

October 17, 1997

SECY-97-240

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 direction into contemplated rulemakings at an early stage of rule plan development, before significant resources are expended. It further will provide a mechanism for determining 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:

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

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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. The NRC staff will maintain and periodically update the Activity 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. After Commission guidance on DSI-22 (SECY-97-220) is received, new office responsibilities will be delineated in the next submittal of an updated plan. The Office Directors under the EDO are responsible for the timely supply of Plan input for all rulemakings under development and those being contemplated for development in their respective offices. The staff will continue to submit the updated Rulemaking Activity Plan for review on an approximate 6-month interval in a manner consistent with the Commission SRM on SECY-97-167 dated September 16, 1997.

On March 14, 1997, the semiannual update of the "Rulemaking Activity Plan" was sent to the Commission for approval via SECY-97-062, and was approved by the Commission's SRM dated April 25, 1997. 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.

Target Completion Dates and Staff Resources (FTE) Needed to Complete Rules

Responding to Commission SRM on SECY-97-062 dated April 25, 1997, the rulemaking activity plan was revised to include "Target Completion Dates" for all "active" individual rulemakings. In addition, the activity plan was revised to include an estimate of the total staff resources (FTE's) needed by each office to complete development, review, and/or processing the rulemaking packages associated with rule plans, proposed rules, or final rules. For this activity plan it was assumed that all rulemakings remain as they are now currently listed and that the expenditure of FTE resources is as of the beginning of fiscal year 1998. Office resource estimates are based on an average

cost to complete an individual rulemaking from initiation through final publication in the Federal Register. An average cost is used because a more accurate estimate is not available until after the package has been fully developed and the degree of complexity is known. It is generally recognized by reviewing offices that some rules will take less time while other, more complex rules will require more time to complete.

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. Eight of these rulemaking actions are included in the Rulemaking Activity Plan and specifically identified in Appendix B. Three 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); 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; and the rulemaking to change Part 35.29d dealing with the medical uses of radiation has been subsumed into the rulemaking activity for Major Revision to Part 35, Medical Use of Byproduct Material.

In Secy 96-147, the staff committed to review recent experience with exemptions to determine whether any changes or additions to these eight 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 is included in the Rulemaking Activity Plan as Attachment 1 to Appendix B (NRR) and Attachment 2 to Appendix B (NMSS). The summary information is as follows:

(1) Since January 1, 1997, NRR has received exemption requests that affect a total of 92 nuclear reactor licensees (multi plants are affected per request).

- (a) 56 requests have been granted
- (b) 2 requests have been denied
- (c) 34 requests are under review

(2) Since January 1, 1997, NMSS has received exemption requests that affect a total of 25 nuclear licensees.

- (a) 18 requests have been granted
- (b) 1 request has been denied
- (c) 6 requests are under review

Proposed Major Rulemaking Revision to 10 CFR Part 35

A Commission paper, SECY-97-115, detailed a proposed program plan for revising 10 CFR Part 35. This plan included proposed resolutions for major issues and the provisions for appropriate public workshops and additional interactions involving the medical community, public interests, and NRC's Advisory Committee on Medical Uses of Isotopes. The Commission paper also identified 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 have been subsumed into the Part 35 rulemaking activity and were dropped as individual activities based on Commission SRM on SECY-97-115 dated June 30, 1997. In addition, a request for public comment on the rulemaking development was published in the Federal Register on August 6, 1997 (62 FR 42219).

Recommendation:

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

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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
 - Attachment 1 to App. B, NRR Summary
 - Attachment 2 to App. B, NMSS Summary

Proposed Major Rulemaking Revision to 10 CFR Part 35

A Commission paper, SECY-97-115, detailed a proposed program plan for revising 10 CFR Part 35. This plan included proposed resolutions for major issues and the provisions for appropriate public workshops and additional interactions involving the medical community, public interests, and NRC's Advisory Committee on Medical Uses of Isotopes. The Commission paper also identifies 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 have been subsumed into the Part 35 rulemaking activity and were dropped as individual activities based on Commission SRM on SECY-97-115 dated June 30, 1997. In addition, a request for public comment on the rulemaking development was published in the Federal Register on August 6, 1997 (62 FR 42219).

Recommendation:

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

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*See previous concurrences.

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ENCLOSURE 1

SUMMARY OF CHANGES TO THE
RULEMAKING ACTIVITY PLAN SINCE
THE LAST PLAN UPDATE IN MARCH 1997
FOR RULEMAKINGS UNDER THE
OFFICE OF THE EDO

CURRENT AS OF SEPTEMBER 12, 1997

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 Exempt Distribution and Use of a Radioactive Drug Containing One Microcurie of Carbon 14 Urea, Part 30 and 32, PRM-35-12--RM#432--RES-C1HP-31 ~~SEE PAGE~~ CI-9
- o Revision of Respiratory Protection Requirements, Part 20--RM#269--RES-C1HP-32 SEE PAGE CI-11
- o Safety Related Structures, Systems and Components (Direct Final Rulemaking), Part 50--RM#500--RES-C1HP-33 SEE PAGE CVI-2
- o Revision to Nuclear Power Reactor Decommissioning Cost Requirements, Part 50.75--RM#347--AF40--RES-C1HP-34 . . . SEE PAGE CI-11
- o Domestic Licensing of Special Nuclear Material-Revision, Part 70--RM#351--AF22--RES-C1HP-35 ~~SEE PAGE~~ CI-13
- o Exemption From Criticality Monitor Requirements For Fresh Fuel, Part 70.24--RM#494--RES-C1HP-36 SEE PAGE CI-13
- o Major Revision to Part 35, Medical Use of Byproduct Material--RM#497--AF74--NMSS-C1HP-37 SEE PAGE CI-14
- o Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 (PRM-20-24)--RM#490--RES-C3HP-32 ~~SEE PAGE~~ CI-15
- o Performance-Oriented Requirements For Fire Protection of Nuclear Power Facilities (Part 50)--RM#340--AF29--NRR-C3MP-04 SEE PAGE CI-16

MEDIUM PRIORITY

- o Revision of Prototype Testing Requirements for Watches Containing Tritium (PRM-32-04), Part 32.14--RM#423--RES-C1HP-32 ~~SEE PAGE~~ CI-21
- o Miscellaneous Changes to Part 72 and Amendment to Exempt Natural or Depleted Uranium Metal Used In Storage Cask Shielding, Part 40--RM#446--RES-C1HP-32 ~~SEE PAGE~~ CI-22

- o Emergency Planning Requirements For Defueled Reactors and Exercise Requirements For Offsite Emergency Plans Appendix E, Part 50.54(Q)--RM#435--RES-C1MP-23 SEE PAGE CI-23
- o Codes and Standards, Part 50.55a (h)--RM#498--RES-C1MP-24 SEE PAGE CI-24
- o Access to Secret Restricted Data Parts 25 and 95--RM#502--AF82--ADM-C1MP-25 . SEE PAGE CI-25

LOW PRIORITY--NONE

CATEGORY II (TECHNICAL BASES UNDER DEVELOPMENT)-- NONE

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

HIGHER PRIORITY

- o Certification Ammendment Process, Part 76.45--RM#499--RES-C3HP-25 SEE PAGE CIII-5
- o Conforming 10 CFR Part 60 to EPA Standard and NAS Recommendations--RM#430--NMSS--~~C3HP-26~~ SEE PAGE CIII-6
- o Development of a Stand-Alone Regulation For Uranium Milling and Milling Facitities, Part 41--RM#503--NMSS-C3HP-27 SEE PAGE CIII-6
- o Design Certification for AP600, Part 52--RM#504--W#920142D--NRR-C3HP-28 . . . SEE PAGE CIII-8
- o Revision to Part 50.59; Changes, Tests, and Experiments--RM#506--NRR-C3HP-29 . SEE PAGE CIII-8

MEDIUM PRIORITY

- o Spent Fuel Shipment Information Protection Requirements, Part 73--RM#501--RES-C3MP-29 SEE PAGE CIII-16
- o Lessons Learned From Design Certification, Part 52--RM#505--W#970060/W#970126--NRR-C3MP-3~~0~~SEE PAGE CIII-17
- o Determination of Exclusion Area, Low Population Zone, and Population Center Distance, Part 100.11 and Control Room, Part 50 (Appendix A, GDC 19)--RM#507--NRR-~~C3MP-31~~SEE PAGE CIII-17

LOW PRIORITY--NONE

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

CATEGORY IVA (ON HOLD, BUT IN QUEUE)

NONE

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

CATEGORY IVB (ON HOLD)

NONE

CATEGORY V (ACTIONS TERMINATED)

- o Addition of 10 CFR 20.2205, Unauthorized Use of Radioactive Materials--RM#429--AF44--RES-C5-18 ~~SEE PAGE~~ CV-3
- o Reporting Reliability and Availability Information For Risk-Significant Systems and Equipment, PART 50.76--RM#414--AF33--AEOD-C5-19 SEE PAGE CV-4
- o Pregnancy and Breast-Feeding Status of Patients, 10 CFR Part 35--RM#310--AE44--RES-C5-20 ~~SEE PAGE~~ CV-4
- o Revision to Parts 31 and 35, to Address MMP Items--RM#385--RES-C5-21 . . . SEE PAGE CV-5
- o Revise Brachytherapy Procedures, Part 35--RM#406--RES-C5-22 SEE PAGE CV-5
- o Relief From The Requirements Dealing With The Medical Uses of Radiation, Part 35.29c and d--RM#478--RES-C5-23 SEE PAGE CV-6
- o Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations, Part 50--RM#268--AE38--RES-C5-24 SEE PAGE CV-7
- o Specific Domestic Licenses of Broad Scope For Byproduct Materials, Part 33--RM#448--AF54--NMSS ~~SEE PAGE~~ CV-7
- o Clarification of Criteria for Uranium Mills and Tailings, Part 40--RM#380--RES-C5-26 SEE PAGE CV-8
- o Removal of Obsolete Appendices

- M, N, O, and Q From Part 50--RM#483--RES-C3LP-05 SEE PAGE CV-9
- o Steam Generators--RM#394--AF04--NRR-C1HP-19 . SEE PAGE CV-9

RULEMAKINGS WHOSE PRIORITY HAVE BEEN CHANGED SINCE LAST REPORTING PERIOD

CHANGED FROM MEDIUM PRIORITY TO HIGH PRIORITY

- o Storage of Greater Than Class C Waste,
Part 72--RM#436--W#960157--RES-C3HP-12 . . . SEE PAGE CIII-2
- o Revision of Respiratory Protection
Requirements, Part 20--RM#269--RES-C1HP-32 . SEE PAGE CI-11
- o Exemption From Criticality Monitor Requirements
For Fresh Fuel, Part 70.24--RM#494--RES-C1HP-36 SEE PAGE CI-13

ENCLOSURE 2

RULEMAKING ACTIVITY PLAN

**FOR RULEMAKINGS UNDER THE
OFFICE OF THE EDO**

CURRENT AS OF SEPTEMBER 12, 1997

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
RULEMAKING ACTIVITY PLAN

CATEGORY I, ACTIVE RULES

HIGHER PRIORITY

Codes and Standards for NPP (Part 50)--RM#318--AE26--RES-C1HP-11	CI-1
Reduction In Nuclear Power Reactor Security Requirements Associated With Insider Threat (Part 73.55) (except d8)--RM#405--AF11--RES-C1HP-21	CI-2
Safeguards for Spent Nuclear Fuel or High-Level Radioactive Waste, (Parts 60, 72, 73, 75)--RM#346--AF32--RES-C1HP-22	CI-3
Requirements for Shipping Packages Used to Transport Vitrified Wastes Containing Plutonium, Part 71 (PRM-71-11)--RM#491--AF59--RES-C1HP-24	CI-4
Amending Initial Operator License Examination Requirements, Part 55--RM#484--AF62--RES-C1HP-26	CI-5
Removal of the 5-Year Term For Licenses For The Medical Use of Byproduct Material, Part 35.18--RM#493--AF77--NMSS-C1HP- 27 -6	
Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements, Part 50.2 and Part 50.75--RM#424--AF41--RES-C1HP-28	CI-7
Insurance Requirements For Power Reactor Facilities Under a Possession Only License, Part 50--RM#312--AF16--RES-C1HP- 29 -8	
General Revisions to the Fitness-For-Duty Rule, Part 26--RM#397--AF12--NRR-C1HP-30	CI-8
Exempt Distribution and Use of a Radioactive Drug Containing One Microcurie of Carbon 14 Urea, Part 30 and 32, PRM-35-12--RM#432--AF70--RES-C1HP-31	CI-9
Revision of Respiratory Protection Requirements, Part 20--RM#269--AF81--RES-C1HP-32	CI-11
Revision to Nuclear Power Reactor Decommissioning Cost Requirements, Part 50.75--RM#347--AF40--RES-C1HP-34	CI-11
Domestic Licensing of Special Nuclear Material-Revision, Part 70--RM#351--AF22--NMSS-C1HP-35	CI-13

Exemption From Criticality Monitor
Requirements For Fresh Fuel, Part 70.24--RM#494--RES-C1HP-35-13

Major Revision to Part 35, Medical Use of
Byproduct Material--RM#497--AF74--NMSS-C1HP-37 CI-14

Revision of Dose Limit for Members
of the Public Exposed to Hospitalized
Patients, Part 20 (PRM-20-24)--RM#490--RES-C1HP-38CI-15

Performance-Oriented Requirements
For Fire Protection of Nuclear Power
Facilities (Part 50)--RM#340--AF29--NRR-C1MP-39 CI-16

MEDIUM PRIORITY

Shutdown and Spent Fuel Pool
Operations, Part 50--RM#398--AE97--NRR-C1MP-10 CI-17

Deliberate Misconduct Rule, Parts 30, 40,
50, 60, 61, 70, 72, 110)--RM#425--AF35--RES-C1MP-14 . . . CI-18

Criteria and Procedures For Determining Eligibility
For Access to Restricted Data or National Security
Information, Part 10--RM#431--AF48--ADM-C1MP-15 CI-18

Alternative Criteria For Non-Profit
Entities and Alternative Financial Criteria
For Non-Bond Issuing Licensees--RM#408--RES-C1MP-17 . . . CI-19

Audit Frequency For Emergency Planning and Security,
Part 50, PRM-50-59, PRM-50-60--RM#413--AF63--RES-C1MP-18 CI-20

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-19CI-20

Revision of Prototype Testing Requirements for Watches Containing
Tritium (PRM-32-04), Part 32.14--Rm#423--AF76--RES-C1MP-21CI-21

Miscellaneous Changes to Part 72 and Amendment to
Exempt Natural or Depleted Uranium Metal Used In
Storage Cask Shielding, Part 40--RM#446--RES-C1MP-22 . . . CI-22

Emergency Planning Requirements For Defueled Reactors
and Exercise Requirements For Offsite Emergency Plans
Appendix E, Part 50.54(Q)--RM#435--970230--RES-C1MP-23 . .CI-23

Codes and Standards,
Part 50.55a (h)--RM#498--AF73--RES-C1MP-24 CI-24

Access to Secret Restricted Data
Parts 25 and 95--RM#502--AF82--ADM-C1MP-25 CI-25

LOWER PRIORITY

Revision to 10 CFR Part 20 Regarding Consistency
in The Notification Requirements--RM#402--AF46--RES-C1LP-05 CI-25

Submittal Procedures For Documents, Part Multi--RM#445--IRM-C1LP-
17. CI-26

NRC Acquisition Regulation, Part 48--RM#475--AF52--ADM-C1LP-18.
CI-27

CATEGORY II- TECHNICAL BASIS UNDER DEVELOPMENT

HIGHER PRIORITY

Criteria For Recycle/Reuse--RM#381--RES-C2HP-04 CII-1

Disposal by Release into Sanitary
Sewerage, Part 20--RM#288--AE90--RES-C2HP-05 CII-1

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

MEDIUM PRIORITY

Exemption from Licensing of Certain
Products, Parts 30, 32--RM#400--RES-C2MP-05 CII-3

LOWER PRIORITY----NONE

CATEGORY III, RULES AND PETITIONS BEING PLANNED

HIGHER PRIORITY

Skin Dose Limits For Hot Particles--RM#164--RES-C3HP-07 CIII-1

Update of Decommissioning Funding Certification Amounts
For Applicants and Licensees, Parts 30, 40, 70--RM#243--RES-C3HP-
09 CIII-1

Elimination of 30-Day Delay In Loading Spent Fuel After
Properitoneal Testing, Part 72.82(E)--RM#433--RES-C3HP-10 CIII-2

Storage of Greater Than Class C Waste, Part 72--RM#436--RES-C3HP-12CIII-2
Energy Compensation Sources For Well Logging, Part 39--RM#440--RES-C3HP-13CIII-3
Expand Applicability to Include Additional Parties, Part 72--RM#439--RES-C3HP-14CIII-4
Options For The Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--RES-C3HP-20CIII-5
Certification Amendment Process, Part 76.45--RM#499--RES-C3HP-25	CIII-5
Conforming 10 CFR Part 60 to EPA Standard and NAS Recommendations--RM#430--NMSS-C3HP-26	CIII-6
Development of a Stand-Alone Regulation For Uranium Milling and Milling Facilities, Part 41--RM#503--NMSS-C3HP-27	CIII-6
Design Certification for AP600, Part 52--RM#504--W#920142D--NRR-C3HP-28	CIII-8
Revision to Part 50.59; Changes, Tests, and Experiments--RM#506--NRR-C3HP-29	CIII-8

MEDIUM PRIORITY

Fitness for Duty (Scope)--RM#396--AF13--NRR-C3MP-01	CIII-9
Special Nuclear Material Accountability, Parts 70, 74--RM#309--RES-C3MP-06	CIII-10
Clarifications and Addition of Flexibility to Part 72--RM#438--RES-C3MP-12CIII-10
Geological and Seismological Characteristics of Spent Fuel Storage Systems, (PRM-72-03) Part 72--RM#441--RES-C3MP-13	CIII-11
Adoption of Part 20 Dosimetry Methodology To Part 72--RM#437--RES-C3MP-14CIII-11
Financial Assurance Requirements For Waste Brokers and Sealed Source Users--RM#480--RES-C3MP-15CIII-12
Alternative Site Reviews, Part 50--RM#313--RES-C3MP-16	CIII-13
Staffing and Training Requirements For Defueled Reactors, Part 50, 55--RM#444--RES-C3MP-18CIII-13
Use of Alternate Cladding Material in	

Reactors, Part 50--RM#449--RES-C3MP-19CIII-14

Financial Assurance For Teletherapy and
Krypton-85 Licensees Parts 30, 35--RM#482--RES-C3MP-21 CIII-14

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

Compatibility with the IAEA Transportation
Standards, Part 71--RM#496--RES-C3MP-26CIII-15

Spent Fuel Shipment Information Protection
Requirements, Part 73--RM#501--RES-C3MP-29 CIII-16

Lessons Learned From Design Certification,
Part 52--RM#505--W#970060/W#970126--NRR-C3MP-30 . . . CIII-17

Determination of Exclusion Area, Low Population Zone,
and Population Center Distance, Part 100.11 and Control
Room, Part 50 (Appendix A, GDC 19)--RM#507--NRR-C3MP-31 CIII-17

LOWER PRIORITY

Eliminate 10 CFR Part 2, Appendix A--RM#489--RES-C3LP-06CIII-18

CATEGORY IVA- ON HOLD

PRM-20-21 Petitioner/Petition Docket Number:
Keith J. Schiager, Ph.D., et al.--RM#451--RES-C4A-07 . CIVA-1

PRM-50-62 Petitioner/Petition Docket Number:
Nuclear Energy Institute--RM#459--RES-C4A-14 CIVA-1

PRM-50-63 Petitioner/Petition Docket Number:
Peter G. Crane--RM#460--RES-C4A-15 CIVA-1

PRM-30-61 Petitioner/Petition Docket Number:
Nuclear Energy Institute--RM#468--RES-C4A-23 CIVA-2

CATEGORY IVB- ON HOLD

Requirements for Possession of Industrial Devices Containing
Byproduct Material (Parts 31, 32)--RM#81--AD34--RES-C4B-01CIVB-1

Requirements Concerning the Accessible Air Gap for Generally
Licensed Devices (Parts 31, 32)--RM#264--AD82--RES-C4B-02CIVB-1

Revision to Parts 30 and 40, to

Address RSO Duties--RM#386--RES-C4B-04 CIVB-2

Rulemaking on Probabilistic
Risk Assessment, Part 52--RM#411--RES--C4B-09 CIVB-2

Addition Of DOE Multi Purpose
Canisters, Part 72.214--RM#412--RES-C4B-10 CIVB-3

Transfer of Unimportant Quantities of Source or Byproduct
Material to Exempt Persons, Part 40.51--RM#447--RES-C4B-10 CIVB-4

Revise Part 50.34(f) To Apply To
Unknown Future Designs--RM#485--RES-C4B-21 CIVB-4

Licensing Requirements for Senior Reactor
Operators Limited to Fuel Handling, Part 55--RM#486--RES-C4B-22
CIVB-5

General Domestic Licenses For
Byproduct Material, Part 31--RM#487--RES-C4B-23 CIVB-5

Reduction of Additional Reporting Requirements Imposed on
NRC Licensees (10 CFR 50), RRGR Item 59a--RM#387--RES-C4B-24 CIVB-6

Extremity Dosimetry--RM#146--RES-C4B-25 CIVB-6

CATEGORY V- DROP

Elimination of Inconsistencies Between NRC Regulations
and EPA HLW Standards (Part 60)--RM#79--AC03--RES-C5-06 . CV-1

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

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

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

Addition of 10 CFR 20.2205, Unauthorized
Use of Radioactive Materials--RM#429--AF44--RES-C5-18 . . CV-3

Reporting Reliability and Availability
Information For Risk-Significant Systems and
Equipment, PART 50.76--RM#414--AF33--AEOD-C5-19 CV-4

Pregnancy and Breast-Feeding Status of
Patients, 10 CFR Part 35--RM#310--AE44--RES-C5-20 CV-4

Revision to Parts 31 and 35,

to Address MMP Items--RM#385--RES-C5-21	CV-5
Revise Brachytherapy Procedures, Part 35--RM#406--RES-C5-22	CV-5
Relief From The Requirements Dealing With The Medical Uses of Radiation, Part 35.29c and d--RM#478--RES-C5-23	CV-6
Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations, Part 50--RM#268--AE38--RES-C5-24	CV-7
Specific Domestic Licenses of Broad Scope For Byproduct Materials, Part 33--RM#448--AF54--NMSS-C5-25	CV-7
Clarification of Criteria for Uranium Mills and Tailings, Part 40--RM#380--RES-C5-26	CV-8
Removal of Obsolete Appendices M, N, O, and Q From Part 50--RM#483--RES-C5-27	CV-9
Steam Generators--RM#394--AF04--NRR-C5-28	CV-9

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

Design Certification for Advanced Boiling Water Reactor (ABWR) and SYSTEM 80+ (Part 52)--RM#366--AE87--NRR-C1HP-06	CVI-1
Radiological Criteria for License Termination of Nuclear Facilities (Parts 20, 30, 40, 50, 51, 70, 72)--RM#211--AD65--RES-C1HP-08	CVI-1
Safety Related Structures, Systems and Components (Direct Final Rulemaking), Part 50--RM#500--RES-C1HP-33	CVI-2
Radiography and Radiation Safety Requirements for Radiographic Operations (Part 34)--RM#287--AE07--RES-C1MP-04	CVI-3
Access to and Protection of Classified Information, Parts 25, 50, 54, 95--RM#417--AF37--ADM-C1MP-03	CVI-4
Environmental Report Requirements For Terminating a Uranium Milling License, 10 CFR Part 51.60--RM#443--AF65--RES-C1MP-20	CVI-4
Notice to Employees; Minor Amendment to Part 19--RM#495--C1LP-19	CVI-5

PRM-35-13 Petitioner/Petition Docket Number:

National Registry of Radiation Protection
Technologists (NRRPT)--RM#463-RES-C4A-18 CVI-5

PRM-70-07 Petitioner/Petition Docket Number:
Nuclear Energy Institute--RM#469-NMSS-C4A-24 CVI-6

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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

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. The rulemaking will also include expedited implementation of Section XI Appendix VIII, Performance Demonstration for Ultrasonic Examination Systems. In addition, the rulemaking will, 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.)

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

COST/BENEFIT-- This rulemaking has been delayed as a result of evaluating different approaches for updating ISI and IST programs, initially, in response to a cost-beneficial licensing action (CBLA) request from ENTERGY. As a result the staff planned to issue a revised approach to ISI and IST program updates. This approach was based on the premise 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.

Because of this new approach, evaluation of the advantages and disadvantages of different options for revising 10 CFR 50.55a were initiated. Staff evaluation of issues associated with the different options such as 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 were begun.

While the staff was reviewing these issues, two significant additional activities related to codes and standards occurred. As a result of these activities (discussed below) the approach defined in 10 CFR 50.55a for the mandatory update of ISI and IST programs was not revised.

One activity was the NRC Strategic Assessment and Rebaselining Initiative which identified, among other things, the role of industry as a Direction Setting Issue (DSI). Direction Setting Issue 13 (DSI 13) "Role of Industry", and the Commission's decision on this issue. as reflected in COMSECY-96-062, identified additional questions related to Codes and Standards including consideration of the consensus process and application of the current backfit rule when the staff adopts updated Codes and Standards. These issues will be addressed in the implementation of DSI 13 which will also include interactions with industry groups, professional societies, technical institutes and other stakeholders.

The second activity was issuance of the revised Office of Management Budget (OMB) Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards," on October 26, 1993. The circular provided policies on Federal use of private standards, and agency participation in voluntary standards bodies and standards-developing groups. The National Technology Transfer and Advancement Act of 1995, PL 104-113, which codifies the requirements in OMB Circular A-119, was signed into law on March 7, 1996. The Act directs the National Institute of Standards Technology (NIST) to coordinate with other federal agencies to achieve greater reliance on voluntary standards and conformity assessment bodies with lessened dependence on in-house regulations. Consideration of these documents and their directives and policy guidance resulted in further schedule delay.

As the staff develops the action plan for DSI-13, defines activities to implement OMB Circular A-119, and addresses potential initiatives proposing further NRC reliance on industry activities as an alternative for NRC regulatory activities, various issues related to utilization of codes and standards will be evaluated and discussed with professional and technical societies, the public, and industry. These issues include the processes used to develop new codes and standards, the process to revise existing codes and standards to clearly identify safety significant changes as part of developing the change to the code or standard, potential changes to reduce or standardize the process for endorsing codes and standards, and other issues related to the utilization of codes and standards in the regulatory process. This proposed rulemaking does not include issues that will be addressed or subsumed in activities related to DSI-13, such as those related to the Entergy request. As the staff works with stakeholders to increase focus and emphasis on utilization of codes and standards, these issues will be addressed.

Recommendation to Proceed-- Yes The staff believes that the rulemaking should continue. The proposed rulemaking was sent for office review and comment on 07/07/97. The proposed rulemaking was reviewed by CRGR on September 9, 1997.

Staff Resources-- Total FTE = 1.55; RES = 1.10; NRR = 0.25; OGC = 0.10
ADM = 0.07; IRM = 0.02; CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission December 1997
Final Rule to Commission December 1998

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 protection of 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). The final rulemaking was sent for office review and comment on 08/25/97.

Staff Resources-- Total FTE = 0.155; RES = 0.06; NRR = 0.04; OGC = 0.02
ADM = 0.025; IRM = 0.005;
CFO = 0.005

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.

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..."

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. The proposed rule: (1) Addresses a safeguards issue; (2) Has potential for reducing regulatory burden; and (3) Will improve efficiency of 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 a more performance-based approach in the final rulemaking 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 final rulemaking package is being prepared for Commission approval.

Staff Resources-- Total FTE = 0.636; RES = 0.35; NMSS = 0.13; NRR = 0.09
OGC = 0.02; ADM = 0.035; IRM = 0.005;
CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission January 1998

**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 approval on February 13, 1997. The proposed rulemaking was sent for Commission approval on 02/26/97 Via SECY-97-047. Commission SRM on SECY-97-047 dated April 4, 1997 approved the proposed

rulemaking. The proposed rulemaking was sent to ADM to be published for public comment in the Federal Register on April 23, 1997. The proposed rulemaking was published for public comment in the Federal Register on May 8, 1997 (62 FR 25146).

Staff Resources-- Total FTE = 0.45; RES = 0.25; NMSS = 0.13;
OGC = 0.02
SP = 0.005; ADM = 0.035; IRM = 0.005;
CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission January 1998

RES-C1HP-26 Amending Initial Operator License Examination Requirements, Part 55--RM#484--AF62--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. The proposed rulemaking was sent for office review and comment on 03/04/97. The proposed rulemaking was sent for EDO approval on 03/26/97. The proposed rulemaking was sent to the Commission, SECY-97-079, for approval on 04/08/97. Commission SRM on SECY-96-079 dated June 26, 1997 approved the proposed rulemaking. The proposed

rulemaking was sent to ADM for publication in the Federal Register on 07/25/97. The proposed rulemaking was published for public comment in the Federal Register on August 7, 1997 (62 FR 42426).

Staff Resources-- Total FTE = 0.85; RES = 0.50; NRR = 0.25; OGC = 0.05

ADM = 0.035; IRM = 0.005; CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission May 1998

NMSS-C1HP-27 Removal of the 5-Year Term For Licenses For The Medical Use of Byproduct Material, Part 35.18--RM#493--AF77

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. The proposed rulemaking was sent for office review and comment on 05/28/97. The proposed rulemaking was published for public comment in the Federal Register on August 1, 1997 (62 FR 40975).

Staff Resources-- Total FTE = 0.41; NMSS = 0.30; RES = 0.04; OGC = 0.02

SP = 0.005; ADM = 0.035; IRM = 0.005; CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission June 1998

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 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 proposed rulemaking was sent for office review and comment on 03/10/97. The proposed rulemaking was sent for EDO approval on 05/07/97. The proposed rulemaking OMB package was sent to IRM for review and comment on 05/14/97. The proposed rulemaking was sent for Commission, SECY-97-102, approval on May 16, 1997. Commission SRM on SECY-96-102 dated June 30, 1997 approved the proposed rulemaking. Commission SRM, COMSAJ-97-009 dated August 15, 1997 provided additional comments on SECY-96-

102. The proposed rulemaking was sent to ADM for publication on 08/27/97. The proposed rulemaking was published for public comment in the Federal Register on September 10, 1997 (62 FR 47588).

Staff Resources-- Total FTE = 0.53; RES = 0.35; NRR = 0.10; OGC = 0.03
ADM = 0.035; IRM = 0.005; CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission March 1998

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. After additional technical basis were developed to support the rulemaking, 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. The proposed rulemaking was sent for office review on 06/17/97. The proposed rulemaking was sent for EDO approval on 08/01/97.

Staff Resources-- Total FTE = 0.73; RES = 0.55; NRR = 0.10; OGC = 0.03

= 0.005

TARGET COMPLETION DATE-- Final Rule to Commission June 1998**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 \$26 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 was published for public comment on 05/09/96 (61 FR 21105).

Staff Resources-- Total FTE = Not Applicable

TARGET COMPLETION DATE-- Final Rule to Commission September 1997

RES-C1HP-31 Exempt Distribution and Use of a Radioactive Drug Containing One Microcurie of Carbon 14 Urea, Part 30, 32, (PRM-35-12)--Rm#432--AF70--W#970042

OBJECTIVE-- The proposed rulemaking would amend the Commission's regulations to permit any person to receive and administer to humans capsules containing one microcurie of Carbon-14 for diagnostic testing. The proposed rule would not relieve persons from the requirement to comply with applicable Food and Drug Administration or other federal or state requirements governing receipt, administration and use of drugs. This proposed rule also responds to a petition for rulemaking from Tri-Med Specialties, Inc. (PRM-35-12).

TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY

COST/BENEFIT-- The benefits of adopting the petition accrue as a result of reduced patient cost and reduced health-care cost resulting from the elimination of the need for referrals from a physician who is not an authorized user (e.g., gastrointestinal specialist). There would also be some regulatory savings because the NRC would not have to expend resources reviewing new applications for specific medical use licenses. However, these savings would be small because the NRC expects that few physicians who are not authorized users would apply for a specific NRC license for use of this one product.

The benefit calculation is based on the assumption that as a result of the proposed action, a significant portion of the 600,000 patients would receive the ¹⁴C breath test from physicians who are not authorized users (e.g., gastrointestinal specialists). The actual savings would be dependent on the number of tests ultimately administered by physicians who are not authorized users, thereby eliminating the need for a referral to physicians who are authorized users (e.g., nuclear medicine specialists).

The annual savings could be as low as approximately \$7 million or as high as approximately \$22 million if there were a complete shift of the administration of the tests from physicians who are authorized users (i.e., base case) to physicians who are not authorized users.

The basis for this estimate is as follows: Assuming adoption of the petition eliminates the need for up to 600,000 referrals, patient savings in averted travel expenses (transportation and personal time incurred with medical referral) would be:

Assuming round trip of 20 miles @ \$0.25/mile, and personal time of 0.5/hours/trip valued at \$25.00/hour
600,000 trips/year x (20 miles/trip x \$0.25/mile + 0.5 hours/trip x \$25.00/hour) = \$10.5 million/year

Health Care Savings in averted administrative expenses (administrative costs incurred with medical referral) would be:

600,000 patients/year x \$19.00/patient = \$11.4 million/year

Assuming \$19.00 (administrative cost/patient) as the differential between the cost of an office visit to a general family practice physician by an established patient (\$45.90), and the cost to a new patient (\$64.90 per visit) for completion of new patient paperwork, reviewing health history, maintaining medical records, etc. The patient who is referred to an authorized user (e.g., nuclear medicine specialist) for the ¹⁴C-urea breath test would most likely be a new patient for the authorized user.

Total Savings: \$10.5 million/year + \$11.4 million/year = \$ 21.9 million/year

Alternatively, if only 200,000 or 400,000 of the 600,000 tests were performed by a physician who is not an authorized user, the annual cost savings would be approximately \$7 million per year and \$15 million per year, respectively.

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. The rulemaking plan was sent to the Commission for approval on February 3, 1997 Via SECY-97-031. Commission SRM on SECY-97-031 dated March 3, 1997 approved the rulemaking plan The proposed rulemaking was sent for office review and comment on February 28, 1997. The proposed rulemaking was sent for EDO approval on April 17, 1997. The proposed rulemaking was sent for Commission, SECY-97-090, approval on April 28, 1997. Commission SRM on SECY-97-090 dated May 30, 1997 approved the proposed rulemaking. The proposed rulemaking was published for public comment on 06/16/96 (62 FR 32552). The final rulemaking was sent for office review and comment on 08/25/97.

Staff Resources-- Total FTE = 0.09; RES = 0.02; NMSS = 0.01; OGC = 0.01
SP = 0.005; ADM = 0.025; IRM = 0.005;
CFO= 0.01

TARGET COMPLETION DATE-- Final Rule to Commission October 1997

RES-C1HP-32 Revision of Respiratory Protection Requirements, Part 20--RM#269--AF81--W#970194

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. The rulemaking plan was resent for office review on March 24, 1997.

Staff Resources-- Total FTE = 0.89; RES = 0.50; NMSS = 0.15; NRR = 0.10
SP = 0.015; CFO = 0.01; ADM = 0.07; IRM = 0.01; OGC = 0.03

TARGET COMPLETION DATE-- Proposed Rule to Commission November 1997
Final Rule to Commission June 1998

RES-C1HP-34 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. Commission memorandum dated 04/30/97 provided status of rulemaking plan (Commission SRM on DSI 24). Commission SRM on COSECY-97-014 dated June 30, 1997 approved development of a proposed rulemaking.

Staff Resources-- Total FTE = 0.73; RES = 0.55; NRR = 0.10; OGC = 0.03
ADM = 0.035; IRM = 0.005; CFO = 0.005

TARGET COMPLETION DATE-- Proposed Rule to Commission September 1997
Final Rule to Commission June 1998

NMSS-C1HP-35 Domestic Licensing of Special Nuclear Material-Revision, Part 70 --RM#351--AF22--W#940010

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. The staff and other parties made presentations to the Commission at a meeting on July 2, 1996, and the Nuclear Energy Institute (NEI) submitted a petition for rulemaking (PRM-70-7) on September 30, 1996. A Staff Requirements Memorandum from the Commission dated August 22, 1997, endorsed the staff's proposal in SECY-97-137 for resolving the NEI petition, and requested staff to provide the Commission with a proposed rule by July 1998.

TYPE--SAFETY ENHANCEMENT

COST/BENEFIT-- A regulatory 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 would be appropriate. Costs are expected to vary among the affected licensees given that licensees have differing current commitments to conduct an integrated safety analysis (ISA).

Recommendation to Proceed-- Yes The staff believes that the rulemaking should be continued. Commission SRM on SECY-97-137 dated August 22, 1997 approved the plan for the proposed rulemaking.

Staff Resources-- Total FTE = 3.25; NMSS = 3.00; RES = 0.08;
OGC = 0.05
SP = 0.015 ADM = 0.07; IRM = 0.02; CFO
= 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission July 1998
Final Rule to Commission July 1999

RES-C1HP-36 Exemption From Criticality Monitor Requirements For Fresh Fuel, Part 70.24--RM#494--W#9700237

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 The staff believes that the rulemaking should proceed. Commission SRM on SECY-97-155 dated August 19, 1997 approved the plan for the proposed rulemaking.

Staff Resources-- Total FTE = 0.15; RES = 0.06; NMSS = 0.02; NRR = 0.02;

OGC = 0.01; ADM = 0.025; IRM = 0.005;

CFO = 0.005

TARGET COMPLETION DATE-- Direct Final Rule to Commission October 1997

NMSS-C1HP-37 Major Revision of 10 CFR Part 35, Medical Use of Byproduct Material--RM#497--AF74

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 judged 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, and physicists. This initiative will include development of guidance documents. Changes to Part 35 may 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 35.29c 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. The program plan was sent for office review and comment on May 14, 1997. Commission SRM on SECY-97-115 dated 06/30/97 approved the program plan. Request for public comment on rule development was published in the Federal Register on 08/06/97 (62 FR 42219).

Staff Resources-- Total FTE = 9.61; NMSS = 6.00; RES = 3.00; OGC = 0.50
SP = 0.015; ADM = 0.07; IRM = 0.01;
CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission May 1998
Final Rule to Commission May 1999

RES-C1HP-38 Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 (PRM-20-24)--RM#490--W#960154

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 states 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. The rulemaking plan was sent for office review on March 13, 1997. The rulemaking plan was sent for EDO approval on April 17, 1997. The rulemaking plan was sent for Commission, SECY-97-091, approval on April 28, 1997. The rulemaking plan was sent to the Agreement States for review and comment on May 1, 1997. The final rulemaking plan was sent for EDO approval on July 17, 1997. The final rulemaking plan was sent for Commission approval on August 1, 1997. Commission SRM on SECY-97-177 dated 09/09/97 approved the rulemaking plan.

Staff Resources-- Total FTE = 1.15; RES = 0.75; NMSS = 0.25; OGC = 0.04
SP = 0.015; ADM = 0.07; IRM = 0.01; CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission December 1997
Final Rule to Commission June 1998

NRR-C1HP-39 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. 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 probabilistic risk

analysis information. In concert with the PRA Policy Statement, risk-informed additions to the rule will be considered pursuant to 10 CFR Part 50.109.

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. Commission options paper was sent for approval Via SECY-97-127 on June 19, 1997. Commission SRM on SECY-97-127 dated September 11, 1997 approved the plan for rulemaking.

Staff Resources-- Total FTE = 5.30; NRR = 2.50; RES = 2.20; OGC = 0.50
ADM = 0.07; IRM = 0.02; CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission To Be Provided Later
Final Rule to Commission To Be Provided Later

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-- 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 has revised 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.

Staff Resources-- Total FTE = 2.36; NRR = 2.14; RES = 0.08; OGC = 0.04
ADM = 0.07; IRM = 0.02; CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission November 1997
Final Rule to Commission November 1998

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). The final rulemaking was sent for office review and comment on August 14, 1997.

Staff Resources-- Total FTE = Not Applicable

TARGET COMPLETION DATE-- Final Rule to Commission October 1997

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. However, action on this rulemaking is being deferred until publication of the Adjudicatory Guidelines by the Office of Personnel Management in October 1997.

Staff Resources-- Total FTE = 0.315; ADM = 0.20; RES = 0.08; OGC = 0.005

IRM = 0.02; CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to EDO To Be Provided Later

Final Rule to EDO To Be Provided Later

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. Commission SRM on SECY-97-041 dated 04/01/97 approved the proposed rulemaking. The proposed rulemaking was sent to ADM to be published for public comment in the Federal Register on April 17, 1997. The proposed rulemaking was published for public comment in the Federal Register on April 30, 1997 (62 FR 23394).

Staff Resources-- Total FTE = 0.57; RES = 0.30; NMSS = 0.20;
OGC = 0.02
SP = 0.005; ADM = 0.035; IRM = 0.005;
CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission January 1998

RES-C1MP-18 Audit Frequency For Emergency Planning and Security, Part 50, PRM-50-59, PRM-50-60--RM#413--AF63

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. The proposed rulemaking was sent for office review on 05/22/97. The proposed rulemaking was sent for EDO approval on 06/23/97. The proposed rulemaking was sent for OMB clearance on 07/03/97. EDO approved publishing the proposed rulemaking for comment on 07/08/97. The proposed rulemaking was sent to ADM for publication in the Federal Register on 07/11/97. The proposed rulemaking was published for public comment in the Federal Register on July 31, 1997 (62 FR 40978).

Staff Resources-- Total FTE = 0.72; RES = 0.50; NRR = 0.15; OGC = 0.02
ADM = 0.035; IRM = 0.005; CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to EDO June 1998 for approval to publish

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.

Staff Resources-- Total FTE = 0.30; RES = 0.20; NRR = 0.04; OGC = 0.02
ADM = 0.025; IRM = 0.005; CFO = 0.005

TARGET COMPLETION DATE-- Direct Final Rule to Commission January 1998

RES-C1MP-21 Revision of Prototype Testing Requirements for Watches Containing Tritium (PRM-32-04), Part 32.14--RM#423--AF76

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-- The licensees will realize a cost saving, with no reduction in health and safety. The current total fees can vary from \$12,600 for an initial application, including the device application and the device registration fees to \$12,100 for the annual license and device registration fees; the proposed fees could vary from \$4,300 for an initial application to \$8,800 for the annual license fee. This results in a cost savings to the applicant/licensee of \$8,300 for an initial application and \$4,300 for annual fees. The discounted annual savings over 10 years would be \$2,185.90, this value is expressed in constant dollars. The current number of licensees that would be affected by this rule is 13. The total resultant annual cost savings for this particular industry would be \$28,416.70.

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. Commission SRM on SECY-97-028 dated March 7, 1997 approved the rule plan. The proposed rulemaking was sent for office review and comment on 05/13/97. The proposed rulemaking was sent for EDO approval on 06/24/97. The proposed rulemaking was sent for Commission approval on 07/07/97 Via SECY-97-139. Commission SRM on SECY-97-139 dated August 14, 1997 approved the proposed rulemaking. The proposed rulemaking was sent to ADM for publication in the Federal Register on September 3, 1997.

Staff Resources-- Total FTE = 0.49; RES = 0.30; NMSS = 0.13; OGC = 0.01
SP = 0.005; ADM = 0.035; IRM = 0.005;
CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission March 1998

RES-C1MP-22 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 licensees 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. The rulemaking plan was sent for EDO approval on March 6, 1997. Commission SRM on SECY-97-069 dated April 24, 1997 approved the rule plan.

Staff Resources-- Total FTE = 0.57; RES = 0.40; NMSS = 0.13; OGC = 0.02
SP = 0.015; ADM = 0.07; IRM = 0.01; CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission November 1997
Final Rule to Commission May 1998

RES-C1MP-23 Emergency Planning Requirements For Defueled Reactors and Exercise Requirements For Offsite Emergency Plans, Appendix E and Part 50.54(Q),--RM#435--970230

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. The rulemaking plan was resent for office review on March 11, 1997. The rulemaking plan was sent for EDO approval on June 4, 1997. The rulemaking plan was sent for Commission, SECY-97-120, approval on June 16, 1997. Commission SRM on SECY-97-120 dated July 10, 1997 approved the rule plan.

Staff Resources-- Total FTE = 1.74 RES = 1.50; NRR = 0.10; OGC = 0.04
ADM = 0.07; IRM = 0.02; CFO = 0.01

TARGET COMPLETION DATE-- Proposed Rule to Commission January 1998
Final Rule to Commission October 1998

RES-C1MP-24 Codes and Standards, Part 50.55a (h)--RM#498--AF73

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 The staff believes that the rulemaking should proceed. The direct final rulemaking plan was approved on January 26, 1997. The direct final rulemaking was sent to EDO for approval on September 4, 1997. The direct final rulemaking was sent for Commission, SECY-97-201, approval on September 8, 1997.

Staff Resources-- Total FTE = Not Applicable

TARGET COMPLETION DATE-- Direct Final Rule to Commission
September 1997

**ADM-C1MP-25 Access to Secret Restricted Data, Parts 25 and 95--
RM#502--AF82**

OBJECTIVE-- The proposed rule would attempt to balance NRC policy for access to Secret Restricted Data at licensee and certificate holder facilities between the requirements of new national policy directives and initiatives, including the National Industrial Security Program Operating Manual (NISPOM) and the concerns of the Department of Energy over the level of background investigation required for access to Secret Restricted Data.

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

COST/BENEFIT-- There is little or no cost to NRC (other than the resources required to prepare the rulemaking) or licensees/certificate holders resulting from the proposed rulemaking; however, if the DOE proposals are adopted some licensees/certificate holders would require significantly more expensive personnel security investigations for personnel requiring access to Secret Restricted Data.

Recommendation to Proceed-- Yes The staff believes that this rulemaking should proceed.

Staff Resources-- Total FTE = 0.33; ADM = 0.20; RES = 0.08; OGC = 0.02

IRM = 0.02; CFO = 0.01

Target Completion Date-- Proposed rule to EDO January 1998
Final rule to EDO June 1998 for approval to publish.

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).

Staff Resources-- Total FTE = 0.085; RES = 0.02; NRR = 0.01; OGC = 0.005

ADM = 0.035; IRM = 0.005;

CFO = 0.005

TARGET COMPLETION DATE-- Final Rule to Commission November 1997

IRM-C1LP-17 Submittal procedures For Documents, Parts 19, 20, 30-36, 39, 40, 50, 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. The scope of the rulemaking is being reevaluated. A decision to issue it as a direct final rulemaking is under consideration.

Staff Resources-- Total FTE = 0.335; IRM = 0.25; RES = 0.04; OGC = 0.005

ADM = 0.035; CFO = 0.005;

TARGET COMPLETION DATE-- Final Rule to CIO June 1998 for approval to publish

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.

Staff Resources-- Total FTE = 0.32; ADM = 0.20; RES = 0.08; OGC = 0.01

CFO = 0.01; IRM = 0.02;

TARGET COMPLETION DATE-- Proposed Rule to Commission November 1997

Final Rule to Commission July 1998

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.

Staff Resources-- Total FTE = 3.41; RES = 2.00; NMSS = 1.00; OGC = 0.30
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

RES-C2HP-05 Disposal by Release into Sanitary Sewerage, Part 20--RM#288--AE90--W#940008

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.

Staff Resources-- Total FTE = 1.51; RES = 1.00; NMSS = 0.25; OGC = 0.15
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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 The staff believes that the rulemaking is needed after a defensible technical basis has been established. The NRC in conjunction with Pacific Sierra Nuclear Associates are currently developing the technical basis for the modified VSC-24 dry spent fuel storage cask. 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.

Staff Resources-- Total FTE = 1.01; RES = 0.60; NMSS = 0.25; OGC = 0.05
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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 The staff believes that the rulemaking should proceed. However, the staff is currently reevaluating Part 30 exemptions. The need for rulemaking will be determined upon the completion of this evaluation.

Staff Resources-- Total FTE = 2.41; RES = 2.00; NMSS = 0.25; OGC = 0.05
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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#900178

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.

Staff Resources-- Total FTE = 2.25; RES = 2.00; NRR = 0.10; OGC = 0.05
ADM = 0.07; IRM = 0.02; CFO = 0.01

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. The draft rulemaking plan was sent for division comments in August 1996. As a result, it was decided that additional technical basis was needed to support the rulemaking. They are currently under development.

Staff Resources-- Total FTE = 2.36; RES = 1.80; NMSS = 0.25; OGC = 0.20
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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 draft rulemaking plan was sent for NMSS, OGC and Res division comments in August 1996. As a result, the final rulemaking plan was revised in response to these comments. The final rulemaking plan was sent for office review and comment on 09/02/97.

Staff Resources-- Total FTE = 0.89; RES = 0.50; NMSS = 0.25; OGC = 0.03

SP = 0.02; ADM = 0.07; IRM = 0.01; CFO
= 0.01

**RES-C3HP-12 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. The rulemaking plan was sent for EDO approval on February 25, 1997. Commission SRM on SECY-97-056 dated 04/03/97 approved sending the plan to the Agreement States for comment. The final rulemaking plan was sent for office review and comment on 07/15/97. The rulemaking plan was sent for EDO approval on August 1, 1997.

Staff Resources-- Total FTE = 1.89; RES = 1.50; NMSS = 0.25; OGC
= 0.03
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO
= 0.01

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. The rulemaking plan was sent for office review on March 24, 1997. The rulemaking plan was sent to EDO/Commission for information and to the Agreement States for review and comment on May 12, 1997. The Agreement States comments are currently being evaluated.

Staff Resources-- Total FTE = 1.88; RES = 1.50; NMSS = 0.25; OGC = 0.02
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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. The rulemaking plan was resent for office review on July 28, 1997.

Staff Resources-- Total FTE = 1.58; RES = 1.20; NMSS = 0.25; OGC = 0.02
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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. The rulemaking plan was sent for office review on June 26, 1997. The staff plans to conduct a workshop with licensees and industry to determine what performance criteria associated equipment should be expected to meet.

Staff Resources-- Total FTE = 1.89; RES = 1.50; NMSS = 0.25; OGC = 0.03
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

**RES-C3HP-25 Part 76 Certification Amendment Process, Part 76.45-
-RM#499**

OBJECTIVE-- In 1994, 10 CFR Part 76, "Certification of Gaseous Diffusion Plants" was codified to provide the regulatory process by which the NRC would assume regulatory authority for the operation of the Portsmouth and Paducah Gaseous Diffusion Plants (GDPs) that had operated safely for many years under the authority of the Department of Energy. The initial certificates of compliance authorizing continuing operation of the GDPs under NRC regulatory oversight were issued on November 26, 1996, and the GDPs came under NRC authority on March 3, 1997. When Part 76 was initially promulgated, the certification process was to be repeated annually. The recertification period has recently been extended, by Congressional action and implementing rulemaking, to allow for up to 5 years between recertifications. Since the initial certification of the GDPs, the operator of the GDPs, the United States Enrichment Corporation (USEC), has requested several amendments to those certificates. In implementing the certificate amendment process described in § 76.45, the NMSS staff has identified several deficiencies that should be corrected.

TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY

COST/BENEFIT-- To be provided using the 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. The rulemaking plan was sent for office review on July 02, 1997. The rulemaking plan was sent for

EDO approval on August 11, 1997. The rulemaking plan was sent for Commission, SECY-97-195, approval on August 26, 1997.

Staff Resources-- Total FTE = 0.80; RES = 0.40; NMSS = 0.25; OGC = 0.04
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

NMSS-C3HP-26 Conforming 10 CFR Part 60 to EPA Standard and NAS Recommendations--RM#430

OBJECTIVE-- Recommendations of the National Academy of Sciences (NAS) as well as current legislative proposals (H.R. 1271; S.104) 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.

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

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

Recommendation to Proceed-- Yes The staff believes that the rulemaking should proceed. This rulemaking has been included in NMSS FY 1998-1999 budget. However, a Commission options paper is being developed that will obtain EDO/Commission approval to proceed.

Staff Resources-- Total FTE = 3.25; NMSS = 3.00; RES = 0.08; OGC = 0.05
SP = 0.02; ADM = 0.07; IRM = 0.02; CFO = 0.01

NMSS-C3HP-27 Development of a Stand-Alone Regulation For Uranium Milling and Milling Facilities, Part 41--RM#503

OBJECTIVE-- NRC has used, and currently uses, the applicable requirements in 10 CFR Part 40, "Domestic Licensing of Source Material" to regulate uranium and thorium mining and milling facilities, however, problems have been identified with the Part 40 requirements as they are applied to these facilities. A major problem is that the current Part 40 does not contain any requirements that are specifically applicable to the regulation

of in situ leach (ISL) mining facilities, even though such facilities are the focus of ever increasing licensing and hearing activity for NRC. In addition, many of the existing applicable requirements in Part 40 need to be updated to: 1) eliminate inconsistencies that have been introduced within Part 40 or between Part 40 and other regulations since the regulation was promulgated 10 years ago; 2) address operational problems that have been identified in implementing the existing requirements; and 3) codify certain policies and regulatory decisions that have been established for uranium recovery facilities. These problems with Part 40 detract from a consistent and effective regulatory program for uranium recovery facilities.

The NRC strategic planning process also has identified the use of mill tailings impoundments as a cost effective way to help ensure cleanup of other fuel cycle facilities currently undergoing reclamation. NRC staff believe it would be useful to codify requirements for such disposal in uranium recovery regulations.

In response to these circumstances, NRC has initiated the process of developing a new part, 10 CFR Part 41, for uranium recovery facilities, rather than pursue a major revision to Part 40 that would be disruptive to other material licensees. It is intended that this new Part will correct the problems with Part 40 relative to these facilities, and will also consolidate all of the regulatory requirements from Part 40 and other NRC regulations that apply to the regulation of uranium recovery facilities into a stand-alone regulation.

TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY

COST/BENEFIT-- By establishing specific regulatory requirements for the operation and licensing of ISL's, this rule should reduce the uncertainty associated with current licensing decisions for these facilities both for NRC and for the affected licensees, and should also reduce the number of requests for hearings and/or clarifying license amendments. Outstanding issues important to the safe and efficient decommissioning of uranium recovery facilities, and the establishment of appropriate levels for sureties would be resolved by this rule. By clarifying, updating, and consolidating regulatory requirements in a single regulation, the rule should reduce administrative costs for licensees and NRC by making for smoother implementation. The details of this rule and the costs and benefits have yet to be determined.

Recommendation to Proceed-- Yes The staff believes that the rulemaking should proceed. This rulemaking has been included in NMSS FY 1998-1999 budget. A Rulemaking plan is being developed that will obtain EDO/Commission approval to proceed.

Staff Resources-- Total FTE = 2.25; NMSS = 2.00; RES = 0.08; OGC = 0.05

SP = 0.02; ADM = 0.07; IRM = 0.02; CFO
= 0.01

**NRR-C3HP-28 Design Certification for AP600, Part 52--RM#504--
W#920142D**

OBJECTIVE-- The proposed rulemaking will amend the Commission's regulations to provide certification of the AP600 design. Design certification rulemakings are initiated by an applicant for design certification pursuant to Subpart B of 10 CFR Part 52. A major purpose of Part 52 is to achieve early resolution of safety issues and 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 this rulemaking is needed in order to respond to Westinghouse's request for certification of the AP600 design.

Staff Resources-- Total FTE = 4.23; NRR = 4.00; RES = 0.08; OGC = 0.05
ADM = 0.07; IRM = 0.02; CFO = 0.01

NRR-C3HP-29 Revision to 10 CFR 50.59; Changes, Tests, and Experiments--RM#506

OBJECTIVE-- The purpose of this rulemaking is to clarify the criteria for when proposed changes, tests and experiments require prior NRC approval. Specifically, the rulemaking would allow changes with negligible increases in probability or consequences to be made without approval. The rulemaking would also clarify how margins of safety as defined in the basis for any Technical Specification is to be interpreted.

TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY

COST/BENEFIT--This rulemaking should reduce burden associated with certain proposed changes in that a license amendment would not be required.

Recommendation to Proceed-- Yes The staff believes the rulemaking should proceed. Commission SRM dated April 25, 1997 and SECY-97-205, dated September 10, 1997 directed the staff to develop a rulemaking plan for 10 CFR 50.59 on an expedited schedule with the above objective. This will be a high priority rulemaking.

Staff Resources-- Total FTE = 3.38; NRR = 3.00; RES = 0.08; OGC = 0.20

ADM = 0.07; IRM = 0.02; CFO = 0.01

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.

Staff Resources-- Total FTE = 2.23; NRR = 2.00; RES = 0.08; OGC = 0.05
ADM = 0.07; IRM = 0.02; CFO = 0.01

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 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 move the portions that apply to reactor licensees and 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.

Staff Resources-- Total FTE = 2.21; RES = 1.80; NMSS = 0.25; OGC = 0.05
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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-72-03 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.

Staff Resources-- Total FTE = 1.89; RES = 1.50; NMSS = 0.25; OGC = 0.03
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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.

Staff Resources-- Total FTE = 2.19; RES = 1.80; NMSS = 0.25; OGC = 0.03
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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. The rulemaking plan was sent for office review on July 03, 1997.

Staff Resources-- Total FTE = 1.39; RES = 1.00; NMSS = 0.25; OGC = 0.03
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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 approval using Management Directive 6.3, the staff believes the rulemaking should proceed. The staff is currently developing a rulemaking plan concurrently with developing additional technical basis in support of the rulemaking.

Staff Resources-- Total FTE = 2.19; RES = 1.80; NMSS = 0.25; OGC = 0.03
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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.

Staff Resources-- Total FTE = 2.55; RES = 2.00; NRR = 0.15; OGC = 0.30
ADM = 0.07; IRM = 0.02; CFO = 0.01

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.

Staff Resources-- Total FTE = 2.04; RES = 1.80; NRR = 0.10; OGC = 0.04
ADM = 0.07; IRM = 0.02; CFO = 0.01

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.

Staff Resources-- Total FTE = 1.79; RES = 1.50; NRR = 0.15; OGC = 0.04
ADM = 0.07; IRM = 0.02; CFO = 0.01

RES-C3MP-21 Financial Assurance For Teletherapy and Krypton-85 Licensees Parts 30, 35--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. The rulemaking plan was sent for office review on April 24, 1997.

Staff Resources-- Total FTE = 2.20; RES = 1.80; NMSS = 0.25; OGC = 0.04
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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.

Staff Resources-- Total FTE = 2.20; RES = 1.80; NMSS = 0.25; OGC = 0.04
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

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.

Staff Resources-- Total FTE = 2.58; RES = 2.20; NMSS = 0.25; OGC = 0.02
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

RES-C3MP-29 Spent Fuel Shipment Information Protection Requirements, Part 73--RM#501

OBJECTIVE-- These proposed revisions 10 CFR Part 73 concern the conditions under which spent fuel shipment information should be protected from disclosure. DOE has indicated that it intends to comply with NRC's physical protection requirements for shipments

under the Nuclear Waste Policy Act, however its current practices conflict with NRC regulations. For Example, DOE already has asked for and will continue to ask for exemptions from the shipment itinerary information requirements of foreign research reactor fuel. DOE as a courtesy provides Indian Tribes with notification of spent fuel shipments. Under 10 CFR 73.37(f) this would not be permitted. Further, DOE has developed a satellite tracking system to monitor the status of spent fuel shipments at all times. Distribution of this status information to parties other than Governors' designees is also not compatible with NRC regulations. These issues need to be resolved by this rulemaking.

TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY

COST/BENEFIT--To be provided using the 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.

Staff Resources-- Total FTE = 2.59; RES = 2.20; NMSS = 0.25; OGC = 0.03
SP = 0.02; ADM = 0.07; IRM = 0.01; CFO = 0.01

**NRR-C3MP-30 Lessons Learned From Design Certification, Part 52--
RM#505--W#970060/W#970126**

OBJECTIVE-- The proposed rulemaking will revise Part 52 based on the experience gained with using the rule since 1989. This action responds to DSI #10 to revise the regulatory infrastructure to prepare for future applicants.

TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY

COST/BENEFIT-- This rulemaking will involve changes to licensing procedures and should reduce the regulatory burden by clarifying and facilitating the implementation of 10 CFR Part 52 for future applicants. Therefore, a formal cost/benefit analysis is not needed.

Recommendation to Proceed-- Yes, the staff believes this rulemaking should proceed. Also, this rulemaking will incorporate RM #483, Removal of Obsolete Appendices M, N, O, and Q From Part 50 which would remove Appendices that became obsolete when Part 52 was created.

Staff Resources-- Total FTE = 2.23; NRR = 2.00; RES = 0.08; OGC = 0.05

ADM = 0.07; IRM = 0.02; CFO =

0.01

NRR-C3MP-31 Determination of Exclusion Area, Low Population Zone, and Population Center Distance, Part 100.11 and Control Room, Part 50 (Appendix A, GDC 19)--RM#507

OBJECTIVE-- NRR proposes to add a rulemaking to Category III - Rules Being Planned, concerning use of the revised source term contained in NUREG-1465 by operating reactors; this would be a revision to 10 CFR 100.11 and 10 CFR Part 50, Appendix A, GDC 19. This rulemaking is also discussed in a Commission paper issued on November 25, 1996 (SECY-96-242) and a status report to the Commission dated September 9, 1997.

TYPE-- BURDEN REDUCTION/REGULATORY REFORM/ADDS FLEXIBILITY

COST/BENEFIT--This rulemaking may result in safety enhancements, further reductions in occupational exposure, and more focused O&M activities without reducing real safety margin; it may also result in cost beneficial licensing actions (CBLAs).

Recommendation to Proceed-- Yes The staff believes the rulemaking should proceed. Commission SRM dated February 12, 1997, directed the staff to proceed with rulemaking upon the completion of a rebaselining initiative. In addition, this rulemaking was also discussed in a Commission paper, SECY-96-242, dated November 25, 1996 and a Commission status report dated September 9, 1997. This status report also proposed the following schedule: completion of rebaselining and the rulemaking plan by November 30, 1998; proposed rulemaking and draft regulatory guide by May 31, 1999; and final revised rule and regulatory guide by February 28, 2000.

Staff Resources-- Total FTE = 2.49; NRR = 2.25; RES = 0.08; OGC = 0.06

ADM = 0.07; IRM = 0.02; CFO =

0.01

LOWER PRIORITY

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.

Staff Resources-- Total FTE = 2.17; RES = 2.00; NRR = 0.04; OGC = 0.03
ADM = 0.07; IRM = 0.02; CFO = 0.01

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-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. The petition for rulemaking is being denied.

RES-C4A-15 PRM-50-63 Petitioner/Petition Docket Number: Peter G. Crane--RM#460--W#970193

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-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.

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 C2MP-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 C2MP-05 and C4B-01.

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. However, this initiative will be reevaluated after completion of risk assessment of materials

licensees. This rulemaking will become low priority when the rulemaking plan has been approved.

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-CIVB-10 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.

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 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-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 RES-C4A-02 Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations, Part 50--RM#268 was approved by Commission SRM on SECY-97-148 dated August 6, 1997. This rulemaking will proceed after the scope and direction of the rule has been determined.

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, for those limited to fuel handling operations, prohibits the performing of manipulations in the control room. 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 and a new user need memorandum from NMSS.

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 On hold pending results of NMSS materials risk assessment.

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 six months after publication of the final rulemaking. 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 dated February 26, 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 will be forwarded for EDO/Commission consideration in the future.

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 was proposed 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 PRM-150-02 in a memorandum to the Commission dated November 13, 1995. Commission SRM dated February 7, 1996 approved this alternative approach. The petition is being denied because it does not provide a basis to determine generically that wastes contaminated with SNM and having very low specific activity are not capable of forming a critical reaction. Many site specific aspects of the disposal affect the operational and post-disposal criticality safety. Moreover, Envirocare began accepting dry active waste, ion-exchange resin, and treated mixed waste. Staff assessments have not considered the effects of the changes in waste type or the treatment processes associated with mixed waste. Safe SNM concentration limits established for Envirocare may not be acceptable at other facilities. Considering the unique site-specific practices and operations at Envirocare, the staff has concluded that licensing, rather than rulemaking, will provide for greater protection of public health and safety.

RES-C5-18 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-- No 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. Commission SRM on SECY-97-045 dated 04/17/97 approved terminating the final rulemaking. The rulemaking withdrawal notice was sent to ADM for publication in the Federal Register on July 18, 1997. The rulemaking withdrawal notice was published in the Federal Register on August 11, 1997 (62 FR 42948).

AEOD-C5-19 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-- No 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). Commission SRM on SECY-97-101 dated 06/13/97 approved terminating the final rulemaking.

RES-C5-20 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. Additional 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-- No Commission SRM on SECY-97-115 dated 06/30/97 approved the program plan which subsumes this rulemaking into the proposed rulemaking, Major Revision to Part 35, Medical Use of Byproduct Material (see RM#497-C1HP-37).

RES-C5-21 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-- No Commission SRM on SECY-97-115 dated 06/30/97 approved the program plan which subsumes this rulemaking into the proposed rulemaking, Major Revision to Part 35, Medical Use of Byproduct Material (see RM#497-C1HP-37).

RES-C5-22 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-- No Commission SRM on SECY-97-115 dated 06/30/97 approved the program plan which subsumes this rulemaking into the proposed rulemaking, Major Revision to Part 35, Medical Use of Byproduct Material (see RM#497-C1HP-37).

RES-C5-23 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-- No Commission SRM on SECY-97-115 dated 06/30/97 approved the program plan which subsumes this rulemaking into the proposed rulemaking, Major Revision to Part 35, Medical Use of Byproduct Material (see RM#497-C1HP-37).

RES-C5-24 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-- No A recommendation to terminate the proposed rulemaking was sent for Commission approval Via SECY-97-148 dated July 15, 1997. Commission SRM on SECY-97-148 dated August 6, 1997 approved terminating the proposed rulemaking.

RES-C5-25 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-- No An advanced notice of proposed rulemaking (ANPR) was published for comment on November 14, 1996 (61 FR 58346). Based on analysis of comments received in response to the ANPR, a recommendation to terminate the proposed rulemaking will be sent for Commission approval.

RES-C5-26 Clarification of Criteria for Uranium Mills and Tailings, Part 40--RM#380--W#940070

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-- No This rulemaking activity is being subsumed into the proposed rulemaking, Development of a Stand-Alone Regulation For Uranium Milling and Milling Facilities, Part 41 (see RM#503-C3HP-27).

RES-C5-27 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-- No This rulemaking activity is being subsumed into the proposed rulemaking, Lessons Learned From Design Certification, Part 52 (see RM#505-C3MP-30).

NRR-C5-28 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 difficult 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, 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-- No A recommendation to terminate the proposed rulemaking was sent for Commission approval. Commission SRM on COMSECY-97-013 approved terminating the proposed rulemaking. A Generic Letter will be issued instead of a rulemaking action.

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"

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-- 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. The final rulemaking for the ABWR was published in the Federal Register on May 12, 1997 (62 FR 25800). The final rulemaking for the System 80 was published in the Federal Register on May 21, 1997 (62 FR 27840).

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-- 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. Commission SRM on SECY-96-046A dated May 21, 1997 approved the final rulemaking. The final rulemaking was published in the Federal Register on July 21, 1997 (62 FR 39058).

RES-C1HP-33 Safety Related Structures, Systems and Components (Direct Final Rulemaking), Part 50--RM#500

OBJECTIVE-- The Commission's regulations defining safety related structures, systems, and components contain an inconsistency

which needs to be corrected on an expedited basis. The attributes of such components (viz. pressure boundary components, safe shutdown components, and containment system components) have been described using the conjunction "or" in some regulations, whereas others use "and". This has recently led to some difficulty in interpreting and enforcing the regulations. There is a consensus within the staff and OGC that the regulatory intent (that any one of the attributes would qualify a component as being safety related) is clear, but that the wording should be changed to remove any uncertainty on this question.

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 to licensees.

Recommendation to Proceed-- Yes the staff believes that the rulemaking should proceed. The direct final rulemaking was sent for office review on July 3, 1997. The direct final rulemaking was sent for EDO approval on July 23, 1997. The direct final rulemaking was sent to ADM for publication on August 28, 1997. The proposed rulemaking was published in the Federal Register on September 8, 1997 (62 FR 47272). The direct final rulemaking was published in the Federal Register on September 8, 1997 (62 FR 47268).

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-- 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. The final rulemaking was sent to ADM for publication in the Federal Register on May 9, 1997. The final rulemaking was published in the Federal Register on May 29, 1997 (62 FR 28948).

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-- The proposed rulemaking package was published for public comment on 08/05/96 (61 FR 40555). The final rulemaking was published in the Federal Register on April 11, 1997 (62 FR 17683).

RES-C1MP-20 Environmental Report Requirements for Terminating a Uranium Milling License, 10 CFR Part 51.60--RM#443--AF65

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-- The rulemaking plan was sent for office review on September 30, 1996. The direct final rulemaking plan was sent for EDO approval on December 6, 1996. The direct final 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 direct final rule plan. The direct final rulemaking was sent to EDO for approval on April 11, 1997. EDO signed the direct final rulemaking on April 21, 1997. Sent to ADM for publication on May 6, 1997. The final rulemaking was published in the Federal Register on May 14, 1997 (62 FR 26730).

**RES-C1LP-19 Notice to Employees; Minor Amendment to Part 19--
RM#495--AF66**

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 final rulemaking was sent for office review on January 31, 1997. The final rulemaking was sent to EDO for approval to publish on August 19, 1997. The final rulemaking was sent to ADM for publication in the Federal Register on September 3, 1997. The final rulemaking was published in the Federal Register on September 15, 1997 (62 FR 48165).

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. Commission SRM on SECY-97-115 dated June 30, 1997 approved the program plan which resolves PRM-35-13 by incorporating it into the proposed rulemaking, Major Revision to Part 35, Medical Use of Byproduct Material (see RM#497-C1HP-37).

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. Commission SRM on SECY-97-137 dated August 22, 1997 approved the plan which resolves PRM-70-07 by incorporating it into the proposed rulemaking Domestic Licensing of Special Nuclear Material-Revision, Part 70 (see RM#351-C1HP-35).

Summary of Rulemaking Activity Plan ActionsKey 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 COMPLETEDHigher Priority

<u>CAT NO.</u>	<u>OFFICE/USER</u>
	<u>TITLERM NO.RIN NO.WITS NO.TYPE</u>
C1HP-11	RES/NRR ISI/IST Risk Focus, 50.55a #318 AE26 960100 1b

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C1HP-21 THE PROPOSED RULEMAKING WAS SENT FOR
 OFFICE REVIEW AND COMMENT ON 07/07/97
 RES/

Part 73.55 (Reduce Insider Reqmts)
#405

AF53

950117

1b

C1HP-22 NRR/NMSSTHE FINAL RULEMAKING WAS SENT FOR
 OFFICE REVIEW AND COMMENT ON 08/25/97
 RES/

Safeguards for Spent Fuels

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

#346

AF32

930128
1b

C1HP-24

NMSS/FCSS
HLW Repos.,
RES/

Reqmts for Shipping Packages

#491

AF59

960169
1b

NMSS/SFPO
to Transport Vitrified Wastes

PROPOSED RULEMAKING WAS PUBLISHED

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

Containing Plutonium, Part 71

FOR COMMENT ON 05/08/97 (62 FR 25146)

PRM-71-11

C1HP-26 RES/NRR Initial Operator License #484AF629500561b
Exam Requirements, Part 55 PROPOSED RULEMAKING WAS PUBLISHED
FOR COMMENT ON 08/07/97 (62 FR 42426)

C1HP-27 NMSS/IMNS
Removal of 5-Year Term

#493

AF77

NONE

1b

For Licenses, Part 35.18

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C1HP-28 PROPOSED RULEMAKING WAS PUBLISHED
FOR COMMENT ON 08/01/97 (62 FR 40975)
RES/NRR
NPP Decommissioning Financial

#424

AF41

950112
1b

C1HP-29 Assurance, Parts 50.2, 50.75
PROPOSED RULEMAKING WAS PUBLISHED
FOR COMMENT ON 09/10/97 (62 FR 47588)
RES/NRR
Insurance Requirements For

#312

AF16

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

930116
1b

Permanently S/D Reactors

THE PROPOSED RULEMAKING WAS SENT FOR

(PRM-50-57)

C1HP-30

COMMISSION APPROVAL 08/13/97, SECY-97-186
NRR

FFD Part 26 (General Relax.),
#397

AF12

CVI-6

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

C1HP-31

890042

1b

RES/

Distribution and Use of C-14,
#432

AF70

970042

1b

NMSS/IMNSDiagnostic Testing, PRM-35-12,RULEMAKING ADDED TO CATEGORY LISTING

Part 30 and 32

PROPOSED RULEMAKING WAS PUBLISHED FOR
COMMENT ON 06/16/97 (62 FR 32552)

CVI-7

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

C1HP-32 FINAL RULE FOR OFFICES REVIEW 08/25/97
RES/NRR
Revise Respiratory Protection #269

AF81

970194

1b

C1HP-34 NMSS/IMNSRequirementsRULEMAKING ADDED TO CATEGORY LISTING
RES/NRR
NPP Decommissioning Cost

#347

AF40

950111

1b

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

Requirements, Part 50.75

COMMISSION SRM ON COMSECY-97-014 DATED

06/30/97 APPROVED DEVELOPMENT OF A RULE

C1HP-35

THE PROPOSED RULEMAKING WAS SENT FOR
OFFICE REVIEW AND COMMENT ON 08/13/97
NMSS/FCSS
Part 70 Revisions

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

#351

AF22

940010

1b

RULEMAKING ADDED TO CATEGORY LISTING

COMMISSION SRM ON SECY-97-137 DATED

C1HP-36

08/22/97 APPROVED PLAN FOR RULEMAKING
RES/NRRCriticality Monitor Requirement#494NONE9702371b

CVI-10

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

For Fresh Fuel, Part 70.24RULEMAKING ADDED TO CATEGORY LISTING

COMMISSION SRM ON SECY-97-155 DATED

C1HP-37

08/19/97 APPROVED PLAN FOR RULEMAKING
NMSS/IMNS
Major Revision to Part 35
#497

AF74

NONE

1b

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

RULEMAKING ADDED TO CATEGORY LISTING

COMMISSION SRM ON SECY-97-115 DATED

06/30/97 APPROVED PLAN FOR RULEMAKING

CVI-12

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C1HP-38

RES/

Dose Limit for Public Exposed
#490

NONE

960154
1b

NMSS/IMNS
to Hospitalized Patients
RULEMAKING ADDED TO CATEGORY LISTING
Part 20 (PRM 20-24)COMMISSION SRM ON SECY-97-177 DATED

C1HP-39

09/09/97 APPROVED THE RULEMAKING PLAN
NRR

Fire Protection for Reactors
#340

AF29

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

920197

1b

RULEMAKING ADDED TO CATEGORY LISTING

COMMISSION SRM ON SECY-97-127 DATED

09/11/97 APPROVED THE RULEMAKING PLAN

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

Medium Priority

C1MP-10 NRRShutdown and Spent FuelPool#398AE979202231a
Operations, Part 50

C1MP-14 RES/

Deliberate Misconduct Rule,

#425

AF35

960007

1c

NRR/NMSS

Parts 30,40,50,60,61,70,72,110

THE FINAL RULEMAKING WAS SENT FOR

OFFICE REVIEW AND COMMENT ON 08/14/97

C1MP-15 ADM

Part 10 Conform to USG policy

#431

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

AF48

NONE

1c

C1MP-17

RES/

Alt. Financial Criteria for

#408

AF64

930212

1b

NMSS/DWM

Non-Bond and Non-Profit

THE PROPOSED RULEMAKING WAS PUBLISHED

Facilities FOR COMMENT ON APRIL 30, 1997 62 FR 23394

C1MP-18

RES/NRR

Audit Frequency for Emergency

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

#413

AF63

960187
1b

C1MP-19

Planning and Security, Part 50,
THE PROPOSED RULEMAKING WAS PUBLISHED
(PRMs 50-59 and 50-60)FOR COMMENT ON July 31, 1997 62 FR 40978
RES/

Table S-3, S4 Revisions

#116

AA31

910146
1c

C1MP-21

NRR/NMSS
RES/Gaseous Tritium Light Sources,#423AF769700491b

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

NMSS/IMNSPart 32, PRM-32-04
LISTING
THE PROPOSED RULEMAKING WAS SENT TO

RULEMAKING ADDED TO CATEGORY

ADM FOR PUBLICATION ON 09/03/97

C1MP-22

RES/

Miscellaneous Changes, Part 72
#446

NONE

960162

1c

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

NMSS/SFPO

RULEMAKING ADDED TO CATEGORY LISTING

COMMISSION SRM ON SECY-97-069 DATED

04/24/97 APPROVED RULEMAKING PLAN

CVI-19

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C1MP-23 RES/NRR
 EP Requirements For Defueled
 #435NONE9702301b

Reactors and Exercise Reqmts

RULEMAKING ADDED TO CATEGORY LISTING
For Offsite EPs, App. E, Pt 50COMMISSION SRM ON SECY-97-120 DATED

C1MP-24 07/10/97 APPROVED RULEMAKING PLAN
 RES/NRRCodes and Standards, #498AF73NONE1b
 Part 50.55a(h)RULEMAKING ADDED TO CATEGORY LISTING

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

COMMISSION SRM ON SECY PAPER DATED

C1MP-25 01/26/97 APPROVED RULEMAKING PLAN
 ADM Access to Secret Restricted#502AF82NONE1c
 Data Parts 25 and 95NEW RULEMAKING ADDED TO CATEGORY LISTING

Lower Priority

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C1LP-05 RES/

Notification Requirements, Part 20
#402

AF46

NONE

1c

NMSS/IMNS

C1LP-17 IRM

Submittal Procedures For

#445

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

AF61

NONE

1c

Documents, Part Multi

C1LP-18

ADM

Acquisition Regulation

#475

AF52

NONE

1c

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

(NRCAR), Part 48

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
C2HP-05	NMSS/DWM RES/

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

 Release to Sanitary Sewage,
 #288
 AE90
 940008
 1a
C2HP-07 NMSS/DWM
 RES/
 Amend VSC-24 Certification
 #390
 NONE
 NONE
 1b
 NMSS/SFPO

Medium Priority

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C2MP-05 RES/

 Exemptions from Licensing

 #400

 NONE

 900208
 1b

 NMSS/IMNS
 Certain Products, 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/NRR
 Hot Particle Skin Dose,

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3HP-09

#164

NONE

900178

1b

RES/

Update Decomm. Funding,

#243

NONE

NONE

1c

NMSS/DWM

Parts 30, 40, 70

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

C3HP-10

RES/

Eliminate 30-Day Delay In Loading
#433

NONE

NONE

1b

NMSS/SFPO
Spent Fuel, Part 72.82(E)

THE RULEMAKING PLAN WAS SENT FOR

OFFICE REVIEW AND COMMENT ON 09/02/97

CVI-28

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3HP-12

RES/

Storage of Greater Than Class C
#436

NONE

960157
1b

NMSS/SFPO
Waste, PRM-72-02, Part 72

RULEMAKING HAS CHANGED PRIORITY

THE RULEMAKING PLAN WAS SENT FOR

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

EDO APPROVAL ON 08/01/97

C3HP-13

RES/

Energy Compensation Sources For
#440

NONE

NONE

1b

NMSS/IMNS

Well Logging, Part 39

RULE PLAN SENT TO AGREEMENT STATES FOR

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

C3HP-14

REVIEW AND COMMENT ON 05/12/96
RES/

Expand Applicability to Include
#439

NONE

960160

1b

NMSS/SFPO
Additional Parties, Part 72

THE RULEMAKING PLAN WAS RESENT FOR

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3HP-20 OFFICE REVIEW AND COMMENT ON 07/28/97
RES/Radiography and Radiographic #477NONENONE1b
NMSS/IMNSEquipment and ANSI N432, Part 34THE RULEMAKING PLAN WAS SENT FOR
Resolves PRM-34-05OFFICE REVIEW AND COMMENT ON 02/26/97

C3HP-22 RES/

Dose Limit for Public Exposed
#490

NONE

960154
1b

NMSS/IMNS
to Hospitalized Patients
RULE CHANGED CATEGORY LISTING--C1HP-38
Part 20 (PRM 20-24)

C3HP-24 NMSS/IMNS
Major Revision to Part 35
#497

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

AF74

NONE

1b

C3HP-25

RULE CHANGED CATEGORY LISTING--C1HP-37
RES

Certification Amendment Process
#499

NONE

NONE

1b

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

Part 76

RULEMAKING PLAN WAS SENT TO COMMISSION

C3HP-26 FOR APPROVAL ON 08/26/97, SECY-97-195
NMSS,RESConform to EPA Standard and

#430NONENONE1a

/DWM

NAS Recommendations, Part 60

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3HP-27 RULE CHANGED CATEGORY LISTING--C4B-13
NMSS/DWMStand-Alone Reg. for U2 Mining #503NONENONE1a

C3HP-28 and Milling Facilities,Part 41
NEW RULEMAKING ADDED TO CATEGORY LISTING
NRR Design Certification For #504NONE920142D1b

C3HP-29 AP600, Part 52
NEW RULEMAKING ADDED TO CATEGORY LISTING
NRR Changes, Tests, Experiments #506NONENONE1b

Part 50.59

NEW RULEMAKING ADDED TO CATEGORY LISTING

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

Medium Priority

C3MP-01	NRR
	Fitness for Duty (Scope rule)
	#396
	AF13
	NONE
	1b
C3MP-04	NRR
	Fire Protection for Reactors
	#340
	AF29
	920197
	1b

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

C3MP-06 RULE CHANGED CATEGORY LISTING--C1HP-39
RES/

Special Nuclear Material
#309

NONE

NONE

C3MP-11 1b
NMSS/FCSSAccountability, Parts 70, 74
RES/NRR
EP Requirements For Defueled
#435NONE9702301b

Reactors and Exercise Reqmts

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3MP-12 RULE CHANGED CATEGORY LISTING--C1MP-23
 For Offsite EPs, App. E, Pt 50
 RES/

Clarifications and Addition
#438NONE960159 1b

NMSS/SFPO
of Flexibility to Part 72

C3MP-13 PRM-72-03
 RES/

Geological and Seismological

#441

NONE

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

960161
1b

NMSS/SFPO
Char. of Storage, Part 72

C3MP-14

RES/

Dosimetry Methodology for Part 72
#437

NONE

960158
1b

NMSS/SFPOTHE RULEMAKING PLAN WAS RESENT FOR

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3MP-15 OFFICE REVIEW AND COMMENT ON 07/03/97
RES/Financial Assurance For Waste #480NONENONE1a
NMSS/DWMBrokers and Sealed Source Users
C3MP-16 RES/NRRAlternative Site Reviews, Part 50 #313NONENONE1

C3MP-17 RES/

Miscellaneous Changes, Part 72
#446

NONE

960162
1c

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

NMSS/SFPO

C3MP-18	RES/NRR Staffing and Training #444NONENONE1b	RULE CHANGED CATEGORY LISTING--C1MP-22
C3MP-19	RES/NRR Use of Alternate Cladding #449NONENONE1b	Requirements for Defueled Reactors, Parts 50, 55
C3MP-21	RES/Financial Assurance for Licensees#482NONENONE1b	Materials In Reactors, Part 50
C3MP-22	RES/Teletherapy Devices For Non-Human #479NONENONE1b	NMSS/DWMUsing Teletherapy and Kr-85RULE PLAN SENT FOR OFFICE REVIEW ON 04/24/97
C3MP-23	RES/NRRCriticality Monitor Requirement#494NONENONE1b	NMSS/IMNSIrradiation, Part 36

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3MP-25	For Fresh Fuel, Part 70.24 RES/	RULE CHANGED CATEGORY LISTING--C1HP-36
	Storage of Greater Than Class C #436	
	NONE	
	960157 1b	
	NMSS/SFPO Waste, PRM-72-02, Part 72	RULEMAKING HAS CHANGED PRIORITY--C3HP-12
C3MP-26	RES/NRRCompatibility with the IAEA #496 Transportation Standards, Part 71	NONENONE1b
C3MP-27	RES/NRR Revise Respiratory Protection	#269
	AF81	
	970194 1b	
C3MP-29	NMSS/IMNSRequirements RES Spent Fuel Shipment Information#501	RULEMAKING HAS CHANGED PRIORITY--C1HP-32 NONENONE1b

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C3MP-30 NMSS/SFPOProtection Requirements, Part 73 NEW RULEMAKING ADDED TO CATEGORY
LISTING
NRR Lessons Learned From Design #505NONE9700601b

C3MP-31 Certification, Part 52
NEW RULEMAKING ADDED TO CATEGORY LISTING
NRR Exclusion area, Low Population #507NONE9700601b

Zone, and Population Center Dist.
NEW RULEMAKING ADDED TO CATEGORY LISTING
And Control Room, Parts 50, 100

Lower Priority

C3LP-06 RES/NRREliminate Appendix A to, Part 2 #489NONENONE1b

CATEGORY IV, ACTIVITIES ON HOLD

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

970193
2

(PRM-50-63)

C4A-23

PETITION DENIAL SENT FOR OFFICE REVIEW 1/14/97
RES/

Nuclear Material Licensees

#468

NONE

NONE

2

NMSS/DWM
(PRM-30-61)

CVI-45

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

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

C4B-01 RES/Requirements for Possession of # 81AD348900902

NMSS/IMNS
Industrial Devices, Parts 31, 32

C4B-02 RES/Air Gap for Generally Licensed #264AD829001922

NMSS/IMNS
Devices, Parts 31, 32

C4B-04 RES/Revision to Parts 30, 40 to#386NONENONE2

NMSS/IMNSAddress RSO Duties

C4B-09 RES/NRRRule on Living PRA for COLs Part 52 #411NONENONE1b

C4B-10 RES/Addition of DOE Multi-Purpose#412NONENONE2

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

NMSS/SFPO
Canisters, Part 72.214

C4B-11

NMSS/FCSS
Part 70 Revisions

#351

C4B-13

RULE ACTIVE-- SEE C1HP-35
NMSS,RESConform to EPA Standard and
/DWM
NAS Recommendations, Part 60

#430RULE ACTIVE-- SEE C3HP-26

C4B-19

RES/
Transfer of Source or Byproduct
#447

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

NONE

NONE

1c

NMSS/IMNS
Material, Part 40.51

C4B-21

RES/NRR
Revise Part 50.34(f) to Apply to
#485

NONE

NONE

1b

Future Plant Designs

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C4B-22	RES/NRR Licensing Requirements For SROs #486NONENONE1b Limited to Fuel Handling, Part 55
C4B-23	RES/ General Domestic Licenses #487NONENONE1b NMSS/IMNSFor Byproduct Materials, Part 31
C4B-24	RES/NRR Revise Reporting Reqmts, Part 50 #387 NONE
C4B-25	940118 1b RES/NRR Extremity Doses, #146 NONE

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

870013
1a
NMSS/IMNS

CATEGORY V, DROP FROM FURTHER CONSIDERATION

C5-06

RES/Eliminate Inconsistencies VS NRC #79AC038401712

NMSS/DWM
Regs and EPA HLW Stds, Part 60
RULEMAKING WAS TERMINATED

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C5-09 RULE INCORPORATED INTO C4B-13, RM #430
 RES/Dist. of Source Byproduct Mat.#292AE339400692

C5-10 NMSS/IMNS
 Licensing, Part 32, 40-Phase I
 RULEMAKING BEING TERMINATED

 RES/NRR
 Criteria for ENO, Part 140

 #51

 AB01

 810014
 2

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

RULEMAKING BEING TERMINATED, SENT FOR

C5-11 OFFICE REVIEW AND COMMENT 05/29/96
NMSS/DWMConc. of SNM in Contam. Soils, #409NONENONE2
 RULEMAKING BEING TERMINATED
C5-18 RES/

Unauthorized Use, Part 20.2205
#429

RULE TERMINATED

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C5-19

AEOD

Reliability Data Rule, Part 50.76
#414

AF33

940180
1b

RULEMAKING BEING TERMINATED BASED ON

CVI-53

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C5-20

COMMISSION SRM ON SECY-97-101, 06/13/97

RES/

Pregnancy/Breast Feeding, Part 35
#310

AE44

910129
2

NMSS/IMNSRULEMAKING BEING TERMINATED BASED ON

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C5-21 COMMISSION SRM ON SECY-97-115, 06/30/97
RES/MMP Items for Parts 31, 35 #385NONENONE2
NMSS/IMNSRULEMAKING BEING TERMINATED BASED ON

C5-22 COMMISSION SRM ON SECY-97-115, 06/30/97
RES/Revise Brachytherapy Proc. Part 35 #406NONENONE 2
NMSS/IMNSRULEMAKING BEING TERMINATED BASED ON

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

C5-23

COMMISSION SRM ON SECY-97-115, 06/30/97
RES/Requirements Dealing With #478NONENONE1b
NMSS/IMNSMedical Uses of Rad., Part 35RULEMAKING BEING TERMINATED BASED ON

C5-24

COMMISSION SRM ON SECY-97-115, 06/30/97
RES/NRRAcceptability for Plant Performance #268AE389002012

for Severe Accidents, Part 50
RULEMAKING BEING TERMINATED BASED ON

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

COMMISSION SRM ON SECY-97-148, 08/06/97

C5-25

NMSS/IMNSSpecific Domestic Licenses#448AF54NONE1b
Broad Scope, Part 33RULEMAKING BEING TERMINATED BASED ON

C5-26

COMMISSION SRM ON SECY-97- , 0 / 0/97
RES/

Clarification of Criteria For

#380

CVI-57

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

NONE

940070
1b

NMSS/DWM
U Mills and Tailings, Part 40

RULEMAKING WAS TERMINATED

C5-27

RULE INCORPORATED INTO C3HP-27, RM #503
RES/NRRRemoval of Obsolete Appendices #483NONENONE1b
M, N, O, P, From Part 50RULEMAKING WAS TERMINATED

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

C5-28	RULE INCORPORATED INTO C3MP-30, RM #505 NRR SG Rule	#394
	AF04	
	940048	
	1b	

RULEMAKING BEING TERMINATED BASED ON

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

COMMISSION SRM ON COMSECY-97-013

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

C1HP-06 NRR

 Cert. Rules, ABWR & CE 80+,

 #366

 AE87

 910065
 1b

CVI-60

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

FINAL RULEMAKING WAS PUBLISHED ON

05/12/97 (62 FR 25800)

C1HP-08

RES/

Rad. Criteria For License

#211

CVI-61

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

AD65

830615
1b

NMSS/DWM
Termination
FINAL RULEMAKING WAS PUBLISHED ON

07/21/97 (62 FR 39058)

C1HP-33

RES/NRR
Safety Related Structures,
#500

NONE

CVI-62

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

NONE

1c

Systems and Components Part 50NEW RULEMAKING ADDED TO CATEGORY LISTING

(Direct Final Rulemaking)

DIRECT FINAL RULEMAKING WAS PUBLISHED ON

09/08/97 (62 FR 47268)

C1MP-04

RES/

Radiography Rule,

CVI-63

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

#287

AE07

910033
1a

NMSS/IMNSFINAL RULEMAKING WAS PUBLISHED ON

05/28/97 (62 FR 28948)

C1MP-13

ADM

Access to and Protection of

CVI-64

CAT NO. OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

#417

AF37

NONE

1c

Classified Information,

FINAL RULEMAKING WAS PUBLISHED ON
Parts 25, 50, 54, 9504/11/97 (62 FR 17683)

C1MP-20 RES/

Environmental Report Requirements
#443

AF65

CAT NO.

OFFICE
TITLE

RM NO.

RIN NO.

WITS NO.

TYPE

970004

1b

NMSS/DWM

for Terminating Uranium Mill

DIRECT FINAL RULEMAKING WAS PUBLISHED ON

License, Part 51.60

05/14/97 (62 FR 26730)

C1LP-19

RES

Notice to Employees; Minor

#495

AF66

NONE

CVI-66

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

1c

Amendment to Part 19
THE FINAL RULEMAKING WAS PUBLISHED ON

09/15/97 (62 FR 48165)

C4A-18

RES/

Training Requirements for a Rad
#463

NONE

CVI-67

CAT NO.

OFFICE
TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

NONE

2

NMSS/IMNS
Safety Officer (PRM-35-13)

PETITION RESOLVED BY RULEMAKING--C3HP-24

C4A-24

NMSS/FCSS
Uranium Processing and Enrichment
#469

NONE

NONE

2

Fuel Fab. Licensees (PRM-70-07)
PETITION RESOLVED BY RULEMAKING--C1HP-35

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

APPENDIX B

Regulatory Improvement in the Area of Exemptions Granted to Regulations

Category I- High Priority

- o Exemption From Criticality Monitor Requirements For Fresh Fuel, Part 70.24--RM#494--RES-C1HP-36 SEE PAGE CI-13
- o Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities (Part 50)--RM#340--AF29--RES-C1HP-39 SEE PAGE CI-16

Category I- Medium Priority

- o Emergency Planning Requirements For Defueled Reactors, Part 50.54(Q), Appendix E--RM#435--RES-C1MP-23 SEE PAGE CI-23

Category III- Higher Priority

CAT NO. OFFICE
 TITLE

RM NO.
RIN NO.
WITS NO.
TYPE

- o Options For The Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--RES-C3HP-20 SEE PAGE CIII-5

Category III- Medium Priority

- 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, 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