to ADM for publication on December 12, 1996. The notice of petition denial was published in the Federal Register on December 23, 1996 (61 FR 67501).

**RES-C4A-19 PRM-72-03 Petitioner/Petition Docket Number: Fawn Shillinglaw--RM#464**

Federal Register Citation: May 14, 1996 (61 FR 24249)

Subject: Dry cask storage of radioactive waste

The petitioner requests that the Commission amend its regulations which govern independent storage of spent nuclear fuel in dry cask storage to require that the safety analysis report for a cask design fully conforms with the associated safety evaluation report and certificate of compliance before certification of the cask design. The petition for rulemaking has been resolved by granting the petitioner's request (Refer to C3HP-12).

**RES-C4A-20 PRM-20-24 Petitioner/Petition Docket Number:**  
**University of Cincinnati--RM#465**

Federal Register Citation: June 21, 1996 (61 FR 31874)

Subject: Total effective radiation dose limit for members of the public

Summary: The petitioner requests that the Commission amend its regulations to authorize specified visitors of radiation patients, as members of the public, to receive up to 500 mrem total effective radiation dose per year. The petition for rulemaking has been resolved by granting the petitioner's request. Commission SRM on SECY-96-100 dated October 11, 1996 approved development of a rulemaking plan to resolve PRM-20-24 (See C3HP-22).

**RES-C4A-21 PRM-34-05 Petitioner/Petition Docket Number:**  
**Amersham Corporation RM#466**

Federal Register Citation: June 18, 1996 (61 FR 308377)

Subject: Radiography Equipment Regulation

Summary: The petitioner requests that the NRC amend its regulations by removing the reference to "associated equipment" from the radiography equipment regulations. The petitioner believes that this amendment would clarify the licensing reviews of sealed sources and radiographic exposure devices to meet the applicable requirements. The petition for rulemaking has been resolved by granting the petitioner's request (Refer to C3HP-20).

**RES-C4A-22 PRM-35-14 Petitioner/Petition Docket Number:**  
**IsoStent, Inc.--RM#467**

Federal Register Citation: June 27, 1996 (61 FR 33388)

Subject: Permanently implanted intraluminal stents

Summary: The petitioner requests that the Commission amend its regulations by adding a new section to address permanently implanted intraluminal stents, including phosphorus-32 and strontium-89 radioisotope stents. These stents would be permanently implanted in the patient's vessels and arteries. The

petitioner also requests that the NRC add a new section to specify training and experience requirements for qualified physicians responsible for placing radioisotope stents in patients. The petitioner believes the suggested amendments would address an innovative approach for the treatment of stenotic arteries and vessels with low-activity, beta-emitting stents. Petition for rulemaking was withdrawn by the petitioner on 10/24/96. Petition withdrawal notice was published in the Federal Register on 12/30/96 (61 FR 68688).

**NMSS-C5-02 PRM-71-11 Petition For Rulemaking From U.S. Department of Energy on Packaging and Transportation of Radioactive Materials, Part 71.63**

**OBJECTIVE--** The petitioner requests that the Commission amend its regulations governing packaging and transportation of radioactive materials to specifically exempt canisters containing vitrified high-level waste from the double containment requirement specified in NRC's regulations.

**COST/BENEFIT--** A cost/benefit analysis has not been performed for the action requested in the petition. If a determination is

made that rulemaking is appropriate, a cost/benefit analysis will be performed.

**Recommendation to Proceed--** YES Initially the staff did not recommend that NRC proceed with a formal rule. In fact, staff is considering denying the petition for a formal rule, because it believes that the action requested in the petition can be achieved by a determination under 10 CFR Part 71.63(b), which stipulates use of exemptions from NRC requirements. However, Commission SRM on SECY-96-215 dated October 31, 1996 disapproved the staff's approach for resolving PRM-71-11, but did approved a proposed rulemaking on an expedited basis (See Category I, C1HP-24).



APPENDIX A

<u>CAT NO.</u> . . . . .	<u>OFFICE</u> . . . . .	<u>TITLE</u>	
<u>RM NO.</u> . . . . .	<u>RIN NO.</u> . . . . .	<u>WITS NO.</u>	<u>TYPE</u>

APPENDIX A

Summary of Rulemaking Activity Plan Actions

Key for Rule Type

- (1a) - Safety Enhancement
- (1b) - Regulatory Reform/Regulatory Burden Reduction/Adds Flexibility
- (1c) - Other: such as General/Procedural/Process/Administrative
- (2) - Further Management Consideration Required

RM NO. - Research Rulemaking Number Used to Track Rules in The Five Year Plan.

RIN NO. - Rulemaking Number Used to Track Rules in The Regulatory Agenda.

WITS NO. - Rulemaking Number Used By EDO to Track Rulemaking Actions.

CATEGORY I, ACTIVE RULES, IN DEVELOPMENT/BEING COMPLETED

Higher Priority

<u>CAT NO.</u> . . . . .	<u>OFFICE/USER</u> . . . . .	<u>TITLE</u>
		<u>RM</u>
		<u>NO. RI</u>
		<u>N</u>

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1HP-06	NRR		Cert.
Rules, ABWR & CE 80+,		#366	
AE87		910065	1b
FINAL RULE APPROVED BY COMMISSION SRM DATED DECEMBER 6, 1996			
C1HP-08	RES/		Rad.
Criteria For License		#211	
AD65		830615	1b
	NMSS/DWM	Termination	FINAL RULE SENT FOR EDO APPRO VAL 02/12 /97

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C1HP-11 #318 660100	LSI/RES/WRK	Week Focus, 50.55a AE26 1b	
C1HP-12 Reliability Data Rule, Part 50.76	AEOD #414 940180	1b	AF33
PROPOSED RULE PUB. 02/13/96 60 FR 5318			
C1HP-18 Unauthorized Use, Part 20.2205	RES/ #429 950124 NMSS/IMNS	1a	AF44
FINAL RULE WAS SENT FOR EDO/COMMISSION			
			APPROVAL ON 11/20 /96
C1HP-19 Rule	NRR #394 940048	1b	SG AF04
C1HP-21 73.55 (Reduce Insider Reqmts)	RES/ #405 950117	1b	Part AF11

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
	NRR/NMSS					PROPOSED RULEMAKING WAS SENT TO ADM FOR PUBLICATION ON FEBRUARY 7 1997
C1HP-22 Safeguards for Spent Fuels AF32	RES/ NMSS/FCSS	#346 930128 HLW Repos.,				1b
C1HP-24 Reqmts for Shipping Packages AF59	RES/ NMSS/FCSS	#491 960169 to Transport and Store Plutonium				1b NEW
RULE ADDED TO CATEGORY LISTING						
Containing Plutonium, Part 71	PROPOSED	RULEMAKING WAS SENT TO EDO FOR				

CAT NO. . . . . . OFFICE . . . . . TITLE  
RM NO. . . . . . RIN NO. . . . . . WITS NO. . . . . . TYPE

71-11 . . . . . PRM-  
 . . . . . APPROVAL ON 02/13/97

C1HP-26 . . . . . RES/NRR . . . . . Initial  
 Operator  
 License  
 #484 NONE9  
 50056  
 1b  
 Exam  
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 ts,  
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. . . . . COMMISSION SRM ON SECY-96-206 DATED . . . . .  
 . . . . .  
 12/17/96 APPROVED THE RULEMAKING PLAN

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1HP-27	REG/INS	5-Year Term				
#493					NONE	
NONE					1b	
		For Licenses, Part 35.18				
NEW RULE ADDED TO CATEGORY LISTING, MEMO						
						COMMISSION SRM ON SECY-96-252 DATED 1/24/97 APPROVED THE RULEMAKING PLAN
C1HP-28	REG/INS	Non-licensing Financial				
#424					AF41	
950112					1b	
Assurance, Parts 50.2, 50.75						RULEMAKING HAS CHANGED PRIORITY
C1HP-29	REG/INS	Requirements For				
#312					AF16	
930116					1b	
Permanently S/D Reactors						RULEMAKING ADDED TO CATEGORY LISTING
						COMMISSION SRM ON SECY-96-256 DATED 1/28/97 APPROVED THE RULEMAKING PLAN

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1HP-30	NRR					FFD
Part 26 (General Relax.),	#397					AF12
	890042				1b	
						PROPO
						SED
						RULE
						PUB.
						05/09
						/96
						61 FR
						21105

**Medium Priority**

C1MP-10	NRR					
	Shutdown and Spent					
	FuelPool					#398A
	E97					92022
	3				1a	
						Opera
						tions
						,
						Part
						50
C1MP-13	ADM					
Access to and Protection of					#417	



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
AF37		NONE	1c			
Classified Information, . . . . .						
PROPOSED RULE PUB. 08/05/96	61 FR 40555					Parts 25, 50, 54, 95
C1MP-14	RES/					
Deliberate Misconduct Rule,		#425				
AF35		960007	1c			
		Parts 30, 40, 55, 60, 61, 70, 72, 110				
PROPOSED RULE PUBLISHED 10/04/96	61 FR 51835					
C1MP-15	ADM					Part
10 Conform to USG policy		#431				
AF48		NONE	1c			
C1MP-17	RES/					Alt.
Financial Criteria for		#408				
NONE		930212	1b			
		None, DDM and Non-Profit				
RULEMAKING ADDED TO CATEGORY LISTING						
						Facil ities PROP.

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1MP-18	RES/MPR	Audit Policy for Emergency	#413			NONE
			NONE			1b
Planning and Security, Part 1, Rulemaking Added to Category Listing (PRMs 50-59 and 50-60) COMMISSION SRM ON SECY-96-236 DATED 12/05/96 APPROVED THE RULE PLAN						
C1MP-19	RES/					Table
S-3, S4 Revisions					#116	
AA31					910146	1c

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
	NRR/NMSS					RULEMAKING HAS CHANGED CATEGORY
C1MP-20 Environmental Report Requirements for Terminating Uranium Mill. License, Part 51.60	RES/ #443 NONE COMMISSION. NMSS/IMNS	ENV-96-254 DATED 1/9/97 APPROVED THE RULEMAKING PLAN				NONE 1b

**Lower Priority**

C1LP-05 Notification Requirements, Part 20	RES/ #402 NONE NMSS/IMNS					AF46 1c
PROPOSED RULE PUBLISHED 10/07/96 61 FR 52388						
C1LP-17 Submittal Procedures For NONE 1c	IRM	#445 NONE				

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
Documents, Part Multi			
C1LP-18	ADM		
Acquisition Regulation		#475	
AF52		NONE	
1c			
(NRCAR), Part 48			
C1LP-19	RES		
Notice to Employees; Minor		#495	
NONE		NONE	
1c			
Amendment to Part 19			NEW
		RULEMAKING ADDED TO CATEGORY LISTING	
			DIRECT FINAL RULE FOR OFFICE REVIEW 1/31/ 97

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>		
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>	

**CATEGORY II, TECH. BASIS DEVELOPMENT - RULES/PETITIONS - MD 6.3 APPLIES TO SOME RULES**

**Higher Priority**

C2HP-04	RES/			
Criteria for Reuse/Recycle,		#381		
NONE		940059	1b	
	NMSS/DWM			
C2HP-05	RES/			
Release to Sanitary Sewage,		#288		
AE90		940008	1a	
	NMSS/DWM			
C2HP-07	RES/			Amend
VSC-24 Certification		#390		
NONE		NONE		
1b				
	NMSS/SFPO			RULE CHANG ED CATEG ORY, RULE PLAN ON- HOLD

**Medium Priority**

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C2MP-05	RES/					
Exemptions from Licensing		#400				
NONE		900208				1b
		Certain NMSS/DWMS, Parts 30, 32				

Lower Priority----NONE

CATEGORY III, RULES AND PETITIONS BEING PLANNED - MD 6.3 APPLIES (EXCEPT TO STRICTLY ADMINISTRATIVE RULES)

Higher Priority

C3HP-07	RES/APP	Horizontal Skin Dose,				
#164						NONE
900178						1b
C3HP-09	RES/					
Update Decomm. Funding,		#243				
NONE		NONE				
1c						
		NMSS/DWMS				Parts 30, 40, 70
C3HP-10	RES/					
Eliminate 30-Day Delay In Loading		#433				NONE
		NONE				1b



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C3HP-22	RES/					Resol ves PRM- 34-05 Dose
Limit for Public Exposed	#490					NONE 1b
	NONE					NEW
	NMSS/IMNS	Specialized Patients				RULEM AKING ADDED TO CATEG ORY LISTI NG Part
C3HP-23					20 (PRM 20-24) NMSS/IMNS	Specific Domestic Licenses#44 8 AF54N ONE1b Broad Scope , Part 33RUL EMAKI NG



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C3HP-24	RES/		Major
Revision to Part 35	#497		NONE
	NONE		1b
	NMSS/IMNS		NEW
			RULEM
			AKING
			ADDED
			TO
			CATEG
			ORY
			LISTI
			NG

**Medium Priority**

C3MP-01	NRR		
Fitness for Duty (Scope rule)			#396
AF13			NONE
1b			

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C3MP-04	RES/MOR	Fire Protection Reactors		AF29		#340 92019
7 1b						
		COMMISSION SRM ON SECY-96-134 APPROVED				
DEVELOPMENT OF A RULE PLAN ON 10/02/96						
C3MP-06	RES/					NONE
Special Nuclear Material	#309					1b
	NONE					
C3MP-08	NMSS/IMNS	Accountancy, Parts 70, 74				Gaseous Tritium Light Sources, #4 23NON ENONE 1b
	RES/					
	NMSS/IMNS					Part 32, PRM-32-04
						RULE PLAN SENT FOR

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
		COMMISSION APPROVAL,				SECY-97-028 ON 02/4/97
C3MP-11	RES/APP	EP Requirements For Defueled Reactors and Exercise Reqmts				#435N ONENO NE1b
		RULE PLAN SENT FOR OFFICE REVIEW ON 08/09/96				For Offsite Eps, App. E, Pt 50
C3MP-12	RES/	Clarifications and Addition				#438 NONE960159 1b
	RES/APP	on MS/APP				liability to Part 72



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C3MP-17 Miscellaneous Changes, Part 72	RES/ #446 960162 NMSS/SFPO		NONE
		1c	
			RULEM AKING CHANG ED CATEG ORY LISTI NG RULE PLAN SENT FOR OFFIC E REVIE W ON 2/10/ 97
C3MP-18	RES/HR #444 ONE	and Training	NONEN 1b
Requiremants for Defueled	RULEMAKING HAS CHANGED PRIORITY		

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C3MP-19 . . . . .	RES/ANP	Use of Alternate Cladding	React ors, Parts 50, 55
#449 . . . . .		NONE	
NONE1b			
Materials In Reactors, Part 50	RULEMAKING HAS CHANGED PRIORITY		
C3MP-21	RES/		Decom m. Plant s Elimi nate Need For #482N ONENO NE1b
	NMSS/DWM		Unnecessary Financial AssurancesR ULEMAKING HAS CHANGED PRIORITY
C3MP-22	RES/		Telet herap y

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
			Devic es For Non- Human #479N ONENO NE1b
	NMSS/IMNS		Irradiation , Part 36RULEMAKIN G HAS CHANGED PRIORITY
C3MP-23	RES/NRR		Criticality Monitor Requirement #494 NONEN ONE1b For Fresh Fuel, Part 70.24  NEW RULEM AKING ADDED

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C3MP-25	RES/					TO CATEG ORY LISTI NG
Storage of Greater Than Class C	#436					NONE
Waste, PRMNS, SEP, Part 72	960157			1b		
	RULEMAKING HAS CHANGED PRIORITY					RULE PLAN SENT FOR OFFIC E REVIE W ON 01/14 /97
C3MP-26	RES/NRR	Compatibili ty with the IAEA #496N ONENO NE1b Trans porta tion Stand				



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C3MP-27	RES/NRR	Revise Respiratory Protection Reqmts.	NONE		#269	ards, Part 71NEW RULEM AKING ADDED TO CATEG ORY LISTI NG
1b					NONE	
C3MP-28	NMSS/IMNS RES/NRR	RULEMAKING HAS CHANGED PRIORITY				Codes and Standards,  #498 NONEN ONE1b Part 50.55 a(h)N EW RULEM AKING ADDED TO

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>	CATEG ORY LISTI NG
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**Lower Priority**

C3LP-01	RES/						
Clarification of Criteria For		#380					
NONE		940078				1b	
		U. Mill. MSS. Drawings, Part 40					
C3LP-05	RES/NRR						Removal of Obsolete Appendicies #483N ONENO NE1b M, N, O, P, From Part 50
C3LP-06	RES/NRR						Eliminate Appendix A to, Part 2 #489N ONENO NE1b

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
						NEW RULEM AKING ADDED TO CATEG ORY LISTI NG

CATEGORY IV, ACTIVITIES ON HOLD

4A: Rules and Petitions For Which Further Assessment Is Required Before Deciding Whether to Initiate Rulemaking (not prioritized)

C4A-02	Acceptability for Plan Performance	RES/NRR				for AE38
Severe Accidents, Part 50	#268					
	900201				2	
C4A-07	Petition for Rulemaking from	RES/NRR				NONE2
	#451					
Performance Programs	Keith J. Schilling, Ph.D.	RES/NRR			PRM-20-21	
C4A-14	#459		NONE	NONE	2	
	(PRM-50-62)					

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C4A-15	Stockpile	Potassium Iodide	
#460		NONE	
NONE		2	(PRM-
50-63)			
	PETITION DENIAL SENT FOR OFFICE REVIEW 1/14/97		
C4A-18	RES/		
Training Requirements for a Rad	#463		NONE
	NONE		2
	Safety Officer (PRM-35-13)		
C4A-23	RES/		
Nuclear Material Licensees		#468	
NONE		NONE	
2			
	NMSS/DWM		(PRM-30-61)
C4A-24	NMSS/EDSS	Uranium Processing and Enrichment	#469
	NONE		NONE
		2	
	Fuel Fabrication Licensees		
	NEW PETITION ADDED TO CATEGORY LISTING		
70-07)			(PRM-

**4B: Rules That Cannot be Further Worked Without Additional Information (not prioritized - rule action still needs to be decided)**

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C4B-01		RES/ . . . . . Requirements for Possession of 81 AD34890090 . 2 Industrial NMSS/IMNS, Parts 31, 32	
C4B-02		RES/ . . . . . Gap for Generally Licensed . . . . . #264 00192 . . . . . 2 NMSS/IMNS, Parts 31, 32	Air AD829
C4B-03		RES/	MMP Items for Parts 31, 35 #385 NONE NONE2
C4B-04		NMSS/IMNS RES/ . . . . . Revision to Parts 30, 40 to . . . . . #386 ONE . . . . . NONE2 NMSS/IMNS	Address RSO Duties
C4B-05		RES/ . . . . . Revise Brachytherapy Proc. Part 35 #406 NONENONE . . . . . 2 NMSS/IMNS	

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C4B-09	RES/DNR	Rule on Living PRA for CORE 52 #411	1b
C4B-11	NONENONE		Part
70 Revisions	RES/		
#351		AF22	
940010	2		
C4B-13	MNSS/FCSS	Conform to EPA Standards	NONE2
	MNSS/RES		NAS
	#430		
	/DWM		
Recommendations, Part 60			
C4B-14	NPPES/DNR	Commissioning Cost	
#347		AF40	
950111	1b		
Requirements, Part 50.75			
C4B-16	RES/		Requi remen ts Deali ng With #478N ONENO NE1b
	NMSS/IMNS	Medical Uses of Rad., Part 35	

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C4B-19	RES/					
Transfer of Source or Byproduct	#447					NONE
	NONE					1c
		Material, IMSS/IMNS		40.51		
C4B-20	RES/					
Pregnancy/Breast Feeding, Part 35	#310					AE44
	910129				2	
		NMSS/IMNS				
C4B-21	RES/	Revise Part 35 (f) to Apply to				#485
	NONE					NONE
	1b					
Future Plant Designs						
C4B-22	RES/	Licensing Requirements For SROs				#486N
						ONENO
						NE1b
						Limit
						ed to
						Fuel
						Handl
						ing,
						Part
						55
C4B-23	RES/					
General Domestic Licenses						#487
						NONE
						ONE1b
		NMSS/IMNS				
						For
						Byproduct
						Materials,
						Part 31

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C4B-24	RES/IMNS	Revise Report Reqmts, Part 50	#387
8	NONE		94011
			RULEM AKING HAS BEEN PLACE D ON- HOLD
C4B-25	RES/IMNS	Extremity Doses,	
		#146	
NONE		870013	1a
	NMSS/IMNS		RULEM AKING HAS BEEN PLACE D ON- HOLD CMMIS SION MEMOR ANDUM DATED 02/14 /97



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>

**CATEGORY V, DROP FROM FURTHER CONSIDERATION**

C5-06		RES/ Eliminate Inconsisten cies VS NRC #79AC 03 84017 1 2
<p>..... .Regs and <del>NRC/DMW</del> Stds, Part 60            RULEMAKING WAS TERMINATED            .....            .....            ..... RULE INCORPORATED INTO C4B-13, RM #430</p>		
C5-09		RES/ Dist. of Source Byproduct Mat. #292A E33 94006 9 2
<p>..... .Licenses/ <del>Part 32</del>, 40-Phase I            RULEMAKING BEING TERMINATED</p>		
C5-10		RES/NRR
Criteria for ENO, Part 140		#51
AB01		810014 2



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C5-14		RES/NRRASME Code For Inservice #476 RULE TERMI NATED Inspe ction and Testi ng, Part 50	
C5-15		RES/ Modif y The Defin ition of #481R ULE TERMI NATED	
	NMSS/DWM	Decommissio ning, Part 20	
C5-16		RES/NRRAnti trust Review of Facility#42	

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
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					7	RULE TERMINATED
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Applications, Part 50, App. L C5-17						RES/NMSSCon formance of Part 61 Dosimetry #407 RULE TERMINATED
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C5-18		DOE/DWM		Revise Part 20		RES/ Addition of DOE Multi- Purpose#412 RULE TERMINATED
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		NMSS/STPC		Part 72.214		
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**CATEGORY VI, RULES COMPLETED OR NEARLY COMPLETED (COMMISSION APPROVED)**

C1HP-02		RES/STPC		Renewal, Part 51		
#256						AD63
900072				1b		

FINAL RULEMAKING WAS PUBLISHED ON

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
		12/18/96 (61 FR 66537)	
C1HP-04	RES/NR/SME (IWE/IWL),	#136	
AC93		NONE	
1C			FINAL RULEM AKING WAS PUBLI SHED ON
		8/8/96 (61 FR 41303)	
C1HP-07	RES/		
Constraint Rule/EPA,			#377
9 1b	AF31		94020
	NMSS/DWM		FINAL
	RULEMAKING WAS PUBLISHED		ON
		12/10/96 (61 FR 65120)	









<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>TYPE</u>
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	
C4A-16	8/22/96 (61 FR 43409)	Low-level Radioactive Waste	
#461			NONE
NONE		Disposal Site (PRM-61-03)	2
PETITION DENIAL WAS PUBLISHED IN THE			
FEDERAL REGISTER ON 12/23/96 61 FR 67501			
C4A-19		RES/	Dry
Cask Storage of Radioactive		#464	PRM
RESOLVED--SEE C3MP-12			
		NMSS/SFPO	(PRM-
72-03)		Waste	
C4A-20		RES/	Rad.
Dose Limit For Members of		#465	PRM
RESOLVED--SEE C3HP-22			
		NMSS/IMNS	(PRM-20-24)
C4A-21		RES/	
Radiography Equipment Regulation		#466	PRM
RESOLVED--SEE C3HP-20			
		NMSS/IMNS	(PRM-34-05)
C4A-22		RES/	
Permanently Implanted Intraluminal	#467		PRM WITHDRAWN
		NMSS/IMNS	(PRM-35-14)
WITHDRAWAL PUBLISHED ON 12/30/96 (61 FR 68688)			



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>		
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>	

**APPENDIX B**

**Regulatory Improvement in the Area of Exemptions Granted to Regulations**

**Higher Priority**

- o Options For The Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--RES-C3HP-20 . . . . . SEE PAGE CIII-4

**Medium priority**

- o Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities (Part 50)--RM#340--AF29--RES-C3MP-04 . . . . . SEE PAGE CIII-7
- o Emergency Planning Requirements For Defueled Reactors, Part 50.54(Q), Appendix E--RM#435--RES-C3MP-11 . . . . . SEE PAGE CIII-9
- o Staffing and Training Requirements For Defueled Reactors, Part 50, 55--RM#444--RES-C3MP-18 . . . . . SEE PAGE CIII-13
- o Use of Advanced Cladding Material in Light Water Reactor Fuel Designs, Part 50--RM#449--RES-C3MP-19 . . . . . SEE PAGE CIII-14
- o Modify The Financial Assurance Requirements For Decommissioned Plants To Eliminate The Need For Unnecessary Financial Assurances,

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	
<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
Parts 30, 40, 70, 72--RM#482--RES-C3MP-21			SEE PAGE CIII-14
o Relief From The Use of Part 35 Requirements For Teletherapy Devices For Non-Human Irradiation, Part 36--RM#479--RES-C3MP-22			SEE PAGE CIII-15
o Exemption Fron Criticality Monitor Requirements For Fresh Fuel, Part 70.24--RM#494--RES-C3MP-23			SEE PAGE CIII-15

**On-Hold**

o Relief From The Requirements Dealing With The Medical Uses of Radiation, Part 35.29d--RM#478--RES-C4B-16			SEE PAGE CIVB-6
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