

# **ATTACHMENT 2**

## **RULEMAKING**

## **ACTIVITY PLAN**

**CURRENT AS OF JANUARY 15, 1999**

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 in a 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, "The Rulemaking Process."
- Category III: Rules Being Planned - Rules and 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/Commission review and approval.
- Category IV: Petitions Being Resolved/Activities on Hold (Two Subcategories)
- IVa Petitions for which further assessment is required before a decision can be made 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 - Rulemakings that may require a closeout action.
- Category VI: Rules Completed or Nearly Completed (Commission Approved)

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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

### **NMSS-C1HP-08 Radiological Criteria for Uranium Recovery License Termination, Part 40--RM#211a--AD65--W#9711210**

**OBJECTIVE--** This rulemaking would amend the Commission's regulations regarding decommissioning of licensed uranium recovery facilities to provide specific radiological criteria for license termination of lands and structures. These criteria will be used in determining the adequacy of remediation of residual radioactivity at uranium recovery facilities; however, they would not apply to sites that have a decommissioning plan already approved by the Commission.

The intent of the rulemaking 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, and consistent licensing actions related to the complex site remediation and decommissioning activities anticipated now and for the future at uranium recovery facilities.

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

**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 without the benefit of consistent, demonstrable standards for all residual radioactivity. 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. Guidance anticipated to be provided will assist licensees in making decisions about remediation and will allow licensees to prepare more effectively for decommissioning.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The Commission SRM on SECY-96-046A, dated May 21, 1997, approved the final rulemaking on radiological criteria for license termination for nuclear facilities, but directed the staff to exclude uranium recovery. The proposed uranium recovery rulemaking was published for public comment in the Federal Register along with the final rulemaking on radiological criteria for license termination for nuclear facilities, on July 21, 1997 (62 FR 39058). A Commission options paper was sent to the EDO for approval on March 17, 1998. The Commission options paper, SECY-98-084, was sent to the Commission for approval on April 15, 1998. The Commission SRM on SECY-98-084, dated August 11, 1998, approved alternative 3 which uses a benchmark approach for setting the radiological criteria for uranium recovery licensees.

**STAFF RESOURCES--** Total FTE = 1.55: NMSS = 1.35; OGC = 0.10; ADM = 0.07;  
CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission January 1999

### **NRR-C1HP-11 Codes and Standards for NPP, 10 CFR 50.55a--RM#318--AE26**

**OBJECTIVE--** The proposed rule would amend 10 CFR 50.55a, Codes and Standards, to incorporate by reference 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 Section XI of the ASME BPV Code for inservice inspection (ISI) and inservice testing (IST) of those components. Section 50.55a currently 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 rule will expedite implementation of Section XI Appendix VIII, Performance Demonstration for Ultrasonic Examination Systems. In addition, the rulemaking will 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 was initially delayed as a result of evaluating different approaches for updating ISI and IST programs, 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 procedural modifications, submittal 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. One activity was the NRC Strategic Assessment and Rebaselining Initiative that 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 and 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, it identifies 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 using 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. Because of the ongoing efforts associated with DSI-13 and OMB A-119, it was initially decided not to include issues in the proposed rulemaking that would have been addressed or subsumed in activities related to DSI-13, such as those related to the Entergy request since these issues would have been addressed in due course as the staff worked with stakeholders to increase focus and emphasis on utilization of codes and standards.

Recently, the staff reevaluated its decision not to address the 120-month update requirement in this rulemaking because the requirement may be an unnecessary regulatory burden. Several of the public comments received on the proposed change to 10 CFR 50.55a that was issued for public comment on December 3, 1997, recommended elimination of the current regulatory requirement for licensees to update their inservice inspection and testing programs every 120 months. These comments were also made as part of the DSI-13 stakeholders meeting, and

included the suggestion that licensee adoption of future versions of the Code be voluntary. Other commenters endorsed the present process and expressed concern about improving the timeliness of NRC rulemaking actions. To assure adequate stakeholder participation regarding elimination of the requirement to update ISI and IST programs every 120 months, a decision has been made to request public comments only on this issue. Reconsideration of the 10-year update requirement by the staff at this time will delay issuance of the pending final rule change to 10 CFR 50.55a.

**RECOMMENDATION TO PROCEED--** Yes. The proposed rulemaking was sent for office review and comment on July 7, 1997. The proposed rulemaking was reviewed by the Committee to Review Generic Requirements (CRGR) on September 9, 1997. The proposed rulemaking was published for comment in the Federal Register on December 3, 1997 (62 FR 63892). The comment period was extended to April 3, 1998. Over five hundred comments were received. Disposition of comments and preparation of a final rulemaking is nearly complete. The NRC staff is preparing a Commission paper recommending that the Commission eliminate the 120-month update requirement.

**STAFF RESOURCES--** Total FTE = 2.05: NRR = 1.85; OGC = 0.10; ADM = 0.07;  
CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission      December 1999  
**NRR-C1HP-26 Amending Initial Operator License Examination Requirements,**  
**Part 55--RM#484--AF62--W#950056**

**OBJECTIVE--** The proposed rulemaking change would revise 10 CFR 55 to require that power reactor facility licensees prepare, proctor, and grade the written licensing examinations and prepare the operating tests 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 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, proctoring, and grading these examinations. However, based on the public comments received in response to the proposed rulemaking and the frequency of security incidents during the pilot program, the NRC has decided also to amend 10 CFR 55.49 as part of the final rulemaking to clarify its intent to require facility licensees to establish, implement, and maintain procedures to ensure examination security and integrity. The NRC has an obligation to prescribe uniform conditions for licensing operators and senior operators; therefore, it expects licensees to use the examination criteria and methods published in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," or to obtain NRC approval to use alternative criteria or methods.

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

**COST/BENEFIT--** A qualitative regulatory analysis was included with the proposed rulemaking. The pilot examination results and industry response to the proposed analysis indicate that the rulemaking change and the revised examination process have the potential (but are not guaranteed) to save licensee resources.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The final rulemaking plan was sent for office concurrence on August 26, 1996. The final rulemaking plan was sent to the EDO for approval on September 9, 1996. The final rulemaking plan, SECY-98-206, was sent to the Commission for approval on September 25, 1996. The 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 March 4, 1997. The proposed rulemaking was sent to the EDO for approval on March 26, 1997. The proposed rulemaking was sent to the Commission, SECY-97-079, for approval on April 8, 1997. The 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 July 25, 1997. The proposed rulemaking was published for public comment in the Federal Register on August 7, 1997 (62 FR 42426). The public comment period closed on October 21, 1997; a total of 13 comment letters were received. The Advisory Committee on Reactor Safeguards (ACRS) was briefed on the final rulemaking on May 1, 1998. The final rulemaking was sent for office review and comment on May 13, 1998. The

Committee for Review of Generic Requirements (CRGR) was briefed on the final rulemaking on June 10, 1998. The final rulemaking was sent to the EDO for approval on August 4, 1998. In response to CRGR's concerns that the final rulemaking constituted a backfit, the staff revised the final rulemaking to allow, rather than require, facility licensees to prepare their own licensing examinations. The revised final rulemaking was resent for office review and comment on September 22, 1998. The CRGR endorsed the revised final rulemaking on September 25, 1998. The revised final rulemaking was resent to the EDO for approval on October 8, 1998, and was sent to the Commission, SECY-98-266, for approval on November 13, 1998.

**STAFF RESOURCES--** Total FTE = 0.85: NRR = 0.75; OGC = 0.05; ADM = 0.035;  
CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to Commission November 1998

**NRR-C1HP-29 Financial Protection Requirements for Permanently Shutdown Nuclear Reactors, Parts 50 and 140--RM#312--AF79--W#930116**

**OBJECTIVE--** The proposed rulemaking will amend the Commission's regulations regarding levels adjustment of onsite and offsite insurance coverage for specified reactor configurations during permanent plant shutdown. The current regulations do not take into account the reduced risk associated with permanently shutdown plants. The rulemaking is being reopened to be consistent with other rulemaking initiatives that allow for risk-informed considerations in rulemaking. In addition, the rulemaking will respond to petitions for rulemaking (PRM-50-57).

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

**COST/BENEFIT--** The staff believes that the change would reduce NRC burden and licensee costs in the review of licensee submittals for determining appropriate licensee exemptions or relief from insurance coverage from regulatory requirements during permanent shutdown reactors based on specified reactor configurations levels.

**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 April 25 1996. The rulemaking plan was sent to the EDO for approval on August 6, 1996. After additional technical basis were developed to support the rulemaking, the rulemaking plan was resent to the EDO for approval on December 6, 1996. The rulemaking plan, SECY-96-256, was sent to the Commission for approval on December 17, 1996. The Commission SRM on SECY-96-256, dated January 28, 1997, approved the rulemaking plan. The proposed rulemaking was sent for office review on June 17, 1997. The proposed rulemaking was sent to the EDO for approval on August 1, 1997. The Commission SRM on SECY-97-186, dated October 6, 1997, approved the proposed rulemaking. The proposed rulemaking was sent to ADM for publication on October 14, 1997. The proposed rulemaking was published for public comment in the Federal Register on October 30, 1997 (62 FR 58690). The comment period closed January 13, 1998. NEI submitted additional comments on April 17, 1998. The proposed rulemaking was republished for public comment in the Federal Register on September 23, 1998 (63 FR 50815). On November 30, 1998, a request was made to the EDO that the rulemaking be deferred in order to include alternative criteria and risk-informed considerations. The rulemaking would be resent for public comment.

**STAFF RESOURCES --** Total FTE = 0.73: NRR = 0.65; OGC = 0.03; ADM = 0.035;  
CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Proposed Rule to Commission April 1999  
Final Rule to Commission April 2000

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

**OBJECTIVE--** The proposed rulemaking would amend the Commission's fitness-for-duty (FFD) regulations based on experience gained. This proposed rulemaking 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 previously submitted to the Commission as SECY-92-308 were withdrawn by the EDO because of backfit issues. The Commission requested that the proposed amendments be resubmitted after the backfit issues were resolved. The Commission subsequently approved the revised rulemaking package. The proposed rulemaking would significantly reduce regulatory burden, and improve the effectiveness of licensees' FFD programs. This rulemaking also would adopt changes made to the Department of Health and Human Services (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 rulemaking 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 May 9, 1996 (61 FR 21105). Over one thousand comments from 36 respondents were received. The Advisory Committee on Reactor Safeguards (ACRS) was briefed on the final rulemaking on July 14, 1997. The final rulemaking was sent for office review and comment in November 1998. The Committee for Review of Generic Requirements (CRGR) was briefed on the final rulemaking on December 16, 1998.

**STAFF RESOURCES--** Total FTE = 1.29; NRR = 1.00; OGC = 0.2; ADM = 0.07;  
CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission February 1999

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

**OBJECTIVE--** The proposed rulemaking would update the Commission's regulations and guidance by permitting the use of the most current technology to provide respiratory protection. In particular, Appendix A to Part 20 will list new protection factors and certified equipment. The elimination of other outdated prescriptive requirements will reduce licensee burden by providing greater flexibility while providing improved protection to workers.

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

**COST/BENEFIT--** The regulatory analysis for this rulemaking estimates a cost savings on the order of \$2 million per year to the nuclear industry as result of deleting redundant or prescriptive requirements and permitting the use of new and less burdensome devices such as disposable respirators and supplied-air hoods.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The EDO directed the staff to proceed with rulemaking in May 1997. The proposed rulemaking was sent for office review and comment in March 1998. The proposed rulemaking was sent to the EDO for approval on March 31, 1998. The Commission SRM on SECY-98-077, dated June 18, 1998, approved the proposed rulemaking. The proposed rulemaking was sent to ADM for publication in the Federal Register on July 6, 1998. The proposed rulemaking was published for public comment in the Federal Register on July 17, 1998 (63 FR 38511). As of January 1999, twenty-four public comment letters have been received. The final rulemaking is being prepared.

**STAFF RESOURCES--** Total FTE = 1.24; NMSS = 0.10; NRR = 1.0; ADM = 0.07;  
SP = 0.015; CFO = 0.01; IRM = 0.01; OGC = 0.03

**TARGET COMPLETION DATE--** Final Rule to Commission April 1999

**NMSS-C1HP-35 Domestic Licensing of Special Nuclear Material-Revision, Part 70 --RM#351--AF22--W#9400010**

**OBJECTIVE--** The objective of this rulemaking 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 rulemaking 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-70-07) on September 30, 1996. The Commission SRM, dated August 22, 1997, endorsed the staff's proposal in SECY-97-137 for resolving the NEI petition and requested the staff to provide the Commission with a proposed rulemaking.

**TYPE--SAFETY ENHANCEMENT**

**COST/BENEFIT--** A regulatory analysis prepared for the earlier draft rulemaking will be modified to accommodate the revised approach to be provided to the Commission in June 1999. Because the regulatory benefits of this rulemaking involve non-quantifiable improvements in confidence in the margin of safety and because there are 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.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should be continued. The Commission SRM on SECY-97-137, dated August 22, 1997, approved the plan for the proposed rulemaking. Notice of public meeting was published on May 21, 1998 (63 FR 27870). The proposed rulemaking was sent for office review and comment on June 20, 1998. The proposed rulemaking was sent to the EDO for approval on July 20, 1998. The proposed rulemaking, SECY-98-185, was sent to the Commission for approval on July 30, 1998. The Commission was briefed on the Part 70 changes on August 25, 1998. A notice of a public meeting was published in the Federal Register on November 20, 1998 (63 FR 64434) and was held on December 3 and 4, 1998. The Commission SRM on SECY-98-185, dated December 1, 1998, disapproved publication of the proposed rulemaking and directed the staff to provide a revised proposed rulemaking. A request for public input on development of the proposed rulemaking was published in the Federal Register on December 24, 1998 (63 FR 71232). A notice of a public meeting was published in the Federal Register on January 11, 1999 (63 FR 1542).

**STAFF RESOURCES --** Total FTE = 18.55: NMSS =17.00 (12 from 1994 to date); OGC = 1.00;  
ADM =0.50; SP = 0.02; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed Rule to Commission June 1999



**NMSS-C1HP-37 Major Revision of 10 CFR Part 35, Medical Use of Byproduct Material--RM#497--AF74--W#970065**

**OBJECTIVE--** The purpose of this proposed rulemaking is to revise 10 CFR Part 35 to include a more risk-based approach to the regulation of the medical uses of byproduct material. 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 authorized users, RSOs, and physicists. This initiative will include development of associated guidance. Changes to Part 35 may impact on and require changes to other Parts of Title 10 of the Code of 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. This rule combines/subsumes some existing rulemaking efforts related to other Part 35 changes including: 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, 10 CFR 35.29c and d"; and RM #490 "Revision of Dose Limit for Members of the Public Exposed to Hospitalized Patients, Part 20 and associated petition PRM-20-24." These rules will be subsumed in one rulemaking activity. The program plan was sent for office review and comment on May 14, 1997. The Commission SRM on SECY-97-115, dated June 30, 1997, approved the program plan. Request for public comment on rulemaking development was published in the Federal Register on August 6, 1997 (62 FR 42219). A Working Group and Steering Group was used to develop rulemaking alternatives, proposed rulemaking text, and guidance documents. The groups were composed of NRC staff and state participants. Representatives from both groups held two facilitated public meetings in October and November of 1997 to discuss the rulemaking with the public. The proposed rulemaking was sent for office review and comment on April 10, 1998. The proposed rulemaking was sent to the EDO for approval on May 21, 1998. The proposed rulemaking, SECY-98-128, was sent to the Commission for approval on June 4, 1998. A Commission briefing was held on June 17, 1998. The Commission SRM on SECY-98-128, dated July 21, 1998, approved publication of the proposed rulemaking for public comment in the Federal Register. The proposed rulemaking was sent to ADM for publication in the Federal Register on August 7, 1998 and to OMB for clearance on August 10, 1998. The proposed rulemaking was published for public comment in the Federal Register on August 13, 1998 (63 FR 43516). In addition to soliciting public comment on the proposed rulemaking through the Federal Register notice, three facilitated public meetings were convened during the comment period to discuss the proposed rulemaking. A notice of a workshop on Medical Use of Byproduct Material was published in the Federal Register on October 16, 1998. A Commission paper, SECY-98-263, on obtaining direction for performing a risk assessment on the medical uses of byproduct material and on extending the public comment period was sent to the Commission for approval on November 9, 1998. The Commission SRM on SECY-98-263, dated November 13, 1998, approved a 30 day extension of the comment period and the due date for the final rulemaking. The 30 day extension of comment period was published in the Federal Register on November 23, 1998 (63 FR 64829).

**STAFF RESOURCES --** Total FTE = 11.16: NMSS = 9.20; OGC = 0.60; ADM = 0.15;  
SP = 1.00; CIO = 0.20; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission      June 1999

**NMSS-C1HP-40 Part 76 Certification Amendment Process, 10 CFR 76.45--RM#499--AF85--W#970255**

**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 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 recertification. 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--** This rulemaking is not expected to have an adverse economic impact on the certificate holder. The benefits are eliminating ambiguities, reducing inefficiencies, better defining the processes for certification renewals and amendments, allowing immediately effective amendments, and allowing more time for public participation, while continuing to ensure adequate protection of public health and safety.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office review on July 2, 1997. The rulemaking plan was sent to the EDO for approval on August 11, 1997. The rulemaking plan, SECY-97-195, was sent to the Commission for approval on August 26, 1997. The Commission SRM on SECY-97-195, dated October 9, 1997, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on November 11, 1997. The Commission paper outlining a revised rulemaking plan, SECY-98-044, was sent to the EDO for approval on February 27, 1998, and was sent to the Commission for approval on March 9, 1998. The Commission SRM on SECY-98-044, dated April 9, 1998, approved the revised rulemaking plan. The proposed rulemaking was sent for office review and comment on May 18, 1998. The proposed rulemaking was sent to the EDO for approval on July 1, 1998. The proposed rulemaking, SECY-98-172, was sent to the Commission for approval on July 10, 1998. The Commission SRM on SECY-97-172, dated August 21, 1998, approved the proposed rulemaking. The proposed rulemaking was sent to ADM for publication in the Federal Register on August 31, 1998. The proposed rulemaking was published for public comment in the Federal Register on September 15, 1998 (63 FR 49301).

**STAFF RESOURCES --** Total FTE = 0.80: NMSS = 0.65; OGC = 0.04; ADM = 0.07  
SP = 0.02; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission            August 1999

**NMSS-C1HP-41 Expand Applicability to Include Additional Parties, Part 72--RM#439--AF93--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. The rulemaking plan was sent for office review on February 10, 1997. The rulemaking plan was resent for office review on July 28, 1997. The rulemaking plan was sent to the EDO for approval on September 17, 1997. The rulemaking plan, SECY-97-214, was sent to the Commission for approval on September 24, 1997. The Commission SRM on SECY-97-214, dated November 4, 1997, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on April 16, 1998. The proposed rulemaking was sent to the EDO for approval on May 22, 1998. The proposed rulemaking, SECY-98-113, was sent to the Commission for approval on May 26, 1998. The Commission SRM on SECY-98-113, dated June 30, 1998, approved publication of the proposed rulemaking in the Federal Register. The proposed rulemaking was sent to ADM for publication in the Federal Register on July 8, 1998. The proposed rulemaking was published for public comment in the Federal Register on July 23, 1998 (63 FR 39526).

**STAFF RESOURCES --** Total FTE = 1.40: NMSS = 1.25; OGC = 0.02; ADM = 0.07  
SP = 0.02; CIO = 0.01; CFO = 0.01; OE = 0.02

**TARGET COMPLETION DATE--** Final Rule to Commission                  June 1999

**NRR-C1HP-42 Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants, 10 CFR 50.65--RM#509--AF95**

**OBJECTIVE--** The Commission has directed the staff to prepare a modification to the maintenance rulemaking to require that safety assessments be taken into account before taking equipment off-line for the purpose of performing maintenance. Currently, the rulemaking recommends, vice requires, that safety assessments be performed for monitoring and preventive maintenance activities. The intent of this rulemaking is to ensure that the cumulative impact of out-of-service equipment on the performance of safety functions does not result in the plant being placed in risk-significant configurations. Results from the staff's maintenance rulemaking baseline inspections indicated that about half the licensee's programs for conducting safety assessments have weaknesses. In some cases, implementation procedures for these processes were not followed during preventive maintenance activities, and those errors resulted in undesirable plant configurations. The proposed amendment would be designated as §50.65(a)(4).

Additionally, the rulemaking would be changed to add a clarification that the requirements of the rulemaking are applicable during all conditions of plant operation, including normal shutdown conditions.

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

**COST/BENEFIT--** OCG advised that this action is a backfit. A backfit analysis is being developed.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The Commission SRM on SECY-97-173, dated December 17, 1997, approved initiation of the proposed rulemaking effort. The proposed rulemaking was sent to the EDO for approval in June 1998. The proposed rulemaking, SECY-98-165 was sent to the Commission for approval on July 2, 1998. The Commission SRM on SECY-98-165, dated September 3, 1998, approved publication of the proposed rulemaking in the Federal Register. The proposed rulemaking was sent to ADM for publication in the Federal Register in September 1998. The proposed rulemaking was published for public comment in the Federal Register on September 30, 1998 (63 FR 52201). The 75-day public comment period ended on December 12, 1998. A total of 21 comments have been received.

**STAFF RESOURCES --** Total FTE = 2.25: NRR = 2.08; OGC = 0.05; ADM = 0.07;  
SP = 0.015; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission April 1999

**NRR-C1HP-43 Revision to 10 CFR 50.59; Changes, Tests, and Experiments, Parts 50, 52, and 72, PRM-72-03--RM#506--AF94--W#970191**

**OBJECTIVE--** The purpose of this rulemaking is to clarify the criteria to be used 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 are to be interpreted. The proposed rulemaking will also respond to a portion of a petition for rulemaking from Fawn Shillinglaw (PRM-72-03).

**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. The 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. The rulemaking plan, SECY-97-295, was sent to the Commission for approval on September 10, 1997. The Commission SRM on SECY-97-205, dated March 24, 1998, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment in May 1998. The proposed rulemaking was sent to the EDO for approval in June 1998. The Commission assistants were briefed on July 21, 1998. The Commission SRM on SECY-98-171, dated September 25, 1998, approved publication of the proposed rulemaking in the Federal Register. The proposed rulemaking was sent to ADM for publication in the Federal Register on October 12, 1998. The proposed rulemaking was published for public comment in the Federal Register on October 21, 1998 (63 FR 56098).

**STAFF RESOURCES --** Total FTE = 3.38: NRR = 3.08; OGC = 0.20; ADM = 0.07  
CIO = 0.02; CFO = 0.01

**NMSS-C1HP-44 Regulations Governing Disposal of High-Level Radioactive Wastes in A Repository at Yucca Mountain, Part 63--RM#513--AG04--W#980029**

**OBJECTIVE--** Establish regulations as directed by statute (Energy Policy Act of 1992) for the disposal of HLW at Yucca Mountain. The proposed rulemaking will explicitly state that the purpose of the new rulemaking is to provide specific criteria applicable to Yucca Mountain and that the more generic requirements in the existing Part 60 do not apply and can not be the subject of litigation in any NRC licensing proceeding for Yucca Mountain.

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

**COST/BENEFIT--** The rulemaking will make the licensing process for the high-level waste repository more cost effective by removing generic requirements and putting in site-specific requirements for Yucca Mountain

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The Commission SRM on SECY-97-300, dated March 6, 1998, approved development of the proposed rulemaking. The proposed rulemaking was sent for office review and comment on August 13, 1998. The Commission SRM on SECY-98-198, dated September 8, 1998, approved using rulemaking as a way of furthering issue resolution by eliminating certain issues from the Yucca Mountain licensing process. The proposed rulemaking was sent to the EDO for approval on September 21, 1998. The proposed rulemaking, SECY-98-225 was sent to the Commission for approval on September 28, 1998. A notice of availability on the technical conference Ruleforum website of the staff recommendations for draft regulations was published in the Federal Register on October 14, 1998 (63 FR 55056). The Commission SRM on SECY-98-225, dated January 12, 1999, approved publication of the proposed rulemaking in the Federal Register.

**STAFF RESOURCES --** Total FTE = 7.27: NMSS = 7.10; OGC = 0.05; ADM = 0.07;  
SP = 0.015; CIO = 0.02; CFO = 0.01

**NMSS-C1HP-46 Requirements for Possession of Industrial Devices Containing Byproduct Material, Part 31--RM#519--AG06--W#980070**

**OBJECTIVE--**The proposed rulemaking would amend the Commission's regulations for the possession of industrial devices containing byproduct material to include a clear and explicit requirement that device users provide information in a timely manner in response to requests made by the NRC. The provision would be used primarily to initiate a registration and accounting system for a fraction of these general licensees who have received devices that present a significant risk of exposure of the public or property damage in the event of loss of the device. The intent is to reduce the possibility of the devices being improperly transferred or inadvertently discarded, and ultimately to avoid unnecessary radiation exposure to the public and unnecessary expense involved in retrieving the items, particularly in the scrap metal stream, as well as to avoid the contamination of steel mills, metals, and waste products.

## **TYPE--SAFETY ENHANCEMENT**

**COST/BENEFIT-** The cost to industry would be a small administrative cost to each of approximately 6,000 general licensees. There is also a possible cost savings to other industries that might inadvertently come into possession of an improperly disposed device. The most significant of these would be the avoidance of a smelting of a source and resulting contamination of a steel mill and its products and wastes. The direct cost for NRC implementation results from the administrative actions related to registration including reconciliations of discrepancies between current NRC records and the registration information submitted by general licensees. However, the NRC will also expend resources for follow-up in cases where the licensees cannot account for devices or are found to be in non-compliance with other existing regulations. Specific cost/benefit estimates are included in the draft regulatory analysis.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The Commission SRM on SECY-97-273, dated April 13, 1998, approved development of the proposed rulemaking. See also C1HP-47 RM#520. The proposed rulemaking was sent for office review and comment on July 14, 1998. The proposed rulemaking was sent to OMB for review and comment on July 23, 1998. The proposed rulemaking was resent for office review and comment on July 29, 1998. The proposed rulemaking was sent to the EDO for approval on August 12, 1998. The proposed rulemaking, SECY-98-199 was sent to the Commission for approval on August 20, 1998. The Commission SRM on SECY-98-199, dated October 23, 1998, approved publication of the proposed rulemaking in the Federal Register. The proposed rulemaking was sent to ADM for publication in the Federal Register on November 23, 1998. The proposed rulemaking was published for public comment in the Federal Register on December 2, 1998 (63 FR 66492).

**STAFF RESOURCES --** Total FTE = 0.55: NMSS = 0.40; OGC = 0.05; ADM = 0.07;  
SP = 0.01; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission                  June 1999

## **NMSS-C1HP-47 Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts 30, 31, 32, 170, and 171--Rm#520--AG03--W#980071**

**OBJECTIVE--** The proposed rulemaking would amend the Commission's regulations for certain industrial devices containing byproduct material to include more specific provisions for a registration and accounting program including associated annual fees and modification of the quarterly transfer reporting requirements for manufacturers and initial distributors of these industrial devices. The rulemaking will also consider other recommendations made by an NRC-Agreement State Working Group in NUREG-1551, such as additional labeling requirements. The proposed rulemaking is intended to ensure that general licensees are aware of and understand the requirements for the possession of devices containing byproduct material and allow NRC to account for devices that have been distributed for use under the general license. Better awareness on the part of general licensees of their responsibilities would help to ensure that the general licensees comply with the requirements for proper handling and disposal of generally licensed devices and should help reduce the potential for incidents that could result in unnecessary radiation exposure to the public as well as contamination of property.

## **TYPE--SAFETY ENHANCEMENT**

**COST/BENEFIT--** The cost to industry would be a small administrative cost plus an annual fee, currently estimated at \$370, for each of approximately 6,000 general licensees and additional annual costs to the manufacturers and initial distributors of the devices as a result of modifications to the labeling and reporting requirements. There is also a possible cost savings to other industries that might inadvertently

come into possession of an improperly disposed device. The most significant of these would be the avoidance of a smelting of a source and resulting contamination of a steel mill and its products and wastes. The cost for NRC implementation comes primarily for follow-up in cases where licensees do not pay the fee. In addition to the possible cost savings to the steel industry and others that may inadvertently come into possession of improperly disposed devices, there is the benefit of reduction in the probability of unnecessary exposures to the public in the case of lost or improperly disposed devices. Specific cost/benefit estimates are included in a draft regulatory analysis.

**RECOMMENDATION TO PROCEED--** Yes. The Commission SRM on SECY-97-273, dated April 13, 1998, approved development of the proposed rulemaking. See also C1HP-46, RM#519. The draft rulemaking was sent to the Agreement States on October 14, 1998 for discussion at the OAS meeting on October 30, 1998. A Commission paper, SECY-98-255, requested approval to post the draft proposed rulemaking on the technical conference forum website to solicit public input at an early stage of development. The Commission SRM on SECY-98-255, dated November 20, 1998, approved the staff's recommendation. The proposed rulemaking was sent for office review and comment on December 15, 1998. The staff's draft proposed rulemaking was posted on December 16, 1998, and the Agreement States were notified.

**STAFF RESOURCES --** Total FTE = 4.02: NMSS = 2.75; OGC = 0.50; ADM = 0.07;  
SP = 0.30; CIO = 0.05; CFO = 0.02; OE = 0.25

**TARGET COMPLETION DATE--**

Proposed Rule to Commission	April 1999
Final Rule to Commission	April 2000

**NMSS-C1HP-48 Elimination of 30-Day Delay in Loading Spent Fuel After Preoperational Testing, 10 CFR 72.82(E)--RM#433--AG02--W#980076**

**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--** The amendment would eliminate the requirement that Part 72 licensees submit a report of the preoperational test acceptance criteria and the test results at least 30 days before the receipt of the spent fuel or HLW. The benefit of the rulemaking would reduce an unnecessary regulatory impact on licensees. The rulemaking would also relieve both the licensees and the NRC staff from the need to process exemption requests.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The rulemaking plan was sent for office concurrence on July 19, 1996. 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, The Commission SRM on SECY-96-176, dated October 9, 1996, directed the staff to continue the development of the rulemaking plan. The draft rulemaking plan was sent for NMSS, OGC and RES 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 September 2, 1997. The revised rulemaking plan was resent for office review and comment on December 22, 1997.





transportation of high level waste (HLW) in the vicinity of an HLW repository. This action will also include revision of Part 51 to address the environmental impacts of the use of higher burn-up fuel. Further, the impact of plant associated traffic on local highway service levels during the renewal term will be changed from Category 1 to Category 2 as it should have been designated in the initial license renewal rule, based on the analyses described in NUREG-1437.

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

**COST/BENEFIT**--The rulemaking would address the generic and cumulative impacts of HLW transportation in the vicinity of an HLW repository as a Category 1 issue and would raise the fuel enrichment level and burn-up rate covered by Table S-4, with respect to license renewal, to reflect current operating conditions. License renewal applicants would adopt by reference the staff's analysis of the impacts and would not need to address the impacts on a plant-specific basis. The one-time estimated level of effort for the staff to develop the generic analysis and undertake the rulemaking and for industry to comment on the proposed rulemaking is 1 to 1.5 times the effort that would be required for each application if the analysis were done by the applicant. Therefore, the level of effort required for this rulemaking will be recaptured by the savings on the first two applications. Changing the impact of plant associated traffic on local highway service levels during the renewal term from Category 1 to Category 2 will now effect the level of effort involved in a license renewal since the information required for the analysis will be available from the analysis of traffic impacts during refurbishment, which is already Category 2.

**RECOMMENDATION TO PROCEED**--Yes. The staff believes that the rulemaking should continue. This rulemaking will save considerable staff and industry effort and will contribute to regulatory stability compared to a plant-by-plant approach. This rulemaking was directed by the Commission in an SRM, dated January 13, 1998, on SECY-97-279. On July 1, 1998, A memorandum was sent to the Commission outlining the resources and schedule needed to complete the rulemaking. The proposed rulemaking was sent for office review and comment on September 14, 1998. The proposed rulemaking was sent to the EDO for approval in November 1998. The proposed rulemaking was sent to the Commission, SECY-98-278, for approval on December 1, 1998.

**Staff Resources** -- Total FTE = 2.49; NRR = 2.33; OGC = 0.06; ADM = 0.07  
CIO = 0.02; CFO = 0.01, \$25k contract support.

**TARGET COMPLETION DATE**-- Final rule to Commission                      June 1999

**NRR-C1HP-52 Use of Potassium Iodide (KI) By the General Public After A Severe Accident At A Nuclear Power Plant, PART 50--RM #524--AG11--W#9700193**

**OBJECTIVE**-- The proposed rulemaking will resolve two petitions for rulemaking from Peter Crane (PRM-50-63 and 50-63A). The proposed rule will amend the Commission's regulations 10 CFR 50.47(b)(10) to require that consideration be given to include potassium iodide (KI) in conjunction with sheltering and evacuation as a protective measure for the general public. NUREG-1633 has been withdrawn. A substantially revised document that incorporates public comments will be reissued in the future.

**TYPE--SAFETY ENHANCEMENT**

**COST/BENEFIT**– The cost benefit for the rulemaking will be determined using the regulatory analysis developed as part of the Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED**– Yes. The staff believes that the rulemaking should proceed. Denial of the petition for rulemaking was sent for office review on January 14, 1997. The denial of the petition, SECY-97-245, was sent to the Commission for approval on October 23, 1997. A Commission paper, SECY-98-061, provided staff options for resolving petitions for rulemaking PRM-50-63 and 50-63A relating to prophylactic use of KI. The Commission SRM on SECY-98-061, dated June 26, 1998, disapproved the staff's recommendation to deny the petitions for rulemaking and approved option 1, which was to proceed with a rulemaking to change 10 CFR 50.47(b). The Commission SRM on COMSECY-98-016, dated September 30, 1998, approved the issuance of the revised federal policy on Potassium Iodide. The withdrawal notice of draft NUREG-1633 was published in the Federal Register on October 16, 1998 (63 FR 55653). The proposed rulemaking was sent for office review and comment on October 12, 1998. The proposed rulemaking was sent to the EDO for approval on October 29, 1998. The proposed rulemaking was sent to the Commission, SECY-98-264, for approval on November 10, 1998.

**STAFF RESOURCES**– Total FTE = 1.53: NRR = 1.0; ADM = 0.05; OGC = 0.45  
SP = 0.01; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE**– Final rule to Commission                      September 1999

**NMSS-C1HP-53 List of Approved Spent Fuel Storage Casks: Revision of the VECTRA Technologies, In. NUHOMS Dry Shielded Canister, Part 72--RM#518--AG19**

**OBJECTIVE**-- This rulemaking is in response to a petition, dated December 5, 1995, filed by the Toledo Coalition for Safe Energy, Alice Hirt, Charlene Johnston, Dini Schut, and William Hoops (petitioners). In the petition, concerns were raised regarding the safety of the VECTRA Technologies, Inc., NUHOMS dry shielded canister (DSC) due to a reduction in the thickness of the welds. In addition, the petition questioned the U. S. Nuclear Regulatory Commission's administrative process by which VECTRA was permitted to deliver the canisters to the Davis Besse NPP and to use the DSCs. It claimed that an NRC rulemaking, or some other public proceeding, is necessary to grant permission for the transfer and use of the DSCs.

The petition was referred to the NMSS Director pursuant to 10 CFR 2.206, and the request was referred to the staff for action. The Director's Decision under 10 CFR 2.206, granted the petition in part and denied it in part. The Director determined that the NRC Certificate of Compliance (COC) for VECTRA's standardized NUHOMS should be modified to require a fabrication inspection of the DSC. Because of the granting of this part of the petition, a rulemaking is needed and will be conducted to accomplish this modification. Accordingly, the petition from the Toledo Coalition for Safe Energy is granted to the extent that it requests an agency rulemaking and is denied in all other respects.

The staff evaluated the VECTRA Safety Analysis Report (SAR) submittal and issued a preliminary Safety Evaluation Report (SER) on the VECTRA SAR and the VECTRA Standardized NUHOMS Horizontal Modular Storage System. The NRC is proposing to approve the VECTRA Standardized NUHOMS Horizontal Modular Storage System, for storage of spent fuel under the conditions specified in the proposed revision to the COC. These casks, when used in accordance with the conditions specified in the COC and NRC regulations, will meet the requirements of 10 CFR Part 72; thus, adequate protection of the public health and safety would be ensured.

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



**NMSS-C1HP-55 List of Approved Spent Fuel Storage Casks: Addition of the Transnuclear Dry Shielded Canister, Part 72--RM#530--AG18**

**OBJECTIVE--** The proposed rule will amend the Commission's regulations to amend NRC regulations to add the Transnuclear TN-32 cask system to the List of Approved Spent Fuel Storage Casks. This amendment will allow the holders of power reactor operating licenses to store spent fuel in the TN-32 cask system under a general license.

The staff evaluated the Transnuclear Safety Analysis Report (SAR) submittal and is preparing a preliminary Safety Evaluation Report (SER) on the Transnuclear SAR and the Transnuclear TN-32 cask systems. The NRC is proposing to approve the Transnuclear TN-32 cask system, for storage of spent fuel under the conditions specified in the proposed certificate of compliance. This cask, when used in accordance with the conditions specified in the certificate of compliance and NRC regulations, will meet the requirements of 10 CFR Part 72; thus, adequate protection of the public health and safety will be ensured.

**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 resulting from the proposed rulemaking.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. The Commission SRM on SECY-98-188, dated September 3, 1998, approved EDO issuance of the rulemaking. The staff is preparing a preliminary SER and the Certificate of Compliance. If no substantive comments are received in response to the related rulemaking on RM#529, then the staff will proceed with a direct final rulemaking.

**STAFF RESOURCES--** Total FTE = 1.0: NMSS = 0.8; OGC = 0.1; ADM = 0.098  
CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed rule to Commission                      June 1999  
Final rule to Commission    January 2000

**NRR-C1HP-56 Quality Assurance Programs, Part 50--RM#523--AG20**

**OBJECTIVE--** The direct final rulemaking will amend the Commission 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. There are two rulemakings involved in this project. The first is a direct final rule which will provide immediate relief to licensees by allowing unilateral changes to quality assurance programs in a number of areas which are considered routine and non-controversial. The second rulemaking will further broaden licensees ability to make unilateral changes to their QA programs. It is anticipated that this further relaxation will be accompanied by a requirement to monitor and trend the QA performance of the facility and to report have the results available for NRC inspection. This amendment will improve the regulatory process through a more efficient use of agency and industry resources. This direct final rulemaking also responds to a petition for rulemaking from Nuclear Energy Institute (PRM-50-62).

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

**COST/BENEFIT--** To be provided when cost benefit analysis is completed. However, the staff expects that the proposed rule would reduce the licensee's cost burden without causing adverse effects on public health and safety.

**RECOMMENDATION TO PROCEED--** Yes. The staff agrees that the existing requirement of 10 CFR 50.54(a) is too restrictive and that the rulemaking is needed to both resolve PRM-50-62 and to provide the appropriate level of licensee flexibility. A status paper was sent to the Commission in October 1998. The direct final rulemaking was sent for office review and comment in November 1998. The direct final rulemaking was sent to the EDO for approval on November 20, 1998. The direct final rulemaking was sent to the Commission, SECY-98-279, for approval on November 30, 1998.

**STAFF RESOURCES --** Total FTE = 2.25: NRR = 2.08; OGC = 0.05; ADM = 0.07;  
SP = 0.015; CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed Rule to Commission            November 1999  
Direct Final Rule to Commission            November 1999

**NRR-C1HP-57 Emergency Planning Requirements for Permanently Shutdown Nuclear Reactors and Non-Power Reactors; 10 CFR 50.47, 10 CFR 50.54, and Appendix E to Part 50,--RM#435--AF92--W#970230**

**OBJECTIVE--** The proposed rulemaking would revise 10 CFR 50.47, 10 CFR 50.54, and Appendix E to Part 50 in order to establish appropriate emergency planning requirements for permanently shutdown nuclear reactors. The proposed rulemaking would address the following: (1) when it is appropriate to reduce, in certain specified instances, emergency planning requirements; and (2) when emergency planning requirements can be eliminated. The amended regulations would provide relief from emergency planning requirements for permanently shutdown nuclear reactors based on the reduced risks associated with them which result in significantly reduced accident risk and consequences; therefore, emergency plans devised for full power operations are not warranted. A new paragraph in 50.54 would: (1) specify criteria for one-time applicability for shutdown reactors (e.g., under 50.82 certification, plant conditions could not result in offsite consequence exceeding one Rem); and (2) permit certain changes to emergency plans that the licensee can make on its own that would not jeopardize continuance of the NRC "reasonable assurance" finding. Subsequent changes from the one-time applicability would continue to use 50.54(q). Two new sections, 10 CFR 50.47 (e) and 10 CFR 50.54 (gg), would be added to the proposed rulemaking to specify contents of an onsite emergency plan and the criteria to be met to obtain regulatory relief. Rulemaking would not require the submittal of a new shutdown emergency plan requiring staff review, but would maintain the plan in effect and permit certain changes. The guidance document in support of the rulemaking would be a supplement to NUREG-0654. The rulemaking will address both power and non-power reactors.

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

**COST/BENEFIT--** The proposed rulemaking would permit but not require deleting certain Emergency Planning requirements for permanently shutdown reactors, thereby resulting in a potential cost savings to licensees.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The rulemaking plan was sent for office review on August 9, 1996. The rulemaking plan was resent for office review on March 11, 1997. The rulemaking plan was sent to the EDO for approval on June 4, 1997. The

rulemaking plan, SECY-97-120, was sent to the Commission for approval on June 16, 1997. The Commission SRM on SECY-97-120, dated July 10, 1997, approved the rulemaking plan. On November 30, 1998, a request was made to EDO that the rulemaking be deferred in order to include studies that will support a risk-informed regulation.

**STAFF RESOURCES--** TOTAL FTE = 2.14: NRR = 2.00; OGC = 0.04; ADM = 0.07  
CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed Rule to Commission April 1999  
Final Rule to Commission February 2000

**NRR-C1HP-58 Design Certification for AP600, Part 52--RM#504--AG23--W#920142D**

**OBJECTIVE--** The proposed rulemaking will amend the Commission's regulations to provide certification of the AP600 design. Design certification rules are initiated by an applicant for design certification pursuant to Subpart B of 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 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. The rulemaking plan was sent for office review and comment on October 14, 1998. The rulemaking plan was sent to the EDO for approval on November 6, 1998. The rulemaking plan, SECY-98-267, was sent to the Commission for approval on November 16, 1998. The Commission SRM on SECY-98-267, dated December 4, 1998 approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 1.15: NRR = 1.00; OGC = 0.05; ADM = 0.07  
CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed Rule to Commission May 1999  
Final Rule to Commission December 1999

**CFO-C1HP-59 Revision of Fee Schedules: 100% Fee Recovery; FY 1999, Parts 170, 171--RM#534--AG08**

**OBJECTIVE--** This rulemaking would amend the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The amendments are necessary to recover approximately 100 percent of the NRC budget authority for F Y 1999, less the amounts appropriated from the Nuclear Waste Fund and the General Fund. The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the NRC accomplish the 100 percent recovery through the assessment of fees. The Act requires that the fees for FY 1999 must be collected by September 30, 1999. The final rule will become effective by July 31, 1999.

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

**COST/BENEFIT--** The cost to NRC licensees is approximately 100% of the NRC FY 1999 budget authority less the amount appropriated from the Nuclear Waste Fund and the General fund. The dollar amount to be recovered for FY 1999 is \$449.6 million.

**Recommendation to Proceed:** Yes. This action is mandated by statute and the fees must be assessed through rulemaking each fiscal year. The proposed rulemaking was sent to the EDO for approval in December 1998. The proposed rulemaking, SECY-98-260, was sent to the Commission for approval in December 1998.

**Staff Resources--** Total FTE = 0.81; CFO = 0.75; CIO = 0.02; OGC = 0.02; ADM = 0.02

**TARGET COMPLETION DATE--** Proposed Rule to CFO      February 1999 for approval to publish  
Final Rule to CFO                              May 1999 for approval to publish

**NRR-C1HP-60 Protection Against Discrete Radioactive Particles, Part 20--RM#164--W#900178**

**OBJECTIVE--** The rulemaking will establish a dose constraint 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 has provided 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. NRC licensees will realize a reduction in the current regulatory burden. In addition, workers will likely experience a reduction in the external dose that currently results from the frequent monitoring performed to assure that the interim limit is not exceeded. The quantification of cost/benefit will be done as the proposed rulemaking is developed.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed. The rulemaking category listing has been changed to Category III. The rulemaking plan was sent for office review and comment on January 15, 1998. The rulemaking plan is being revised based upon comments received. The rulemaking plan was resent for office review and comment on June 19, 1998. The rulemaking plan was sent to the EDO for approval in November 1998. The rulemaking plan, SECY-98-245, was sent to the Commission for approval in December 1998. The Commission SRM on SECY-98-245, dated December 23, 1998, approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 2.25: NRR = 2.10; OGC = 0.05; ADM = 0.07  
CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed Rule to Commission                      May 1999  
Final Rule to Commission    May 2000

## MEDIUM PRIORITY

### NRR-C1MP-18 Audit Frequency for Emergency Planning and Security, Part 50, PRM-50-59, PRM-50-60--RM#413--9600187--AF63

**OBJECTIVE--** The proposed rulemaking 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 rulemaking 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. The Commission SRM on SECY-96-236, dated December 5, 1996, approved the final rulemaking plan. The proposed rulemaking was sent for office review on May 22, 1997. The proposed rulemaking was sent to the EDO for approval on June 23, 1997. The proposed rulemaking was sent for OMB clearance on July 3, 1997. EDO approved publishing the proposed rulemaking for comment on July 8, 1997. The proposed rulemaking was sent to ADM for publication in the Federal Register on July 11, 1997. The proposed rulemaking was published for public comment in the Federal Register on July 31, 1997 (62 FR 40978). The final rulemaking was sent for office review and comment on May 13, 1998. The Committee for Review of Generic Requirements (CRGR) was briefed on the final rulemaking on September 8, 1998. The final rulemaking was sent to the CRGR for review on October 13, 1998. In response to CRGR's concerns that the final rulemaking constituted a backfit, the staff revised the final rulemaking to allow, rather than require, facility licensees to comply with the rulemaking and to provide additional guidance on performance indicators. The revised final rulemaking was resent for office review and comment in January 1998. The CRGR should endorsed the revised final rulemaking in their January 1999 meeting.

**STAFF RESOURCES--** Total FTE = 0.87: NRR = 0.80; OGC = 0.02; ADM = 0.035  
CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to EDO February 1999 for approval to publish  
NMSS-C1MP-22 Miscellaneous Changes, Part 72--RM#446--AF80--W#960162

**OBJECTIVE--** The proposed rulemaking would correct a number of inconsistencies and clarify the applicability of several sections of Part 72. 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 to the EDO for approval on March 6, 1997. The Commission SRM on SECY-97-069, dated April 24, 1997, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on January 29, 1998. The proposed rulemaking was sent to the EDO for approval on February 20, 1998. The proposed rulemaking, SECY-98-33, was sent to the Commission for approval on February 26, 1998. The Commission SRM on SECY-98-033, dated May 8, 1998, approved publication of the proposed rulemaking. The proposed rulemaking was sent to ADM for publication in the Federal Register on May 27, 1998. The proposed rulemaking was published for public comment in the Federal Register on June 8, 1998 (63 FR 31364).

**STAFF RESOURCES --** Total FTE = 0.79: NMSS = 0.65; OGC = 0.02; SP = 0.015  
ADM = 0.07; CIO = 0.015, CFO = 0.015

**TARGET COMPLETION DATE--** Final Rule to Commission March 1999

#### **NRR-C1MP-24 Codes and Standards, 10 CFR 50.55a (h)--RM#498--AF96**

**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 rulemaking, 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 direct final rulemaking plan was approved on January 26, 1997. The direct final rulemaking was sent to the EDO for approval on September 4, 1997. The direct final rulemaking, SECY-97-201, was sent to the Commission for approval on September 8, 1997. The proposed rulemaking was published for comment in the Federal Register on October 17, 1997 (62 FR 53975). The direct final rulemaking was published in the Federal Register on October 17, 1997 (62 FR 53933). The direct final rulemaking withdrawal notice was published in the Federal Register on December 23, 1997 (62 FR 66977). The proposed rulemaking was republished for comment in the Federal Register on April 23, 1998 (63 FR 20136). The final rulemaking was sent for office review and comment in November 1998. The final rulemaking was sent to the EDO for approval on December 16, 1998. The final rulemaking, SECY-98-294, was sent to the Commission for approval on December 18, 1998.

**STAFF RESOURCES --** Total FTE =0.23: NRR = 0.02; RES = 0.15; OGC = 0.02; ADM = 0.02;  
CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Final Rule to Commission December 1998

**ADM-C1MP-25 Conformance to National Policies for Access to And Protection of Classified Information, Parts 10, 11, 25, and 95--RM#502--AF97**

**OBJECTIVE--** The proposed rulemaking would conform NRC policy for the protection of classified national security information at licensee facilities with new national policy directives and initiatives, including Executive Order (EO) 12958, "Classified National Security Information"; and EO 12968, "Access to Classified Information," and would also 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. 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 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. The proposed rulemaking was sent to the EDO for approval on June 24, 1998. The EDO approved publication of the proposed rulemaking for public comment in the Federal Register on July 16, 1998. The proposed rulemaking was sent for publication in the Federal Register on July 28, 1998. The proposed rulemaking was published for comment in the Federal Register on August 3, 1998 (63 FR 41206).

**STAFF RESOURCES--** Total FTE = 0.435: ADM = 0.35; OGC = 0.025  
CIO = 0.04; CFO = 0.02

**TARGET COMPLETION DATE--** Final rule to EDO            March 1999    for publication

**NMSS-C1MP-32 Clarifications and Addition of Flexibility to Part 72 --RM#438--AG15--W#960159**

**OBJECTIVE--** This rulemaking clarifies 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 Part 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 precludes the staff from having to expend considerable resources in repeatedly re-examining and defending technical issues already resolved during the public rulemaking process. This process requests public comments which are addressed in the final rulemaking. The rulemaking also allows the initiation of storage cask construction provided that certain conditions are met. The staff has allowed this 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.

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

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

**RECOMMENDATION TO PROCEED:** Yes. The rulemaking plan was sent for office review and comment on May 19, 1998. The rulemaking plan was sent to the EDO for approval on June 19, 1998. The rulemaking plan, SECY-98-148 was sent to the Commission for approval on June 25, 1998. The Commission SRM on SECY-98-148, dated July 17, 1998, approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 1.7: NMSS = 1.50; OGC = 0.04; ADM = 0.04  
SP = 0.04; CIO = 0.04; CFO = 0.04

**TARGET COMPLETION DATE--** Proposed rule to Commission April 1999  
Final rule to Commission March 2000

**CIO-C1MP-33 Availability of Public Records At NRC Public Document Rooms, Parts 1, 2, 7, 9, 50, 52, 60, 62, 72, 75, 76, 100, and 110--RM #528--AG07**

**OBJECTIVE--** The proposed rulemaking would revise references to the NRC Public Document Room (PDR) and Local Public Document Rooms (LPDRs) in 10 CFR, Parts 1, 2, 7, 9, 50, 51, 52, 60, 62, 72, 75, 76, 100 and 110. The proposed rule would announce the NRC's establishment of an all electronic recordkeeping system under the Agencywide Documents Access and Management System (ADAMS), and the discontinuance of placement of paper records and microfiche in the Public Document Room (PDR) and the Local Public Document Room (LPDRs). The proposed rule would revise NRC regulations to reflect the discontinuance of the NRC LPDR program and the substitution of the NRC Website as the primary location for public access to NRC publicly available documents once ADAMS becomes operational.

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

**COST/BENEFIT--** The current funding for 64 of its 86 LPDRs is through cooperative agreements, at an annual cost of approximately \$166K. This annual cost will be eliminated by this rulemaking. Additionally, the public will be able to access all of NRC's new publicly available records through Internet access available at most of the current LPDR libraries, or from personal computers available at other local libraries, schools, offices, or home. Access through the ADAMS Public Library from the NRC Internet Website in lieu of the LPDRs will: (1) provide current records in full text and image as well as provide improved electronic search capability, as opposed to only the bibliographic indexes and abstracts that are now available for most records from the online Bibliographic Retrieval System and NUDOCS; (2) make records available to the public within days, instead of the two weeks or longer it now takes for LPDRs to receive microfiche or paper copies of new accessions; (3) give convenient access to a much larger public audience than just to those who now have access to the PDR and LPDRs, only because of their proximity; and (4) be much more user friendly and easier to search and review documents than the NUDOCS and microfiche currently available at LPDRs.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes the rulemaking should proceed.

**STAFF RESOURCES--** Total FTE = 1.545: CIO = 1.5; OGC = 0.005  
ADM = 0.035; CFO = 0.005;

**TARGET COMPLETION DATE--** Proposed rule to Commission March 1999  
Final rule to Commission May 1999

**NRR-C1MP-34 Revised Source Term Use at Operating Reactors, Parts 21 and 50--RM#507--AG12--W#970025**

**OBJECTIVE--** This activity is a continuation of and supercedes NRR C3MP-31. The proposed rule will amend the Commission's regulations to allow holders of operating licenses for nuclear power plants to replace voluntarily the traditional source term used in design basis accident analyses with a revised source term. This action would allow interested licensees to pursue cost beneficial licensing actions to reduce regulatory burden without comprising the margin of safety of the facility.

**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). Implementation of the revised source term by operating reactors is voluntary.

The revised source term in NUREG-1465 was developed using risk insights from the severe accident research effort. It is expected that the rulemaking and the regulatory guide will reflect the risk insights developed in the re-baselining initiative and, therefore, be risk-informed. The subject of this rulemaking is not amenable to performance based regulation in that it relates to the ability of the plant design to mitigate radiological consequences of postulated design basis accidents, and not to its operation or maintenance.

**RECOMMENDATION TO PROCEED --** Yes. The staff believes the rulemaking should proceed. The Commission SRM, dated February 12, 1997, directed the staff to proceed with rulemaking upon the completion of a rebaselining initiative. The current plans are to develop the final rulemaking, a draft regulatory , and a draft SRP by July 30, 1999, and a final revised SRP and regulatory guide by January 2000. The proposed rulemaking plan was sent for office review and comment in April 1998. The proposed rulemaking plan was sent to the EDO for approval in June 1998. The proposed rulemaking plan, SECY-98-158 was sent to the Commission for approval on June 30, 1998. The Commission SRM on SECY-98-158, dated September 4, 1998, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment in October 1998. The proposed rulemaking was sent to the EDO for approval on December 3, 1998.

**STAFF RESOURCES --** Total FTE = 2.25: NRR = 2.0; OGC = 0.10; ADM = 0.10  
CIO = 0.03; CFO = 0.02

**TARGET COMPLETION DATE --**

Proposed Rule to Commission	December 1998
Final Rule to Commission	July 1999

**NMSS-C1MP-35 Application for Specific Licenses, Part 30--RM #527--AG13**

**OBJECTIVE--** The proposed rulemaking would revise section 30.32(g) to include specific information on an application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source. Licensees will provide information which identifies the source or device, by manufacturer and model number, as registered with the Commission under 10 CFR 32.210 or with an Agreement State. The proposed revision to 10 CFR 30.32(g) will eliminate the prescriptive requirements associated with supplying specific information about the source or device on the application and instead

will require the licensee to commit, on the application, to using only sealed sources or devices that are registered with the NRC under 10 CFR 32.210, or with an Agreement State. This allows licensees the flexibility of obtaining new sources or devices without amending their licenses.

NUREG 1556, "Program Specific Guidance About Fixed Gauge Licenses," identified a conflict between 10 CFR 30.32(g) and the performance-based approach to materials licensing that was adopted for the NMSS guidance consolidation project. The approach for the generic licensing of sealed sources and devices used in the NUREG does not request that applicants identify the source or device by manufacturer and model in accordance with 10 CFR 30.32(g)(1) but, instead, requests applicants to confirm that each sealed source or device is registered as an approved sealed source or device by NRC or an Agreement State. This approach is compatible with the intent of the regulation to ensure that specific licensees are authorized to possess only sealed sources or devices that are registered with the NRC or an Agreement State.

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

**COST/BENEFIT--** This action will reduce the burden on licensees because the licensee will no longer have to submit unneeded information on the application. Also, requests for exemptions will be unneeded, providing a burden relief to both NRC staff and licensees. This will reduce burden to the NRC in the inspection area as well.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes the rulemaking should proceed and OGC agreement was forwarded in a memorandum, dated September 11, 1997, from Stuart A. Treby , OGC, to Larry Camper, Chief, MSB, NMSS.

**RESOURCES--** Total FTE = 0.33: NMSS = 0.25; ADM = 0.02; OGC = 0.02  
CIO = 0.02; CFO = 0.02

**TARGET COMPLETION DATE--** Proposed Rule to Commission August 1999  
Direct Final Rule to Commission August 1999

**NRR-C1MP-36 Fire Protection; Elimination of Requirement for Non-Combustible Penetration Seal Material and Other Minor Changes, Part 50, Appendix R--RM#532--AG22--W#9800128**

**OBJECTIVE--**The objective of this rulemaking is to amend Section III-M of Appendix R to 10 CFR Part 50 to eliminate the requirement for non-combustible penetration seal material. On the basis of a detailed review, as documented in Section 7 of NUREG-1552, Supp. 1, the staff found that: (1) there is no technical or safety basis for the non-combustibility requirement; and (2) Section III.M of Appendix R to 10 CFR Part 50 applied only to 15 nuclear power plants. For 14 of these plants, the requirements of Section III.M of Appendix R had been resolved by the licensees or were no longer applicable. In SECY-96-146, the staff recommended the deletion of the noncombustibility criterion for penetration seal material from Section III-M of Appendix R. The Commission approved the staff's recommendation in a June 30, 1998, SRM. The other minor changes which are part of this rulemaking involve the deletion of Appendix R schedule requirements and of a footnote that are no longer applicable.

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

**COST/BENEFIT--** The staff believes that the proposed rulemaking provides some cost benefit. An assessment of this cost benefit will be made during the development of the rulemaking regulatory analysis.

**RECOMMENDATION TO PROCEED**– Yes. The staff believes the rulemaking should proceed. The Commission SRM, dated June 30, 1998, approved the proposed rulemaking.

**STAFF RESOURCES**– Total FTE = 0.275: NRR = 0.20; ADM = 0.035; OGC = 0.03  
CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE**– Proposed rule to Commission July 1999  
Final rule to Commission April 2000

**NMSS-C1MP-37 Allow Use of Personnel Dosimeters That are Processed Using a New Dosimeter Readout Technology, Parts 20, 34, 36, and 39–RM#531–AG21**

**OBJECTIVE**- The objective of this direct final rulemaking is to amend those affected parts of the Commission's regulations that pertain to the use of personnel dosimeters that require processing to determine the radiation dose received by the person wearing the dosimeter. This final rulemaking is to approve the use of personnel dosimeters that employ a different technology for storing radiation energy and require a different technology for processing the dosimeter to determine the radiation dose received. The rulemaking will also require retention of records from the dosimetry processor for those dosimeters utilizing this different technology.

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

**COST/BENEFIT**- Little or no cost to the NRC or licensees resulting from this rulemaking.

**RECOMMENDATION TO PROCEED**- Yes. This rulemaking will provide licensees with an additional choice of personnel dosimeters that require processing that is acceptable to the NRC.

**STAFF RESOURCES**- Total FTE = 0.31: NMSS = 0.15; ADM = 0.05  
OGC = 0.10; CIO = 0.01

**TARGET COMPLETION DATE**: Proposed rule to EDO June 1999  
Direct final rule to EDO June 1999

**NRR-C1MP-38 Lessons Learned from Design Certification, Part 52--RM#505–AG24--W#970060/W#970126**

**OBJECTIVE**-- The proposed rulemaking will revise Part 52 based on the experience gained by using the rulemaking 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.

**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.

The rulemaking plan was sent for office review and comment on October 14, 1998. The rulemaking plan was sent to the EDO for approval in November 1998. The rulemaking plan, SECY-98-282, was sent to the Commission for approval on December 4, 1998. The Commission SRM on SECY-98-282, dated January 14, 1999, approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 1.60: NRR = 1.00; OGC = 0.50; ADM = 0.07  
CIO = 0.02; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed rule to Commission August 1999  
Final rule to Commission May 2000

## **LOWER PRIORITY**

### **CIO-C1LP-17 Submittal procedures for Documents, Parts 19, 20, 30-36, 39, 40, 50, 51, 52, 55, 60-62, 70-75, 140, and 150--RM#445--AF61**

**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, a submittal may be addressed to an Office Director, an individual staff member, a Regional Administrator, the Document Control Desk, or various combinations of these addressees. 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.

**STAFF RESOURCES --** Total FTE = 0.335: CIO = 0.29; OGC = 0.005  
ADM = 0.035; CFO = 0.005;

**TARGET COMPLETION DATE--** Final Rule to CIO    October 2000 for approval to publish

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

**OBJECTIVE--** The proposed rulemaking 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 rulemaking 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 rulemaking 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. The proposed rulemaking was sent for publication in the Federal Register in December 1998. The proposed rulemaking was published for comment in the Federal Register on December 8, 1998 (63 FR 67726).

**STAFF RESOURCES --** Total FTE = 0.32: ADM = 0.28; OGC = 0.01  
CFO = 0.01; CIO = 0.02;

**TARGET COMPLETION DATE--** Final Rule to EDO                    August 1999

**NMSS-C1LP-23 Energy Compensation Sources for Well Logging, Part 39--RM#440--AG14--  
W#980121**

**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. The change would reduce regulatory burden with minimal impact to public health and safety. In addition, there are other sections that will be changed to improve, clarify, and update Part 39.

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

**COST/BENEFIT--** The change would reduce regulatory burden with minimal impact to public health and safety.

**RECOMMENDATION TO PROCEED--** Yes. 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 the EDO/Commission for information and to the Agreement States for review and comment on May 12, 1997. The Agreement States comments have been incorporated into the rulemaking plan. Based on Agreement States comments the rulemaking plan was resent for office review on November 20, 1997. The rulemaking plan was sent to the EDO for approval on May 7, 1998. The rulemaking plan, SECY-98-105, was sent to the Commission for approval on May 12, 1998. The Commission SRM on SECY-98-105, dated June 25, 1998, approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 1.14: NMSS = 1.00; OGC = 0.02; ADM = 0.075  
S P = 0.02; CIO = 0.01; CFO = 0.01

**TARGET COMPLETION DATE--** Proposed rule to Commission      November 1999  
Final rule to Commission                                      November 2000

# **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**

**NMSS-C2HP-04 Criteria for Clearance of Materials and Equipment--RM#381--W#940059**

**OBJECTIVE--** Provide a uniform, risk-informed performance based standard for clearance 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 benefit to NRC licensees is that they will have clear criteria regarding requests for clearance of materials and equipment both during operations and decommissioning. Associated guidance will assist licensees regarding surveys of materials to be cleared.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking is needed to complement the radiological criteria for decommissioning rulemaking, but it should be initiated after the technical underpinnings for risk-informed performance based analyses are in place. The Commission paper, SECY-98-028, dated February 19, 1998, provided three options for rulemaking and requested Commission guidance on how to proceed with this rulemaking. The Commission SRM on SECY-98-028, dated June 30, 1998, approved option 3, development of a dose-based regulation. The staff is preparing a Commission paper dealing with its plans for conducting the rulemaking in accordance with the SRM. The staff plans include completion of the technical basis and enhancing public participation in the rulemaking process by holding public meetings in 1999 to solicit early public input on major issues related to the rulemaking.

**STAFF RESOURCES --** Total FTE = 18.11: NMSS = 16.0; OGC = 0.50; ADM = 0.07  
RES = 1.0; SP = 0.50; CIO = 0.02; CFO = 0.02

**NMSS-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 the Management Directive 6.3 process.

**RECOMMENDATION TO PROCEED--** Yes. The staff will make a recommendation to proceed 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. that will be used to determine the need and priority of the rulemaking. The agencies obtained OMB approval for the survey in June 1998 and are in the process of initiating the survey.

**STAFF RESOURCES --** Total FTE = 2.51: NMSS = 1.25; OGC = 0.15; ADM = 0.07  
RES = 1.0; SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-C2HP-07 Amend Certification of Compliance NO.72-1007 for the VSC-24 Dry Spent Fuel Storage Cask, 10 CFR 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 10 CFR 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 rulemaking 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 were required, the NRC would have to review each license application. For licensees, the rulemaking 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: NMSS = 0.85; OGC = 0.05; ADM = 0.07  
SP = 0.02; CIO = 0.01; CFO = 0.01

**MEDIUM PRIORITY**

**NMSS-C2MP-05 Exemption from Licensing of Certain Products, Parts 30 and 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. However, the staff is currently conducting a systematic assessment of exemptions in Parts 30 and 40. The need for rulemaking will be determined upon the completion of this evaluation. A Commission paper on Parts 30, 31, and 32 was sent to the EDO for approval on December 5, 1997. The Commission paper on Parts 30, 31, and 32 was sent to the Commission for approval, SECY-97-273 on December 15, 1997. Pending completion of the systematic of exemptions, the staff will provide recommendations to the Commission for appropriate revisions to Parts 30 and 40. This will also take into consideration any recommendations of the nuclear byproduct material risk review group.

**STAFF RESOURCES --** Total FTE = 3.41: NMSS = 2.25; OGC = 0.05; ADM = 0.07  
RES = 1.0; SP = 0.02; CIO = 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

### NMSS-C3HP-27 Domestic Licensing of Uranium and Thorium Recovery Activities, Part 41--RM#503

**OBJECTIVE--** NRC 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 these 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 rulemaking 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 rulemaking. By clarifying, updating, and consolidating regulatory requirements in a single regulation, the rulemaking should reduce administrative costs for licensees and NRC by making for smoother implementation. The details of this rulemaking and the costs and benefits have yet to be determined.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. A rulemaking plan is being developed that will seek Agreement States comments and obtain EDO/Commission approval to proceed. The rulemaking plan was sent for office review and comment on June 15, 1998. Public meetings were conducted in August 1998. The draft rulemaking plan was revised to incorporate additional issues raised in a white paper submitted by the National Mining Association (NMA). After Commission guidance on the NMA issues is provided, the draft rulemaking plan will be revised accordingly. The rulemaking plan was sent to the EDO for approval on January 4, 1999.

**STAFF RESOURCES --** Total FTE = 3.00: NMSS = 2.50; OGC = 0.05; ADM = 0.03  
SP = 0.05; CIO = 0.01; CFO = 0.01

### NMSS-C3HP-31 Fissile Material Shipments and Exemptions, Part 71--RM#521

**OBJECTIVE--** To prepare a rulemaking plan, which, if approved by the Commission, will be the basis for a proposed rulemaking that will be published for public comment. The rulemaking plan will be based on NUREG/CR-5342 which summarized the technical and licensing bases for fissile material exemptions and general license provisions in Part 71. Earlier amendments to these provisions were published on February 10, 1997, in an emergency final rulemaking (62 FR 5907) which restricted the use of beryllium and other special moderating materials in the shipment of fissile material. The emergency final rulemaking corrected a recently discovered defect in Part 71 ( §§ 71.18, 71.22, and 71.53) which could have permitted, in special circumstances, nuclear criticality to occur in shipments of fissile materials which are permitted to take place under these sections without specific Commission approval. Also post-promulgation public comments were supportive of the final rulemaking, but felt it went too far, and requested further rulemaking.

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

**COST/BENEFIT--** The cost and benefits of fissile material shipments that are expected to be made under the proposed amendments will be evaluated by the staff with assistance from a contractor who will prepare a regulatory analysis and environmental assessment to support the rulemaking plan/proposed rulemaking.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed based on public comments received on direct final rulemaking RM#492 and the technical study by Oak Ridge National Laboratory (NUREG/CR-5342). The staff is preparing a FRN responding to public comments and developing a rulemaking plan for the Commission consideration.

**STAFF RESOURCES --** Total FTE = 1.90: NMSS = 1.75; OGC = 0.05; ADM = 0.07;  
SP = 0.015; CIO = 0.02; CFO = 0.01

**NRR-C3HP-32 ECCS Evaluations Models, Part 50, Appendix K--RM#533**

**OBJECTIVE--** The proposed revision of Appendix K, "ECCS Evaluation Models," to 10 CFR Part 50, would change the provision that requires safety analyses used for evaluation of emergency core cooling system (ECCS) under loss-of-coolant-accident (LOCA) conditions be conducted at 1.02 times the licensed power for the plant. Under the revised rule, licensees could propose increases in licensed power levels for plants using Appendix K evaluation models but the ECCS safety analyses could assume power levels less than the current requirement. Licensees would need to demonstrate that the reduced margin for assumed power level in the analyses for their facility is justified in terms of the affect on plant risk.

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

**COST/BENEFIT--** Licensees would benefit from the reduced cost of conducting some safety analyses currently required to allow power increases. However, this benefit is realized only for the first margin reduction and some added costs are incurred for analyses required to justify the reduced margin. This rule change could result in enhanced safety since it provides an incentive for licensees to reduce the uncertainties associated with ECCS performance, such as instrumentation uncertainties.

In addition to the resources required to prepare the rulemaking, costs to the NRC would be limited to review of licensee justifications for use of a reduced margin. This would only be done when a licensee



desired to change the power margin assumed for their ECCS analysis, but not necessarily for follow-on power uprates.

**RECOMMENDATION TO PROCEED**– Yes. The staff recommends that this rulemaking be categorized as high priority to obviate the need to issue multiple exemptions which can be expected from licensees in coming months.

**STAFF RESOURCES**– Total FTE = 0.9.   NRR = 0.6; RES = 0.15; OGC = 0.05  
ADM =0.07; IRM = 0.02; CFO = 0.01

**TARGET COMPLETION DATE**– Proposed rule to Commission                      July 1999  
Final rule to Commission    December 1999

**MEDIUM PRIORITY**

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

**OBJECTIVE--** The proposed rulemaking would revise the Commission regulations to develop performance-oriented requirements and general MC&A requirements for Category II facilities to replace the prescriptive requirements currently found in 10 CFR Part 70, move the Category II requirements and general MC&A requirements to 10 CFR Part 74 so as to consolidate all MC&A requirements, and correct typographical errors, outdated terminology, and implementation dates. It will also increase the time that licensees have to measure nuclear material receipts and eliminate one Material Balance Report (MBR) for all but Category I facilities. In addition, the submittal time for MBRs will coincide with the time of a facility's physical inventory in lieu of the current arbitrary dates of March 31 and September 30. This rulemaking will reduce the regulatory burden on Category II and III licensees, while maintaining the current regulatory structure for Category I licensees.

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

**COST/BENEFIT--** The potential benefits to licensees appear to outweigh the cost of implementing a new rulemaking. The rulemaking will streamline the MBR requirements for Category II and III licensees and move the portions that apply to reactor licensees and Category II licensees to Part 74. There presently are no Category II licensees but this may change.

**RECOMMENDATION TO PROCEED--** Yes. Pending approval using the Management Directive 6.3 process, the staff believes that the rulemaking should proceed.

**STAFF RESOURCES --** Total FTE = 1.20: NMSS = 1.00; OGC = 0.10; ADM = 0.07  
SP = 0.01; CIO = 0.01; CFO = 0.01

**NMSS-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--** Not at this time. The staff is currently reviewing a contractors report and will reevaluate the need for this rulemaking.

**STAFF RESOURCES --** Total FTE = 2.19: NMSS = 2.05; OGC = 0.03; ADM = 0.07

**NRR-C3MP-18 Staffing and Training Requirements for Defueled Reactors, Part 50, 55--RM#444**

**OBJECTIVE--** The purpose of this proposed rulemaking 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 shutdown and certifications are made to the NRC of permanent cessation of operations and permanent removal of fuel from the reactor vessel in accordance with 10 CFR 50.82(a). 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.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. A rulemaking plan that will be sent for the Commission approval is being developed.

**STAFF RESOURCES --** Total FTE = 2.04: NRR = 1.90; OGC = 0.04; ADM = 0.07  
CIO = 0.02; CFO = 0.01

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

**OBJECTIVE--** The purpose of this proposed rulemaking 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 zircaloy 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.

**RECOMMENDATION TO PROCEED--** Yes. The staff is receiving exemption requests and expects to receive more. This rulemaking would improve use of staff resources. Pending approval using the

Management Directive 6.3 process, the staff believes that the rulemaking should proceed and that a schedule for rulemaking should be developed in FY 1999.

**STAFF RESOURCES--** Total FTE = 1.34: NRR = 1.2; OGC = 0.04; ADM = 0.07  
CIO = 0.02; CFO = 0.01

**NMSS-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 International Atomic Energy Agency (IAEA) 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 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 the 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. For this rulemaking, the staff will work closely with the U. S. Department of Transportation and the IAEA to coordinate efforts on the revision of transportation standards. The staff is developing a rulemaking plan for the Commission consideration.

**STAFF RESOURCES --** Total FTE = 2.58: NMSS = 2.45; OGC = 0.02; ADM = 0.07  
SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-C3MP-33 Use of Exempt Sources in Devices, 10 CFR Part 30.18--RM#526--**

**OBJECTIVE--** The proposed rulemaking will address and clarify the use of multiple exempt sources in gauging devices. The rulemaking change will ensure that: (1) persons using sources in accordance with the original intent of 10 CFR 30.18 are not negatively impacted; and (2) devices containing multiple exempt sources undergo an evaluation by NRC to verify that they provide adequate protection and shielding.

**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 30 for future applicants.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that this rulemaking should proceed. The staff is developing a rulemaking plan for the Commission consideration.

**STAFF RESOURCES --** Total FTE = 0.66: NRR = 0.50; OGC = 0.04; ADM = 0.04  
SP = 0.04; CIO = 0.02; CFO = 0.02

**NRR-C3MP-34 Use of Simulators in Operator Licensing, 10 CFR Parts 55.31(a)(5) and 55.45(b) and  
Conforming Changes to 10 CFR 55.4 and 10 CFR 55.59(c)(4)(iv)--RM#535**

**OBJECTIVE--** The proposed rulemaking will promote more effective plant operating experience for initial license applicants through improved on-the-job training by allowing use of the simulation facility in lieu of the actual plant to satisfy the license eligibility requirement for performance of control manipulations that affect reactivity or power level.

The recommended rulemaking will also facilitate adaptation of existing simulator support and requalification training programs to the 1998 revision of the national standard in order to eliminate recurring outdated, duplicate, and inefficient simulator performance testing and reporting requirements. This rulemaking brings the rule up to date with evolutionary changes in simulation technology and training and examination programs. This rulemaking will directly reduce unnecessary regulatory burden by eliminating the current requirement for submittal of certification and performance test reports on a quadrennial basis. The rulemaking will also addresses conforming changes for §55.4 and §55.59.

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

**COST/BENEFIT--** The proposed rulemaking continues to adhere to NRC's established regulatory position, that is, endorsing the industry standard in recognition of industry leadership in development of the industry standard as a means of qualitatively establishing a baseline for simulator capabilities and performance. Facility licensees are not required by this rulemaking to change existing programs or to adopt new regulatory guidance.

Some facility licensees have reported difficulty finding opportunities to complete the five control manipulations required by §55.31(a)(5) and some have reported that associated plant operating and training costs may have increased as a result of delays or of having to maneuver the plant to satisfy the reactivity manipulations requirement. Facility licensees cite not only cost savings associated with changing the rule to allow use of the simulator but also enhanced training through a wider range of possible manipulations in an environment that is more conducive to individualized learning, i.e., more time for individual instruction and operation of the "controls."

The proposed changes to §55.45(b) will modernize the rule and reduce unnecessary regulatory burden by eliminating certification and recurring reporting requirements and facilitating coordination of existing simulator performance testing and licensed operator training programs while eliminating duplicate testing for those licensees that choose to adopt the revised national standard. In addition, 10 CFR 55.45(b)(1)(i) and (ii) allow the staff to accept alternative methods to meet the requirements of the rule. The acceptable alternatives provide for implementation of a plant-referenced simulator or approved use of another type of simulation facility, which could include the plant itself, after application has been made to the Commission.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that this rulemaking should proceed. The rulemaking plan was sent for NRR office concurrence on December 17, 1998.

**STAFF RESOURCES --** Total FTE = 1.30: NRR = 1.00; OGC = 0.20; ADM = 0.06  
CIO = 0.02; CFO = 0.02

**LOWER PRIORITY**

**NMSS-C3LP-07 Update of Decommissioning Funding Certification Amounts for Applicants and Licensees, Parts 30, 40, and 70--RM#243**

**OBJECTIVE--** The proposed rulemaking will revise the Commission's regulations that would make any necessary adjustments to the financial assurance certification amounts 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 the 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 is under development.

**STAFF RESOURCES --** Total FTE = 1.6: NMSS = 1.4; OGC = 0.10; ADM = 0.06  
SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-C3LP-08 Options for The Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--PRM-34-05--RM#477**

**OBJECTIVE--** The purpose of this project is to reevaluate requirements related to radiography and radiographic equipment to determine whether a rulemaking change is required to better meet NRC's 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. For example, jet engines and large heat exchangers require special guide tubes. These tubes are generally made of stainless steel and are custom made for most applications. Although they cannot meet the crushing and bending tests listed in § 34.20, both tests are not necessary for these tubes because the licensee will use alternative methods to ensure radiation safety. One method is to conduct a dry run with a dummy source. Currently, licensees must request exemptions from the NRC before they can use these tubes. This rulemaking would amend the regulations to permit a licensee to use associated equipment, such as guide tubes, provided the licensee could demonstrate that this equipment can be used safely.

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

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

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. A rulemaking plan was sent for office review on June 26, 1997. The staff is now developing an alternative rulemaking plan. In December 1998, the options considered in the alternative plan include issuing guidance, a generic exemptions, enforcement discretion; modifying the regulations to eliminate safety requirements except for those components that are deemed to safety critical; and modifying regulations to allow for self certification by licensee for equipment that is not safety critical.

**STAFF RESOURCES --** Total FTE = 1.49: NMSS = 1.25; OGC = 0.05; ADM = 0.07  
SP = 0.10; CIO = 0.01; CFO = 0.01

# **CATEGORY IVA**

**PETITIONS BEING RESOLVED**

**PETITIONS FOR WHICH**

**FURTHER ASSESSMENT IS REQUIRED**

**BEFORE DECIDING WHETHER TO INITIATE**

**RULEMAKING OR TO GRANT, TO DENY, OR**

**TO PARTIALLY GRANT THE PETITION**

**NMSS-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.

**NMSS-C4A-17 PRM-72-02 Petitioner/Petition Docket Number: Portland General Electric Company--RM#462**

Federal Register Citation: February 1, 1996 (61 FR 3619)

Subject: Disposal of Radioactive Waste

The petitioner requests that the Commission amend its regulations that govern independent storage of spent nuclear fuel and high-level radioactive waste to specifically include radioactive waste produced from reactor operations pending its transfer to a permanent disposal facility. The resolution of this petition is on hold pending Commission guidance. The rulemaking plan, (refer to C5-38, RM #436) previously being developed was terminated, but now is also on hold pending Commission guidance.

**NMSS-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

Summary: 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. The staff intends to deny the petition and expects the action to be completed by April 1999.

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

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

Subject: Dry Cask Storage of Radioactive Waste

The petitioner requests that the Commission amend its regulations that govern independent storage of spent nuclear fuel in dry cask storage to require that the safety analysis report for a cask design fully



conforms with the associated safety evaluation report and certificate of compliance before certification of the cask design. The petition for rulemaking has been partially resolved by incorporating a portion of the petitioner's concerns into the proposed rulemaking "Changes, Tests, and Experiments," Parts 50, 52, and 72, PRM-72-03 (see RM#506-C1HP-43).

**NMSS-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 in Parts 30, 40, and 70 to provide alternative schedule requests for decommissioning of a facility, separate building, or an outside area that has been inactive for at least 24 months and is unsuitable for unrestricted release. Specifically, the petitioner requested that facilities that are inactive for economic reasons be allowed to go on "standby" status until economic conditions in its industry improve. In a letter dated September 30, 1998, NEI acknowledged that the NRC was developing guidance documents to provide clear directions and uniformity for staff review of licensee request submittals. However, NEI also requested that the petition for rulemaking be placed in abeyance until these guidance documents are finalized and accepted by NEI. The staff intends to deny this petition for rulemaking and expects the action to be completed February 1999. A public meeting was held with NEI on September 9, 1998.

**NMSS-C4A-25 PRM-40-26 Petitioner/Petition Docket Number: Chromalloy Tallahassee--RM#470**

Federal Register Citation: December 10, 1997 (62 FR 65039)

Subject: To Include the M1A1 Battle Tank Engine AGT 1500 under the existing exemption in 10 CFR 40.13 (c) (8).

Summary: The petitioner requested that the Commission amend its regulations to include the M1A1 Battle Tank Engine AGT 1500 under the existing exemption in 10 CFR 40.13 (c) (8) that applies to aircraft engine parts. The resolution of this petition is now scheduled for April 1999.

**NMSS-C4A-26 PRM-71-12 Petitioner/Petition Docket Number: International Energy Consultants--RM#471**

Federal Register Citation: February 19, 1998 (63 FR 8362)  
June 24, 1998 (63 FR 34335) extension of comment period

Subject: Packaging and Transportation of Radioactive Material

Summary: The petitioner requested that the NRC amend its regulations governing shipments of high-level waste under Part 71. The petitioner requested that Part 71.63 (b) be deleted in its entirety. The resolution of this petition is now scheduled for August 1999.

**NMSS-C4A-28 PRM-72-04 Petitioner/Petition Docket Number: Prairie Island Coalition --RM#473--**

Federal Register Citation: March 12, 1998 (63 FR 12040)

Subject: Independent Storage of Spent Nuclear Fuel in Dry Casks

Summary: The petitioner requests that the NRC amend its regulations that govern independent storage of spent nuclear fuel in dry storage casks to define the parameters of acceptable degradation of spent fuel in dry cask storage. The petitioner also requests an amendment to the regulations to define the parameters of retrievability of spent nuclear fuel in dry storage and to require licensees to demonstrate safe cask unloading ability before a cask may be used at an Independent Spent Fuel Storage Installation. The resolution of this petition is now scheduled for March 1999.

**NMSS-C4A-29 PRM-36-01 Petitioner/Petition Docket Number: American National Standards Institute, N43.10 Committee--RM#474--**

Federal Register Citation: September 15, 1998 (63 FR 49298)

Subject: Radiation Safety Requirements

Summary: The petitioner requests that the NRC amend its radiation safety requirements for irradiators to allow the operation of panoramic irradiator facilities without continuous onsite attendance. The resolution of this petition is now scheduled for September 1999.

**NRR-C4A-30 PRM-50-64 Petitioner/Petition Docket Number: Atlantic City Electric Company, Austin Energy, Central Maine Power Company, Delmarva Power & Light Company, South Mississippi Electric Power Association, and Washington Electric Cooperative, Inc.--RM#461--**

Federal Register Citation: January 5, 1999 (64 FR 432)

Subject: Potential Liability of Non-operating Co-owners of Nuclear Power Plants

Summary: The petitioners are all non-operating joint owners of nuclear plants who have concerns about potential safety impacts that could result from economic deregulation and restructuring of the electric utility industry. The petitioners request that the Nuclear Regulatory Commission amend its regulations in 10 CFR Part 50 pertaining to enforcement to clarify NRC policy regarding the potential liability of joint owners if other joint owners become financially incapable of bearing their share of the burden for safe operation or decommissioning of a nuclear power plant.

# **CATEGORY IVB**

**RULES THAT ARE ON HOLD**

**RULEMAKINGS FOR WHICH FURTHER**  
**WORK CANNOT BE UNDERTAKEN UNTIL**  
**INFORMATION NEEDED FROM OUTSIDE**  
**SOURCES OR RESOURCES BECOME AVAILABLE**

## **NRR--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 rulemaking. 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--** Not at this time. The staff believes that this activity should have low priority due to the absence of any prospective applicants for a Combined Operating License (COL) under 10 CFR Part 52, NRR's limited resources that can be applied to develop a living PRA rulemaking for COL applicants, and the desirability of applying NRR's resources to higher priority risk informed regulatory efforts.

## **NRR-C4B-15 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 Commission is adding estimates of releases of technetium-99 and radon-222 from activities in the nuclear fuel cycle to its Table of Uranium Fuel Cycle Environmental Data (Table S-3) in 10 CFR Part 51. It would also extend the applicability of the rulemaking to cover a broader range of U-235 enrichments in fresh nuclear fuel (up to 5.5 weight percent) and the higher burnup now expected before the spent fuel is removed from the reactor. The revisions would simplify the content of environmental documents prepared for the construction permit stage of applications for light-water-cooled nuclear power reactors (LWRs). However, the number and timing of applications for construction permits for LWRs are uncertain at this time. This amendment will also clarify the meaning and intent of the term "zircaloy" as used in § 51.52(a)(2) pertaining to cladding. The term "zircaloy" has been changed to "zirconium alloy."

### **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 rulemaking 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--** No. The Final Rulemaking Package went out for office concurrence on March 19, 1998. OGC identified several concerns including noticing issues and the rule's potential impact on the license renewal process. Accordingly, the staff does not believe it is appropriate to proceed with this rulemaking at this time.

**NMSS-C4B-19 Transfer of Unimportant Quantities of Source or Byproduct Material to Exempt Persons, 10 CFR 40.51--RM#447**

**OBJECTIVE--** The proposed rulemaking would amend the Commission's regulations to require licensees wishing to transfer unimportant quantities of source material under the provisions of 10 CFR 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 the 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. The staff is currently reviewing a contractor report which includes options for rulemaking, legislation, and a memorandum of understanding and expect to provide recommendations to the Commission in September 1999.

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

**OBJECTIVE--** The proposed rulemaking 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 rulemaking 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--** Not at this time. The Commission's has directed the staff (SRM on SECY-98-036) to consult with industry to identify reporting requirements that are potential candidates for modifying to a more risk-informed approach, and submit a schedule and plan of action to the Commission in the fall.

**NRR-C4B-26 Alternative Site Reviews, Part 50, 52--RM#313**

**OBJECTIVE--** The proposed rulemaking would revise the Commission's 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 sites to facilitate and stabilize the regulatory process.

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

**COST/BENEFIT--** Codification of standards for alternative site analysis will result in greater regulatory efficiency in the review and adjudication of future applications.

**RECOMMENDATION TO PROCEED--** No. The staff believes the rulemaking should not proceed at this time.

**NMSS-C4B-27 Relief from the Use of Part 36 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479**

**OBJECTIVE--** The purpose of this proposed rulemaking 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 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.

**RECOMMENDATION TO PROCEED--** Not at this time. The staff is reassessing the need for a rulemaking for current teletherapy licensees.

**NMSS-C4B-28 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. 10 CFR 73.37(f) does not address notification of Indian Tribes. 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.

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

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

**RECOMMENDATION TO PROCEED--** Not at this time. The staff informed DOE in a memorandum, dated February 3, 1998, that the NRC had no objection to the voluntary use of a satellite tracking system provide that such use complies with the provisions of Part 73. The staff is developing an advanced notice of proposed rulemaking (ANPRM) to invite early input from affected parties and the public on the issues associated with the advanced notification of Indian Tribes of spent fuel shipments.

**NMSS-C4B-29 Geological and Seismological Characteristics of Spent Fuel Storage Systems, Part 72--RM#441--AG16--W#960161**

**OBJECTIVE--** The proposed rulemaking would revise Part 72 seismological criteria to use a risk-informed, performance-based regulatory approach. This revision would use a methodology which is consistent with the approaches taken in Part 60, the new proposed Part 63, and the recent revision to Part 100. The rulemaking would also clarify what types of geologic and seismic analyses a general license should perform to determine that the intended spent fuel storage cask design is appropriate for the licensee's site (i.e., both static and dynamic analyses).

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

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

**RECOMMENDATION TO PROCEED--** No. The staff believes that the rulemaking should not proceed at this time. The rulemaking plan was sent for office review and comment on May 12, 1998. The rulemaking plan was sent to the EDO for approval on May 22, 1998. The rulemaking plan, SECY-98-126, was sent to the Commission for approval on June 4, 1998. The Commission SRM on SECY-98-126, dated June 24, 1998, approved the rulemaking plan.

**STAFF RESOURCES --** Total FTE = 2.30: NMSS = 1.80; OGC = 0.10; ADM = 0.07; RES = 0.15  
NRR = 0.15; SP = 0.01; CIO = 0.01; CFO = 0.01

# **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.)**



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

**OBJECTIVE--** The proposed rulemaking 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 rulemaking seeks to do, is through rulemaking that will also respond to the 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. A recommendation to deny the petition for rulemaking and termination of the associated rulemaking will be sent to the Commission for approval.

**Staff Resources—** Total FTE = 0.16: NRR = 0.1; OGC = 0.02; ADM = 0.03  
CIO = 0.005; CFO = 0.005

## **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 rulemaking 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 rulemaking. 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. The 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. A Commission options paper, SECY-98-010, was sent for approval

on January 20, 1998. The Commission SRM on SECY-98-010, dated April 29, 1998, directed the staff to focus its resources on reviewing Envirocare's Part 70 license application. In response to SECY-98-226, the Commission approved the staff's plan to exempt Envirocare from the licensing requirements of Part 70 for greater than critical mass quantities of SNM. This exemption may obviate the need for rulemaking in this case.

### **NMSS-C5-38 Storage of Greater Than Class C Waste, Part 72--RM#436--W#960157**

**OBJECTIVE--** The proposed rule 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 rule 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 rule 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.

**Recommendation to Proceed--** No. On hold pending Commission guidance. The rule plan was initially sent for office concurrence on January 14, 1997. The rule plan was sent to the EDO for approval on February 25, 1997. The Commission SRM on SECY-97-056, dated April 3, 1997, approved sending the plan to the Agreement States for comment. The final rule plan was sent for office review and comment on July 15, 1997. The rule plan was sent to the EDO for approval on August 1, 1997. However, OGC raised a jurisdictional broader question with respect to the Commission's regulatory authority at a reactor site after termination of the Part 50 license (see Commission memorandum from OGC dated September 25, 1998). Resolution of this petition and the associated proposed rulemaking have been put on hold until guidance is received from the Commission.

### **NRR-C5-43 Shutdown and Spent Fuel Pool Operations, Part 50--RM#398--AE97--W#920223**

**OBJECTIVE--** This rulemaking was intended to provide a regulatory basis for spent fuel pool operations and for the protection of public health and safety during shutdown operation. It would have established 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**: No. The Commission SRM dated December 11, 1997, indicated that the staff may not proceed further with this rulemaking. The withdrawal notice was sent for office review and comment in November 1998. The EDO will be briefed, in January 1999, on the rationale for issuing the rulemaking withdrawal notice.

**NRR-C5-46 Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities, Part 50--RM#340--AF29--W#920197**

**OBJECTIVE--** The NRC is considering developing a performance-oriented, risk-informed fire protection regulation. The approach will establish the regulatory safety objective and acceptance criteria without prescribing the methods or hardware necessary to accomplish the objective and meet the criteria. The staff provided its plan of action and status information in SECY-94-090 of March 31, 1994. This action also addresses RRG Topic Area 25.

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

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

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should proceed. A Commission option paper, SECY-96-134, was sent to the Commission for approval on June 21, 1996. The Commission SRM on SECY-96-134, dated October 2, 1996, approved development of a rulemaking plan based on performance-based and risk-informed approaches for fire protection. The Commission options paper, SECY-97-127 was sent for approval on June 19, 1997. The Commission SRM on SECY-97-127, dated September 11, 1997, approved the plan for rulemaking. A Commission paper, SECY-98-058, dated March 26, 1998, recommended option 2. In the Staff Requirements Memorandum, dated June 30, 1998, the Commission approved the staff's recommendation (presented in SECY-098-058, dated March 26, 1998,) to defer the development of a risk-informed, performance-based fire protection rule and to pursue with the National Fire Protection Association and the nuclear industry the development of a risk-informed, performance-based consensus standard for fire protection at nuclear power plants. If the standard is successfully developed (scheduled to be completed May 2000) the staff may endorse the standard through a future rulemaking to serve as an alternative method for licensees to meet NRC fire protection requirements. Therefore, the rulemaking is being terminated until it is determined that the potential future new rulemaking on fire protection is needed.

# **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 NRC HOMEPAGE, "ARCHIVED RULEMAKINGS"**

**NRR-C1HP-28 Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements, 10 CFR 50.2 and 10 CFR 50.75--RM#424--AF41--W#950112**

**OBJECTIVE--** The purpose of this 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 rulemaking allows licensees to take credit for earnings on their trust funds during an extended safe storage period. Also, the rulemaking requires periodic reporting to monitor compliance with decommissioning funding assurance regulations by power reactor licensees.

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

**COST/BENEFIT--** 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 2 years) on the status of decommissioning funding assurance, the staff estimates that licensees would submit approximately 100 reports every 2 years, or an average of 50 reports each year. The impact on licensees would be in copying and transmitting information they already have, which staff estimates to be approximately 8 staff-hours per licensee or 400 staff-hours annually.

It should take approximately 2 NRC-staff hours 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 108 staff-hours annually (i.e., 50 reports x 2 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 rulemaking plan was approved by the EDO on September 1, 1995. The Commission SRM on SECY-96-030, dated March 27, 1996, approved the ANPR. The ANPR was published in the Federal Register on April 8, 1996 (61 FR 15427). The proposed rulemaking was sent for office review and comment on March 10, 1997. The proposed rulemaking sent to the EDO for approval on May 7, 1997. The proposed rulemaking OMB package was sent to CIO for review and comment on May 14, 1997. The proposed rulemaking, SECY-97-102, was sent to the Commission for approval on May 16, 1997. The Commission SRM on SECY-96-102, dated June 30, 1997, approved the proposed rulemaking. The 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 August 27, 1997. The proposed rulemaking was published for public comment in the Federal Register on September 10, 1997 (62 FR 47588). The final rulemaking was sent for office review and comment on May 15, 1998. The final rulemaking was sent to the EDO for approval on June 19, 1998. The final rulemaking, SECY-98-164, was sent to the Commission, for approval on June 30, 1998. The Commission SRM on SECY-98-164, dated September 2, 1998, approved the final rulemaking for publication in the Federal Register. The final rulemaking was sent to ADM for publication in the Federal Register on September 11, 1998. The final rulemaking was published in the Federal Register on September 22, 1998 (63 FR 50465).

**STAFF RESOURCES --** Total FTE = 0.53: NRR = 0.45; OGC = 0.03; ADM = 0.035;  
CIO = 0.005; CFO = 0.005

**NRR-C1HP-36 Exemption from Criticality Monitor Requirements for Fresh Fuel, 10 CFR 70.24--RM#494--AF87--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 regulatory language changed Part 70 to require criticality monitors for those cases in which an evaluation has determined that a criticality is credible. The change makes the rulemaking 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.

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

**COST/BENEFIT--** This rulemaking eliminates 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 Commission SRM on SECY-97-155, dated August 19, 1997, approved the plan for the proposed rulemaking. The direct final rulemaking was sent for office review and comment on October 6, 1997. The direct final rulemaking was sent to the EDO for approval on November 7, 1997. The direct final rulemaking was approved for publication in the Federal Register by EDO on November 14, 1997. The direct final rulemaking was sent to ADM for publication in the Federal Register on November 26, 1997. The direct proposed rulemaking was published for comment in the Federal Register on December 3, 1997 (62 FR 63911). The direct final rulemaking was published in the Federal Register on December 3, 1997 (62 FR 63825). The direct final rulemaking withdrawal notice was published in the Federal Register on February 25, 1998 (63 FR 9402). Notice of a public meeting to be held on June 8, 1998, was published in the Federal Register on May 29, 1998 (63 FR 29357). The staff addressed the public comments received in the Statement of Considerations to be published with the final rulemaking. The final rulemaking was sent for office review and comment in September 1998. The final rulemaking was sent to the EDO for approval in October 1998. The final rulemaking was approved by EDO on October 29, 1998 and the Commission was informed of the action by a daily staff note. The final rulemaking was sent to ADM for publication in the Federal Register in November 1998. The final rulemaking was published in the Federal Register on November 12, 1998 (63 FR 63127).

**STAFF RESOURCES--** Total FTE = 0.05: NRR = 0.02; ADM = 0.025;  
OGC = 0.01; CIO = 0.005; CFO = 0.005

#### **NRR-C1HP-45 Financial Protection Requirements and Indemnity Agreements, Part 140--RM#517--AG01**

**OBJECTIVE--** The objective of this rulemaking was to increase the retrospective deferred premium (required by the Price-Anderson Act) based on inflation. Specifically, the rulemaking amended 140.11(a)(4) to increase this premium to \$83.9M/reactor/accident (but not to exceed \$10M in any one year) based on the aggregate percentage change since 1993 in the Consumer Price Index for all urban consumers published by the Secretary of Labor.

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

**COST/BENEFIT--**This rulemaking is required by Price-Anderson.

**RECOMMENDATION TO PROCEED--** Yes. The final rulemaking was sent for office review and comment in May 1998. The final rulemaking was sent to the EDO for approval in June 1998. The final rulemaking, SECY-98-150 was sent to the Commission for approval on June 26, 1998. The Commission SRM on SECY-98-150, dated July 14, 1998, approved the final rulemaking for publication in the Federal Register. The final rulemaking was sent to ADM for publication in the Federal Register on July 15, 1998. The final rulemaking was published in the Federal Register on July 21, 1998 (63 FR 39015).

**STAFF RESOURCES--** Total FTE = 0.37: NRR = 0.2; OGC = 0.05; ADM = 0.07;  
SP = 0.015; CIO = 0.02; CFO = 0.01

#### **NMSS-C1MP-26 Adoption of Part 20 Dosimetry Methodology To Part 72--RM#437--AF84--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 rulemaking plan was sent for office review on July 3, 1997. The rulemaking plan was sent to the EDO for approval on September 25, 1997. The rulemaking plan, SECY-97-262, was sent to the Commission for approval on October 16, 1997. The Commission SRM on SECY-97-262, dated December 9, 1997, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on February 12, 1998. The proposed rulemaking was sent to the EDO for approval on February 27, 1998. The proposed rulemaking was approved by EDO March 3, 1998. The proposed rulemaking was sent to ADM for publication on March 10, 1998. The proposed rulemaking was published for comment in the Federal Register on March 19, 1998 (63 FR 13372). The final rulemaking was sent for office review and comment on August 7, 1998. The proposed rulemaking was sent to the EDO for approval September 14, 1998. The final rulemaking was approved by EDO on September 24, 1998. The final rulemaking was sent to ADM for publication in the Federal Register in September 30, 1998. The final rulemaking was published in the Federal Register on October 13, 1998 (63 FR 54559).

**STAFF RESOURCES --** Total FTE = 1.39: NMSS = 1.25; OGC = 0.03; ADM = 0.07  
SP = 0.02; CIO = 0.01; CFO = 0.01

**NMSS-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 rulemaking amended the Commission regulations to make minor administrative changes and clarifications to 10 CFR Part 20, "Standards for Protection Against Radiation." The amendments also conforms other 10 CFR Parts with the Commission's revised radiation protection requirements. In addition, a minor policy change revised 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.

**RECOMMENDATION TO PROCEED--** Yes. The proposed rulemaking was sent for office review on February 12, 1996. The proposed rulemaking was sent to the EDO for approval on August 20, 1996. The proposed rulemaking was approved by EDO on September 6, 1996. The proposed rulemaking was published for comment on October 07, 1996 (61 FR 52338). The final rulemaking was sent for office review and comment on September 17, 1997. The final rulemaking was sent to the EDO for approval for publication in the Federal Register on June 30, 1998. The final rulemaking was sent to ADM for publication in the Federal Register on July 14, 1998. The final rulemaking was published in the Federal Register on July 23, 1998 (63 FR 39477).

**STAFF RESOURCES --** Total FTE = 0.155: NMSS = 0.10; OGC = 0.01; ADM = 0.035  
CIO = 0.005; CFO = 0.005

**NMSS-C1LP-20 Clarification and Minor Corrections, Part 34--RM#516--AE07**

**OBJECTIVE--** Publication of the final rulemaking on Part 34,(62 FRN 28948) on May 28, 1997 contained several ambiguities and errors that were brought to the attention of the NRC by numerous telephone calls from licensees. These ambiguities and errors were of a minor nature, primarily related to incorrect or omission of implementation dates. Because the changes were minor and of a corrective nature, the 30-day deferred effective date provisions of the APA (5 U. S. C. 553(d)) was waived and the rulemaking became effective upon publication.

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

**COST/BENEFIT--** There would be no cost to NRC (other than the FTE resources to prepare the rulemaking) or licensees/applicants from this rulemaking.

**RECOMMENDATION TO PROCEED--** Yes. The final rulemaking was sent for office review and comment on April 1, 1998. The final rulemaking was sent to the EDO for approval on June 23, 1998. The final rulemaking was approved by EDO for publication in the Federal Register on June 25, 1998. The final rulemaking was sent to ADM for publication in the Federal Register on July 1, 1998. The final rulemaking was published in the Federal Register on July 9, 1998 (63 FR 37059).

**STAFF RESOURCES --** Total FTE = 0.080: NMSS = 0.03; OGC = 0.005; ADM = 0.035  
CIO = 0.005; CFO = 0.005

**NMSS-C1LP-21 Transfer for Disposal and Manifests; Minor Technical Conforming Amendment, Part 20--RM#522--AF99**

**OBJECTIVE--** The final rulemaking amended the Commission regulations concerning low-level waste shipment manifest information. The previously codified regulations included manifesting requirements that are no longer applicable. The use of new manifesting requirements, which were promulgated on March 27, 1995, became mandatory on March 1, 1998. Therefore, this action was necessary to remove expired provisions from the regulations. An additional correction is being made to the scope section of this part to rectify an inadvertent change.

**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 resulting from the proposed rulemaking.

**RECOMMENDATION TO PROCEED--** Yes. The final rulemaking was sent for office review and comment on July 30, 1998. The final rulemaking was approved by EDO for publication in the Federal Register on September 8, 1998. The final rulemaking was sent to ADM for publication in the Federal Register on September 10, 1998. The final rulemaking was published in the Federal Register on September 21, 1998 (63 FR 50127).

**STAFF RESOURCES--** Total FTE = 0.435: NMSS = 0.30; ADM = 0.05; OGC = 0.025  
CIO = 0.04; CFO = 0.02

**NMSS-C1LP-22 Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste, Part 73--RM#525--AG00**

**OBJECTIVE--** The direct final rule amended a final rule appearing in the Federal Register on May 15, 1998 (63 FR 26955), that clarifies physical protection requirements for spent nuclear fuel and high-level radioactive waste stored at independent spent fuel storage installations, monitored-retrievable storage installations, and geologic repository operations areas. The action was necessary to amend the inappropriate placement of surveillance/assessment and illumination systems within the requirement for tamper indication and line supervision. The only anticipated impact of this rulemaking is to eliminate an unnecessary and inadvertently placed requirement on affected licensees. A companion proposed rule was issued concurrently with the direct final rule for a 30-day public comment period. No comment were received. The direct final rule and the original final rule became effective on November 12, 1998.

**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 resulting from the proposed rulemaking.

**RECOMMENDATION TO PROCEED--** Yes. The direct final rulemaking was sent for office review and comment on July 30, 1998. The direct final rulemaking was sent to the EDO for approval in August 1998. The direct final rulemaking was approved for publication in the Federal Register by EDO on August 26, 1998. The direct final rulemaking was sent to ADM for publication in the Federal Register in September 1998. The direct proposed



rulemaking was published for comment in the Federal Register on September 16, 1998 (63 FR 49413). The direct final rulemaking was published in the Federal Register on September 16, 1998 (63 FR 49505).

**STAFF RESOURCES**— Total FTE = 0.50: NMSS = 0.38; ADM = 0.05; OGC = 0.05  
CIO = 0.01; CFO = 0.01

**NRR-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 has been resolved by incorporating it into the proposed rulemaking Quality Assurance Programs, Part 50 (see RM#523, NRR-C1HP-56 and RIN 3150-AG20).

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

Federal Register Citation: November 27, 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. The denial of the petition, SECY-97-245, was sent to the Commission for approval on October 23, 1997. Commission paper, SECY-98-061, provided staff options for resolving petitions for rulemaking PRM-50-63 and 50-63A relating to prophylactic use of KI. The Commission SRM on SECY-98-061, dated June 26, 1998, disapproved the staff's recommendation to deny the petitions for rulemaking and approved option 1, which was to proceed with a rulemaking to change 10 CFR 50.47(b). The petition for rulemaking has been resolved by incorporating it into the proposed rulemaking on the Use of Potassium Iodide (KI) by the General Public After a Severe Accident at a Nuclear Power Plant, Part 50 (see RM#524-C1HP-52 and RIN 3150-AG11).

**NRR-C4A-27 PRM-50-63A Petitioner/Petition Docket Number: Peter G. Crane--RM#472--W#970193**

Federal Register Citation: December 17, 1997 (62 FR 66038)

Subject: Emergency Planning

The petitioner requested that the Commission amend its regulations concerning emergency planning to include a requirement that a range of emergency planning protective actions be developed to include sheltering, evacuation, and the prophylactic use of potassium iodide, which prevents thyroid cancer after nuclear accidents. The petitioner's suggested amendment would specifically mention several appropriate protective actions, including the prophylactic use of potassium iodide. In the amendment to the petition, the petitioner requested that the regulations be amended to consider the evacuation, sheltering and the prophylactic use of potassium iodide, as appropriate, in developing a range of protective actions for emergency workers and the public. Commission paper, SECY-98-061, provided staff options for resolving petitions for rulemaking PRM-50-63 and 50-63A relating to prophylactic use of KI. The Commission SRM on SECY-98-061, dated June 26, 1998, disapproved the staff's recommendation to deny the

petitions for rulemaking and approved option 1, which was to proceed with a rulemaking to change 10 CFR 50.47(b). The petition for rulemaking has been resolved by incorporating it into the proposed rulemaking Use of Potassium Iodide (KI) by the General Public After a Severe Accident at a Nuclear Power Plant, Part 50 (see RM#524-C1HP-52 and RIN 3150-AG11).

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

**OBJECTIVE--** The proposed rulemaking would have eliminated 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 (NWPAA) 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 was not cost beneficial to proceed.

**RECOMMENDATION TO PROCEED--** No. NMSS agrees that this rulemaking effort has been incorporated into C1HP-44, RM #513 and is no longer needed. Accordingly, this rulemaking effort has been terminated (dropped). Because the NRC is developing site-specific disposal regulations for Yucca Mountain, Nevada, consistent with the Energy Policy Act of 1992 (EPAA), the proposed rule is being withdrawn. The Federal Register withdrawal notice was sent for office review and comment on October 21, 1998. The rulemaking withdrawal notice was sent to the Federal Register for publication on November 19, 1998. The rulemaking withdrawal notice was published in the Federal Register on December 2, 1998 (63 FR 66498).

**NMSS-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 (ANPR) 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 ANPR. These comments were considered in the development of rulemaking plans. The ANPR suggested that a two-step rulemaking may be initiated starting with a simple rulemaking 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. The ANPRM solicited comments and recommendations from interested parties on issues that were to be considered in the proposed rulemaking and a subsequent rulemaking, if needed. However, the comments received in response to this request did not provide any significant new information on the issues associated with the contemplated rulemaking. The NRC believes that additional information concerning the distribution of source material is needed

before it is able to proceed with a rulemaking in this area. The NRC is performing the necessary research and evaluating additional sources of information to determine the best approach to address these issues in a proposed rulemaking. Therefore, pending completion of this research and the development of the required information, the ANPRM is being withdrawn. The Federal Register withdrawal notice was sent for office review and comment on October 21, 1998. The rulemaking withdrawal notice was sent to the Federal Register for publication on November 19, 1998. The rulemaking withdrawal notice was published in the Federal Register on December 14, 1998 (63 FR 68700).

**AEOD-C5-19 Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment, 10 CFR 50.76--RM#414--AF33--W#940180**

**OBJECTIVE--** The proposed rulemaking 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 rulemaking. The Commission SRM on SECY-95-215, dated October 24, 1995, approved publication of the proposed rulemaking for public comment. The proposed rulemaking 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). The Commission SRM on SECY-97-101, dated June 13, 1997, approved terminating the final rulemaking. The Commission has decided to accept industry's proposed alternative to the rule to voluntarily provide reliability and availability information for risk-significant systems and equipment and, therefore, withdraws this rulemaking. The Federal Register withdrawal notice was sent for office review and comment on October 21, 1998. The rulemaking withdrawal notice was sent to the Federal Register for publication on November 19, 1998. The rulemaking withdrawal notice was published in the Federal Register on December 2, 1998 (63 FR 66497).

**NRR-C5-28 Steam Generators--RM#394--AF04--W#940048**

**OBJECTIVE--** The steam generator rulemaking 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 rulemaking 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 rulemaking 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: rulemaking will implement better inspection techniques--safety enhancement; rulemaking will implement more restrictive leakage limits--safety enhancement; rulemaking will implement a more flexible framework providing incentives for using better NDE technology--safety enhancement; and rulemaking will reduce regulatory uncertainty that results from the current ad hoc approach.

**Recommendations to Proceed--** No. The Commission SRM on COMSECY-97-013 approved terminating the proposed rulemaking. A generic letter will be issued instead of a rulemaking action. Because the NRC has concluded that the regulatory objectives set forth for this effort can be achieved by equally effective regulatory alternatives, the ANPR is being withdrawn. The Federal Register withdrawal notice was sent for office review and comment on October 21, 1998. The rulemaking withdrawal notice was sent to the Federal Register for publication on November 19, 1998. The rulemaking withdrawal notice was published in the Federal Register on December 2, 1998 (63 FR 66496).

#### **NMSS-C5-34 Requirements for Possession of Industrial Devices Containing Byproduct Material, Parts 31 and 32--RM#81--AD34--W#890090**

**OBJECTIVE--** The proposed rulemaking 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 rulemaking 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. It 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. The rulemaking 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 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--** No. The Commission SRM on SECY-97-273, dated April 15, 1998, directed the staff to terminate the proposed rulemaking. However, the Commission approved development of the proposed rulemaking using a portion of this rulemaking. That portion is being incorporated into C1HP-46--RM#519. The rulemaking withdrawal notice was sent for office review and comment on July 29, 1998. The rulemaking withdrawal notice was sent to the EDO for approval on August 12, 1998. The rulemaking withdrawal notice, SECY-98-199, was sent to the Commission for approval on August 20, 1998. The Commission SRM on SECY-98-199, dated October 23, 1998, approved publication of the rulemaking withdrawal notice in the Federal Register. The withdrawal notice was sent to ADM for publication in the Federal Register on November 19, 1998. The rulemaking withdrawal notice was published in the Federal Register on December 2, 1998 (63 FR 66492).

**NMSS-C5-35 Requirements Concerning the Accessible Air Gap for Generally Licensed Devices, Parts 31 and 32--RM#264--AD82--W#900192**

**OBJECTIVE--** The proposed rulemaking 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 rulemaking will affect devices with an accessible air gap or radiation levels that exceed a specified value. This rulemaking 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 rulemaking 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--** No. The staff believes that the rulemaking should not proceed. In addition, this initiative will be reevaluated after completion of risk assessment of nuclear byproduct materials licensees. The Federal Register withdrawal notice was sent for office review and comment on October 21, 1998. The Federal Register withdrawal notice was resent for OGC review and comment on November 27, 1998. The rulemaking withdrawal notice was sent to the Federal Register for publication on January 8, 1999. The rulemaking withdrawal notice will be published in the Federal Register in January 1999.

Summary of Rulemaking Activity Plan Actions

Key for Rule Type

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

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

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

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

CATEGORY I, ACTIVE RULES, IN DEVELOPMENT/BEING COMPLETED

Higher Priority

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1HP-08	NMSS	Rad. Criteria for Uranium Recovery Termination, Part 20	#211a	NONE	971210	1b
						COMMISSION SRM ON SECY-98-084 APPROVED ALTERNATIVE #3 FOR FINAL RULE ON 8/11/98
C1HP-11	NRR	ISI/IST Risk Focus, 10 CFR 50.55a	#318	AE26	960100	1b
C1HP-26	NRR	Initial Operator License Exam Requirements, Part 55	#484	AF62	950056	1b
						THE FINAL RULEMAKING WAS SENT FOR COMMISSION APPROVAL ON 11/13/98, SECY-98-266
C1HP-29	NRR	Financial Protection Requirements for Permanently Shutdown Reactors (PRM-50-57)	#312	AF79	930116	1b
						PROPOSED RULEMAKING WAS REPUBLISHED FOR COMMENT ON 9/23/98 (63 FR 50815)
C1HP-30	NRR	FFD Part 26 (General Relax.),	#397	AF12	890042	1b
C1HP-32	NRR	Revise Respiratory Protection Requirements	#269	AF81	970194	1b
						PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 7/17/98 (63 FR 38511)

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1HP-35	NMSS	Part 70 Revisions	#351	AF22	940010	1b
					COMMISSION SRM ON SECY-98-185 DATED 12/1/98 DISAPPROVED PROPOSED RULEMAKING	
C1HP-37	NMSS	Major Revision to Part 35	#497	AF74	970065	1b
					PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 8/13/98 (63 FR 43516)	
C1HP-40	NMSS	Certification Amendment Process Part 76	#499	AF85	970255	1b
					PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 9/15/98 (63 FR 49301)	
C1HP-41	NMSS	Expand Applicability to Include Additional Parties, Part 72	#439	AF93	9601601b	
					PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 7/23/98 (63 FR 39526)	
C1HP-42	NRR	Monitoring the Effectiveness of Maintenance at NPP, 10 CFR 50.65 2	#509	AF95	NONE	1b
					PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 9/30/98 (63 FR 52201)	
C1HP-43	NRR	Changes, Tests, Experiments, Parts 50, 52, and 72, PRM-72-03	#506	AF94	970191	1b
					PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 10/21/98 (63 FR 56098)	
C1HP-44	NMSS	Yucca Mountain, Part 63	#513	AG04	980029	1a
					COMMISSION SRM ON SECY-98-225 DATED 1/12/99 APPROVED PROPOSED RULEMAKING	
C1HP-46	NMSS	Requirements for Possession of Industrial Devices, Part 31	#519	AG06	980070	1a
					PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 12/2/98 (63 FR 66492)	
C1HP-47	NMSS	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material, Parts Multi	#520	AG03	980071	1a
					THE PROPOSED RULEMAKING WAS SENT FOR OFFICE REVIEW AND COMMENT ON 12/15/98	
C1HP-48	NMSS	Eliminate 30-Day Delay In Loading Spent Fuel, 10 CFR 72.82(E)	#433	AG02	980076	1b
					PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 9/14/98 (63 FR 49046)	
C1HP-49	NRR	Event Reporting Requirements	#512	AF98	NONE	1b
					THE ANPR WAS PUBLISHED FOR COMMENT ON 7/23/98 (63 FR 39522)	
C1HP-50	NRR	Environmental Review for Renewal of	#508	AG05	980003	1b

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1HP-51	NMSS	NPR Operating Licenses 10 CFR 51.53 Energy Compensation Sources for Well Logging, Part 39	#440	AG14	980121	1b
C1HP-52	NRR	Potassium Iodide (KI), 10 CFR 50.47b	#524	AG11	NONE	1a
C1HP-53	NMSS	VECTRA Technologies, In. NUHOMS Dry Shielded Canister, Part 72	#518	AG19	NONE	1b
C1HP-54	NMSS	CoC for Holtec, Part 72	#529	AG17	980151	1b
C1HP-55	NMSS	CoC for Transnuclear, Part 72	#530	AG18	NONE	1b
C1HP-56	NRR	Quality Assurance Programs, Part 50 (PRM-50-62)	#523	AG20	NONE	1b
C1HP-57	NRR	EP Requirements for Defueled Reactors and Exercise Reqmts for Offsite EPs, App. E, Pt 50	#435	AF92	970230	1b
C1HP-58	NRR	Design Certification for AP600, Part 52	#504	AG23	920142D	1b



<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1HP-59	CFO	Revision of Fee Schedules: Fee Recovery; Parts 170, 171	#534	AG08	NONE	1c
			NEW RULE ADDED TO CATEGORY LISTING THE PROPOSED RULEMAKING WAS SENT FOR COMMISSION APPROVAL ON 12/98, SECY-98-260			
C1HP-60	NRR	Protection Against Discrete Radioactive Particles, Part 20	#164	NONE	900178	1b
			RULE CHANGED CATEGORY LISTING--C3HP-07 COMMISSION SRM ON SECY-98-245 DATED 12/23/98 APPROVED RULEMAKING PLAN			

Medium Priority

C1MP-18	NRR	Audit Frequency for Emergency Planning and Security, Part 50, (PRMs 50-59 and 50-60)	#413	AF63	960187	1b
C1MP-22	NMSS	Miscellaneous Changes, Part 72	#446	AF80	960162	1c
			PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 6/9/98 (63 FR 31364)			
C1MP-23	NRR	EP Requirements for Defueled Reactors and Exercise Reqmts for Offsite EPs, App. E, Pt 50	#435	AF92	970230	1b
			RULE CHANGED PRIORITY LISTING--C1HP-57			
C1MP-24	NRR	Codes and Standards, 10 CFR 50.55a(h)	#498	AF96	NONE	1b
			THE PROPOSED RULEMAKING WAS SENT FOR COMMISSION APPROVAL ON 12/18/98, SECY-98-294			
C1MP-25	ADM	Access to And Protection of Classified Information, Parts 10, 11, 25, and 95	#502	AF97	NONE	1c
			PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 8/3/98 (63 FR 41206)			
C1MP-31	NMSS	Geological and Seismological Char. of Storage, Part 72	#441	AG16	960161	1b
			RULE CHANGED CATEGORY LISTING--C3MP-13 RULEMAKING PLACED ON HOLD--C4B-29			
C1MP-32	NMSS	Clarifications and Addition of Flexibility to Part 72	#438	AG15	960159	1b
			RULE CHANGED CATEGORY LISTING--C3MP-12			

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C1MP-33	CIO	Availability of Public Records At NRC Public Document Rooms, Parts Multi	#528	AG07	NONE	1c
			COMMISSION SRM ON SECY-98-148 DATED 7/17/98 APPROVED THE RULEMAKING PLAN NEW RULE ADDED TO CATEGORY LISTING			
C1MP-34	NRR	Revised Source Term Use at Operating Reactors, Parts 50 and 100	#507	AG12	970025	1b
			RULE CHANGED CATEGORY LISTING--C3MP-31 THE PROPOSED RULEMAKING WAS SENT FOR EDO APPROVAL ON 12/3/98			
C1MP-35	NMSS	Application for Specific Licenses, Part 30	#527	AG13	NONE	1b
			NEW RULE ADDED TO CATEGORY LISTING			
C1MP-36	NRR	Fire Protection, Part 50, Appendix R	#532	AG22	980128	1b
			NEW RULE ADDED TO CATEGORY LISTING			
C1MP-37	NMSS	Allow Use of New Dosimetry Technology, Parts 20,34,36, and 39	#531	AG21	NONE	1a
			NEW RULE ADDED TO CATEGORY LISTING			
C1MP-38	NRR	Lessons Learned from Design Certification, Part 52	#505	AG24	970060	1b
			RULE CHANGED CATEGORY LISTING--C3MP-30 COMMISSION SRM ON SECY-98-282 DATED 1/14/99 APPROVED THE RULEMAKING PLAN			
<u>Lower Priority</u>						
C1LP-17	CIO	Submittal Procedures for Documents	#445	AF61	NONE	1c
C1LP-18	ADM	Acquisition Reg. (NRCAR) Part 48	#475	AF52	NONE	1c
			PROPOSED RULEMAKING WAS PUBLISHED FOR COMMENT ON 12/8/98 (63 FR 67725)			
C1LP-23	NMSS	Energy Compensation Sources for Well Logging, Part 39	#440	AG14	980121	1b
			RULE CHANGED PRIORITY LISTING--C1HP-51 COMMISSION SRM ON SECY-98-105 DATED 6/25/98 APPROVED THE RULEMAKING PLAN			

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
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**CATEGORY II, TECH. BASIS DEVELOPMENT - RULES/PETITIONS - MD 6.3 APPLIES TO SOME RULES**

**Higher Priority**

C2HP-04	NMSS	Criteria for Clearance of Material And Equipment, Part 20	#381	NONE	940059	1b
					COMMISSION SRM ON SECY-98-028 DATED 6/30/98 APPROVED OPTION 3, DOSE-BASED	
C2HP-05	NMSS	Release to Sanitary Sewage,	#288	AE90	940008	1a
C2HP-07	NMSS	Amend VSC-24 Certification	#390	NONE	NONE	1b

**Medium Priority**

C2MP-05	NMSS	Exemptions from Licensing Certain Products, Parts 30 and 32	#400	NONE	900208	1b
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**Lower Priority--NONE**

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

**Higher Priority**

C3HP-07	NRR	Protection Against Discrete Radioactive Particles, Part 20	#164	NONE	900178	1b
					RULE CHANGED CATEGORY LISTING--C1HP-60	
C3HP-09	NMSS	Update Decomm. Funding, Parts 30, 40, and 70	#243	NONE	NONE	1c
					RULE CHANGED PRIORITY LISTING--C3LP-07	
C3HP-13	NMSS	Energy Compensation Sources for Well Logging, Part 39	#440	AG14	NONE	1b
					RULE CHANGED CATEGORY LISTING--C1HP-51	
C3HP-20	NMSS	Radiography and Radiographic Equipment and ANSI N432, Part 34 Resolves PRM-34-05	#477	NONE	NONE	1b
					RULE CHANGED PRIORITY LISTING--C3LP-08	
C3HP-27	NMSS	Domestic Licensing of Uranium and Thorium Recovery Activities, Part 41	#503	NONE	NONE	1a

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C3HP-28	NRR	Design Certification for AP600, Part 52	#504	NONE	920142D	1b
C3HP-31	NMSS	Fissile Material Shipments and Exemptions, Part 71	#521	NONE	NONE	1a
C3HP-32	NRR	ECCS Evaluations Models, Part 50, Appendix K	#533	NONE	NONE	1b

Medium Priority

C3MP-06	NMSS	Special Nuclear Material Accountability, Parts 70, 74	#309	NONE	NONE	1b
C3MP-12	NMSS	Clarifications and Addition of Flexibility to Part 72	#438	AG15	960159	1b
C3MP-13	NMSS	Geological and Seismological Char. of Storage, Part 72	#441	AG16	960161	1b
C3MP-15	NMSS	Financial Assurance for Waste Brokers and Sealed Source Users	#480	NONE	NONE	1a
C3MP-18	NRR	Staffing and Training Requirements for Defueled Reactors, Parts 50 and 55	#444	NONE	NONE	1b
C3MP-19	NRR	Use of Alternate Cladding Materials In Reactors, Part 50	#449	NONE	NONE	1b
C3MP-26	NMSS	Compatibility with the IAEA Transportation Standards, Part 71	#496	NONE	NONE	1b
C3MP-30	NRR	Lessons Learned from Design Certification, Part 52	#505	NONE	970060	1b
C3MP-31	NRR	Revised Source Term Use at Operating Reactors, Parts 21 and 50	#507	AG12	970060	1b
C3MP-32	NMSS	VECTRA Technologies, In. NUHOMS Dry Shielded Canister, Part 72	#518	AG19	NONE	1b
C3MP-33	NMSS	Use of Exempt Sources in Devices 10 CFR Part 30.18	#526	NONE	NONE	1b
C3MP-34	NRR	Use of Simulators in Operating	#535	NONE	NONE	1c

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
		Licensing, 10 CFR 55.31 and 55.45				NEW RULE ADDED TO CATEGORY LISTING

Lower Priority

C3LP-07	NMSS	Update Decomm. Funding, Parts 30, 40, and 70	#243	NONE	NONE	1c
C3LP-08	NMSS	Radiography and Radiographic Equipment and ANSI N432, Part 34 Resolves PRM-34-05	#477	NONE	NONE	1b

CATEGORY IV, PETITIONS BEING RESOLVED/ACTIVITIES ON HOLD

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

C4A-07	NMSS	Petition for Rulemaking from Keith J. Schiager, Ph.D. PRM-20-21	#451	NONE	NONE	2
C4A-17	NMSS	Storage of Radioactive Waste, PRM-72-02#462	#462	NONE	NONE	2
C4A-18	NMSS	Training Requirements for a Rad Safety Officer (PRM-35-13)	#463	NONE	NONE	2
C4A-19	NMSS	Dry Cask Storage of Radioactive Waste (PRM-72-03)	#464	NONE	NONE	2
C4A-23	NMSS	Nuclear Material Licensees (PRM-30-61)	#468	NONE	NONE	2
C4A-25	NMSS	Nickel-Thoria Alloy Exemption PRM-40-26	#470	NONE	NONE	2
C4A-26	NMSS	Requirements for Plutonium Shipments, Part 71, PRM-71-12	#471	NONE	NONE	2

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C4A-28	NMSS	Independent Storage of Spent Nuclear Fuel in Dry Casks, Part 72, PRM-72-04	#473	NONE	NONE	2
C4A-29	NMSS	Radiation Safety Requirements, Part 61 PRM-36-01	#474	NONE	NONE	2
C4A-30	NRR	Potential Liability of Non-operating Co-owners of NPP, PRM-50-64	#461	NONE	NONE	2

**4B: Rulemakings On-Hold; Cannot be Further Worked Without Additional Information (not prioritized - rule action still needs to be decided)**

C4B-09	NRR	Rule on Living PRA for COLs Part 52	#411	NONE	940140	1b
C4B-15	NRR	Table S-3, S4 Revisions, Part 50	#116	AA31	910146	1c
C4B-19	NMSS	Transfer of Source or Byproduct Material, 10 CFR 40.51	#447	NONE	970365	1c
C4B-24	NRR	Revise Reporting Reqmts, Part 50	#387	NONE	940118	1b
C4B-26	NRR	Alternative Site Reviews, Part 50	#313	NONE	NONE	1
C4B-27	NMSS	Teletherapy Devices for Non-Human Irradiation, Part 36	#479	NONE	NONE	1b
C4B-28	NMSS	Spent Fuel Shipment Information Protection Requirements, Part 73	#501	NONE	NONE	1b
C4B-29	NMSS	Geological and Seismological Char. of Storage, Part 72	#441	AG16	960161	1b

**CATEGORY V, DROP FROM FURTHER CONSIDERATION**

C5-10	NRR	Criteria for ENO, Part 140	#51	AB01	810014	2
C5-11	NMSS	Conc. of SNM in Contam. Soils,	#409	NONE	NONE	2

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C5-38	RES/ NMSS	Storage of Greater Than Class C Waste, PRM-72-02, Part 72	#436	NONE	NONE	1b
C5-43	NRR	Shutdown and Spent Fuel Pool Operations, Part 50	#398	AE97	920223	1a
C5-46	NRR	Fire Protection for Reactors	#340	AF29	920197	1b

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

C1HP-28	NRR	NPP Decommissioning Financial Assurance, 10 CFR 50.2, 50.75	#424	AF41	950112	1b
C1HP-36	NRR	Criticality Monitor Requirement for Fresh Fuel, 10 CFR 70.24	#494	AF87	970237	1b
C1HP-45	NRR	Financial Protection Requirements and Indemnity Agreements, Part 140	#517	AG01	NONE	1c
C1MP-26	NMSS	Adoption of Part 20 Dosimetry Methodology for Part 72	#437	AF84	960158	1b
C1LP-05	NMSS	Minor Adm. Changes, Clarifying and Policy Changes, Parts 20, 32, 35, and 39	#402	AF46	NONE	1c
C1LP-20	NMSS	Clarification and Minor Corrections, Part 34	#516	AE07	NONE	1c
C1LP-21	NMSS	Transfer for Disposal and Manifests; Minor Conforming Amendment, Part 20	#522	AF99	NONE	1c
C1LP-22	NMSS	Physical Protection for Spent Nuclear Fuel and HLW, Part 73	#525	AG00	NONE	1C

<u>CAT NO.</u>	<u>OFFICE</u>	<u>TITLE</u>	<u>RM NO.</u>	<u>RIN NO.</u>	<u>WITS NO.</u>	<u>TYPE</u>
C4A-14	NRR	Quality Assurance Programs (PRM-50-62)	#459	NONE		NONE2
C4A-15	NRR	Stockpiling Potassium Iodide (PRM-50-63)	#460	NONE	970193	2
C4A-27	NRR	Stockpiling Potassium Iodide (PRM-50-63A)	#472	NONE	970193	2
C5-06	NMSS	Eliminate Inconsistencies VS NRC Regs and EPA HLW Stds, Part 60	#79	AC03	840171	2
C5-09	NMSS	Dist. of Source Byproduct Mat. Licensing, Part 32, 40-Phase I	#292	AE33	940069	2
C5-19	AEOD	Reliability Data Rule, 10 CFR 50.76	#414	AF33	940180	1b
C5-28	NRR	Steam Generator Rule	#394	AF04	940048	1b
C5-34	NMSS	Requirements for Possession of Industrial Devices, Parts 31 and 32	#81	AD34	890090	2
C5-35	NMSS	Air Gap for Generally Licensed Devices, Parts 31 and 32	#264	AD82	900192	2



**Regulatory Improvement in the Area of Exemptions Granted to Regulations**

**Category I- High Priority**

- o Emergency Planning Requirements for Defueled Reactors, 10 CFR 50.54(Q), Appendix E--RM#435--NRR-C1HP-57 ..... SEE PAGE CI-23

**Category III- Medium Priority**

- o Staffing and Training Requirements for Defueled Reactors, Part 50, 55--RM#444--NRR-C3MP-18 ..... SEE PAGE CIII-5
- o Use of Advanced Cladding Material in Light Water Reactor Fuel Designs, Part 50--RM#449--NRR-C3MP-19 ..... SEE PAGE CIII-6

**Category III- Low Priority**

- o Options for the Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--NMSS-C3LP-08 ..... SEE PAGE CIII-9

**Category IVB- On Hold**

- o Relief From the Use of Part 36 Requirements for Teletherapy Devices for Non-Human Irradiation, Part 36--RM#479--NMSS-C4B-27 ..... SEE PAGE CIVB-4

**Category V and VI- Terminated/Completed**

- o Performance-Oriented Requirements for  
Fire Protection of Nuclear Power Facilities,  
Part 50--RM#340--AF29--NRR-C5-46 ..... SEE PAGE CV-4
- o Exemption from Criticality Monitor Requirements  
for Fresh Fuel, 10 CFR 70.24--RM#494--AF87--NRR-C1HP-36 ..... SEE PAGE CVI-2

# **APPENDIX B**

## **Regulatory Improvement In Granting Generic Exemptions To Regulations**

**CURRENT AS OF JANUARY 15, 1999**

**APPENDIX B**  
**ATTACHMENT 1**

**EXEMPTIONS RECEIVED**  
**BY NRR AS OF DECEMBER 1998**

**APPENDIX B**  
**ATTACHMENT 2**

**EXEMPTIONS RECEIVED**  
**BY NMSS AS OF DECEMBER 1998**

# **APPENDIX A**

# **APPENDIX C**

**RISK-INFORMED, PERFORMANCE-BASED**

**AND**

**RISK-INFORMED, LESS PRESCRIPTIVE**

**REGULATIONS**

**CURRENT AS OF JANUARY 15, 1999**

## **RRG ANALYSIS, METHODOLOGY, and RESULTS**

At the present time, the majority of the rules under development reduce burden. The majority of these rulemakings are ranked high priority. Currently, there are 38 rulemakings actively being developed by the staff. Of these active rules, 29 (76%) reduce burden. Of these 29 burden reducing rulemakings, 23 (80%) are already prioritized in the rulemaking activity plan (RAP) as high priority. The remaining 6 rulemakings are ranked medium priority because they do not produce a significantly large enough cost savings to either the NRC or its licensees to warrant a high-priority ranking. The percentage of rules that reduce burden, as identified above, has not changed significantly over the past several years; this percentage is expected to remain the same over the next several years.

In its April 15, 1997, Staff Requirement Memorandums (SRM) on DSI-12, "Risk-Informed, Performance-Based Regulation" (COMSECY-96-061), the Commission directed the staff to "build on the Regulatory Review Group's (RRG) results ... with a more focused assessment of those regulations which are amenable to a risk-informed, performance-based or a risk-informed less prescriptive approach." In two other SRM's on the RAP, the Commission reiterated its desire for the staff to take a "fresh look at the RRG results." Appendix C to the RAP was the staff's response to this direction. It was created based on a review of each of the RRG topic areas.

The following is a brief summary of the staff's implementation of the RRG's recommendations and the staff's methodology used to build on the RRG's results with a more directed assessment towards risk-informed regulations. The following actions were taken:

- SECY-94-003 dated, January 7, 1994, provided the plan for the implementation of the RRG recommendations. The RRG had 71 topic areas to resolve (items 1 through 66 and items A to E). Status reports on RRG implementation were provided to the Commission periodically, the last one dated February 2, 1996 (SECY-96-024). At that time, 42 of the 71 RRG topic areas (TA's) had been completed, and 29 of the 71 TA's were open. An analysis of the RRG topic areas included the following actions:
  - S Each completed or open topic area's subject matter was reviewed to determine whether it was associated with a regulatory Part in 10 CFR Chapter 1.
  - S The 10 CFR Parts were, in turn, reviewed to determine whether a new associated or related rulemaking was currently ongoing and listed in the RAP and whether this rulemaking would be amenable to risk-informed regulation.



- S Any 10 CFR rulemakings found listed in the RAP were added to Appendix C as a performance-based or less-prescriptive, risk-informed rulemaking.
- S Any 10 CFR rulemakings not found were added to the area in Appendix C that lists regulations which are amenable to a risk-informed approach.
- S For example: completed RRG TA#5 relates to 10 CFR Part 50.54(q), current rulemaking RM#435, "Emergency Planning Requirements for Defueled Reactors and Exercise Requirements for Offsite Emergency Plans--NRR-C1MP-23." It is associated with this part and was added to the list. RRG TA#26 relates to probabilistic risk assessment (PRA), current rulemaking RM#411, "Rulemaking on Probabilistic Risk Assessment, NRR--C4B-09." It is associated with PRA and was added to the list. RRG TA#s 15 and 16 relate to 10 CFR Part 73; however, no current rulemaking was found. Therefore, Part 73 was added to the amenable list. RRG TA#s 6, 9, 17, 21 and others do not relate to any 10 CFR citation and were disregarded.
- S This methodology was applied to the 42 previously completed TA's, the TA's subsequently completed to date, and the RRG TA's that have not yet been completed, as indicated below.

- In November 1996, NRR issued a tasking memorandum assigning organizational (office/division/branch) responsibility for completing the remaining RRG topic areas. At that time, 6 additional RRG items plus three subtask items had been completed since SECY-96-024 was issued in January 1996.
- Of the remaining 23 TA's, 8 have been completed as of June 1998.
- The remaining 15 RRG TA's are in various stages of development, ranging from a scheduled completion in FY 1999, to long-term development of rulemakings for Quality Assurance Program, Fire Protection and others.
- The status of ongoing RRG items not yet completed are provided below.
- Rulemakings were also added to Appendix C, even though they were not associated with an RRG item, in those cases where the individual rulemaking plan was approved by a Commission SRM that directed the staff to use a risk-informed approach.

- In keeping with the Commission's overall policy that new rulemakings, to the extent practicable, should be developed using a risk-informed, performance-based or less-prescriptive approach, the remaining rulemakings listed in the RAP were reviewed to identify those that should also be included in Appendix C.

**REMAINING RRG ACTIONS ITEMS TO BE COMPLETED  
(As of December 1998)**

<b>Topic Area Item</b>	<b>Actions to be Completed.</b>
<b><u>3 10 CFR 50.54(a), QA program changes</u></b>	
(1) Disposition NEI rulemaking petition for changes to 50.54(a)	ONGOING-The direct final rule was sent to the Commission, SECY-98-279, for approval on November 30, 1998. Rulemaking change will resolve NEI's 10 CFR 50.54(a) petition. A second rule will follow.
(2) Consider the need for guidance on implementing 50.54(a) in conjunction with completion of Topic Area 1	ONGOING-Same as (1) above
<b><u>7 Define "commitment" and implement a change process for commitments</u></b>	
(1) Provide training sessions on managing commitments to resident inspectors, project managers, other inspectors and technical staff (from SECY-95-300 and SECY-96-024)	ONGOING-Nearly completed A Commission paper was sent to EDO for approval that addresses "commitment management." This Paper endorses an NEI document (Considered the industry standard)
(2) Modify inspection procedures regarding inspection follow-up of licensee corrective actions and implementation of commitments (from SECY-95-300 and SECY-96-024)	ONGOING-Same as item (1) above
(3) Evaluate the effectiveness of NEI's guideline and reassess the need to develop rulemaking after experience has been gained in the implementation of the guideline	ONGOING-Same as item (1) above

**18 Fitness-for-duty audit frequency**

Extend FFD program audit frequency (10 CFR 26.80(a)) based on performance from one year up to 3 years. (This topic area and Topic Area 19 are included in the general FFD rulemaking (10 CFR Part 26) currently under way)

ONGOING-Proposed rule published 5/9/96 61 FR 21105. Final rule to be completed in February 1999

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**Topic Area Item**

**Actions to be Completed.**

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**19 Fitness-for-duty performance data submittal**

Allow annual submittal of FFD performance data instead of semiannual submittals. (This topic area and Topic Area 18 are included in the general FFD rulemaking (10 CFR Part 26) currently under way)

ONGOING-Proposed rule published 5/9/96 61 FR 21105. Final rule to be completed in February 1999.

**22 Fire protection QA program**

Consider the need to endorse continued licensee use of QA in a graded manner for fire prevention and protection systems or whether changes need to be made based on implementation of graded QA guidance developed and issued under Topic Area 1

ONGOING-A regulatory guide for fire protection is under development per SECY-98-058; this guide will include graded QA guidance

**29 Use pilot studies when expanding application of PRA into regulatory areas where PRA has not been used to date**

As an integral part of staff efforts on targeted applications of PRA under the PRA Implementation

ONGOING-Completed pilot studies on graded QA, Tech Specs, & IST; Plan, continue using pilot studies ISI pilot studies will be completed in FY1999.

**30 Develop guidelines for licensee use of PRA in 10 CFR 50.59 reviews**

Consider the need to develop guidelines for use

ONGOING-See Topic Area 54,

of PRA in 50.59 reviews as part of the  
50.59 Action Plan

Response covered by item 4b in  
EDO memo to Chairman Jackson  
dated August 8, 1998

Topic Area Item	Actions to be Completed.
<b><u>33 Revise ASME Code requirements based on risk</u></b>	
(1) Continue development of risk-informed regulatory guides and SRP sections for ISI and IST†	ONGOING-Proposed rule published 12/3/97 62 FR 63892. Final rule to be completed in 12/99; Completed- IST Regulatory guide 1.175 was published in August 1998; Notice of availability published in the Federal Register on 9/11/98 63 FR 48771.
(2) Continue to build consensus in ASME code committees to revise the ASME codes governing ISI and IST based on risk-informed	ONGOING-Proposed rule published 12/3/97 62 FR 63892. Final rule to be completed in 12/99; Completed- techniques IST Regulatory guide 1.175 was published in August 1998; Notice of availability published in the Federal Register on 9/11/98 63 FR 48771.
(3) As appropriate, endorse future ASME Code revisions incorporating risk-informed ISI	ONGOING-Proposed rule published 12/3/97 62 FR 63892. Final rule to

and IST methods

be completed in 12/99; Completed-IST Regulatory guide 1.175 was published in August 1998; Notice of availability published in the Federal Register on 9/11/98 63 FR 48771.

**37 Rule changes to clarify applicability of 10 CFR Part 50 regulations, including 50.82, to permanently shut down reactor facilities**

Continue ongoing work to issue final rule changes

ONGOING-Two active and one planned rulemakings relate to shutdown reactors; RM#312 proposed rule will be republished 6/99; RM#435 proposed rule published 6/99; and RM#444 rule plan being developed (see Rulemaking Activity Plan).

†Since the issuance of the final RRG Implementation Plan status report (SECY-96-024, February 2, 1996), this task has been revised based on input from Chairman Jackson to the EDO dated January 3, 1996, to involve development of regulatory guides and Standard Review Plan sections in lieu of application guides.

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**Topic Area Item**

**Action to be Completed.**

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**38 Develop and issue new guidance regarding the post-shutdown activities report**

Prepare and implement an action plan addressing development and issuance of new guidance regarding the type of information to be included in the PSDAR

ONGOING-Draft regulatory guide DG-1067 was issued for comment in June 1997 and DG-1071 was issued for comment in December 1997; in FY 1999, expect to issue final guide.

**54 Control over material removed from Technical Specifications**

Review NSAC-125 and endorse or develop and promulgate staff guidance on 50.59 reviews separately, as appropriate:

- |  |   |
|--|---|
| (b) Long-term: Develop a detailed action plan addressing 50.59 implementation and related issues, by 4/96 (actions included therein to be completed within an 18-36 month window) (ref. memorandum on December 15, 1995, from the EDO to Chairman Jackson). Include consideration of using PRA in the 50.59 review process (see Topic Area 30) | ONGOING-See Topic Area 30, Response covered by item 4b in EDO memo to Chairman Jackson dated August 8, 1998; Completed-Tech Spec Reg guide 1.177 was published in August 1998; Notice of availability published in the Federal Register on 9/11/98 63 FR 48771. |
|--|---|

**59 Evaluate need for or frequency of all reporting requirements applicable to power reactor licensees**

- |   |   |
|---|---|
| (1) Complete interoffice review of requirements and develop recommendations | ONGOING-Commission's SRM on SECY-98-036 dated May 14, 1998 approved a proposed rulemaking on "Modification of Event Reporting Requirements for Power Reactors," and requested industry to identify additional requirements that could be eliminated; Some improvements That have been completed are listed In item (2) below. |
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<b>Topic Area Item</b>	<b>Actions to be Completed.</b>
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**59 Evaluate need for or frequency of all reporting requirements applicable to power reactor licensees (Continued)**

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|--------------------------------------|--|
| (2) Process recommended rule changes | ONGOING-Same as item (1) above Some improvements that have been completed include**; |
|--------------------------------------|--|
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\*\* Improvements in reactor reporting requirements, made subsequent to the RRG recommendations include Event reporting guidelines (1998), NUREG-1022, Rev. 1 clarified a number of reporting criteria and on balance, provided a small reduction in reporting burden; such as:

- Clarified systems for which ESF actuation reporting applies
- Eliminated reporting of single component actuation
- Provided for retraction of ENS reports
- Eliminated a number of ENS reports of insignificant reports made to other agencies

Monthly operating report (1997), Issued Generic Letter 97-02 that invited licensees to submit less information

**60 Decrease direct inspection effort by 10%**

- |  |   |
|--|---|
| (1) As an integral part of staff efforts on application of PRA to NRC inspections (PRA Implementation Plan Activity 1.3), continue to consider enhancing the use of PRA insights in the inspection process and consider in efforts to improve the distribution of inspection resources | ONGOING-Response covered by item 2a in EDO memo to Chairman Jackson dated August 8, 1998; also Graded QA inspection procedures will be issued for comment and published in final by the end of FY 1999. |
| (2) Continue to monitor the progress being made to reduce NRC's direct inspection effort (based on licensee performance and PRA insights) at power reactor facilities  | ONGOING-Same as item (1) above.   |

**E Regulatory guides for the revised 10 CFR Part 20**

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| Continue work to issue final revision to RG 8.13 | ONGOING-Nearly completed Office comments have been incorporated into final regulatory guide revision and should be published in FY 1999. |
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## RISK-INFORMED REGULATIONS

### Regulatory Risk-Informed, Performance-Based Regulations That Are Ongoing or Planned

Radiological Criteria for Uranium Recovery License Termination, Part 20--RM#211a--AD65--W#9711210--NMSS--C1HP-08 .....	CI-1
Insurance Requirements for Power Reactor Facilities Under a Possession Only License, Part 50--RM#312--AF79--NRR-C1HP-29 .....	CI-5
Revision of Respiratory Protection Requirements, Part 20--RM#269--AF81--NRR-C1HP-32 .....	CI-7
Domestic Licensing of Special Nuclear Material-Revision, Part 70--RM#351--AF22--NMSS-C1HP-35 .....	CI-7
Major Revision to Part 35, Medical Use of Byproduct Material--RM#497--AF74--NMSS-C1HP-37 .....	CI-8
Yucca Mountain, Part 63--RM#513--NMSS-C1HP-44 .....	CI-13
Emergency Planning Requirements for Defueled Reactors and Exercise Requirements for Offsite Emergency Plans Appendix E, 10 CFR 50.54(Q)--RM#435--AF92--W#970230--NRR-C1HP-57 .....	CI-23
Audit Frequency for Emergency Planning and Security, Part 50, PRM-50-59, PRM-50-60--RM#413--AF63--NRR-C1MP-18 .....	CI-27
Determination of Exclusion Area, Low Population Zone, and Population Center Distance, 10 CFR 100.11 and Control Room,	

Part 50 (Appendix A, GDC 19)--RM#507--NRR-C1MP-33 .....	CI-31
Application for Specific Licenses, Part 30--RM #527--AG13--NMSS-C1MP-35 .....	CI-32
Allow Use of Personnel Dosimeters That are Processed Using a New Dosimeter Readout Technology, Parts 20, 34, 36, and 39--RM#531--AG21--NMSS-C1MP-37 .....	CI-34
Criteria for Clearance of Materials and Equipment--RM#381--NMSS-C2HP-04 .....	CII-1
Exemption from Licensing of Certain Products, Parts 30, 32--RM#400--NMSS-C2MP-05 .....	CII-1
Development of a Stand-Alone Regulation for Uranium Milling and Milling Facilities, Part 41--RM#503--NMSS-C3HP-27 .....	CIII-1
ECCS Evaluations Models, Part 50, Appendix K--#533--NRR-C3HP-32 .....	CII-1
Special Nuclear Material Accountability, Parts 70, 74--RM#309--NMSS-C3MP-06 .....	CIII-4
Staffing and Training Requirements for Defueled Reactors, Part 50, 55--RM#444--NRR-C3MP-18 .....	CIII-5
Use of Exempt Sources in Devices, 10 CFR Part 30.18--RM#526--NMSS-C3MP-33 .....	CIII-7
Rulemaking on Probabilistic Risk Assessment, Part 52--RM#411--NRR--C4B-09 .....	CIVB-1

Transfer of Unimportant Quantities of Source or Byproduct Material to Exempt Persons, 10 CFR 40.51--RM#447--NMSS-C4B-19 .....	CIVB-2
Reduction of Additional Reporting Requirements Imposed on NRC Licensees (10 CFR 50), RRGR Item 59a--RM#387--NRR-C4B-24 .....	CIVB-3
Alternative Site Reviews, Part 50--RM#313--NRR-C4B-26 .....	CIVB-3

**Regulatory Risk-Informed, Less Prescriptive Regulations That Are Ongoing or Planned**

Amending Initial Operator License Examination Requirements, Part 55--RM#484--AF62--NRR-C1HP-26 .....	CI-3
Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants, 10 CFR 50.65--RM#509--AF95--NRR-CIHP-42 .....	CI-12
Revision to 10 CFR 50.59; Changes, Tests, and Experiments--RM#506--NRR-C1HP-43 .....	CI-12
Elimination of 30-Day Delay In Loading Spent Fuel After Preoperational Testing, 10 CFR 72.82(E)--RM#433--NMSS-C1HP-48 .....	CI-16
Modification to Event Reporting Requirements for Power Reactors; Immediate Notification Requirements for Operating NPR, 10 CFR 50.72 and Licensee Event Report System, 10 CFR 50.73-- RM#512--AEOD-C1HP-49 .....	CI-17

Transportation of High Level Waste for Category I Material, 10 CFR 51.53--RM#508--NRR-C1HP-50 .....	CI-18
Use of Potassium Iodide (KI) By the General Public After A Severe Accident At A Nuclear Power Plant, Part 50--RM #524--AG11--W#9700193--NRR-C1HP-52 .....	CI-19
Quality Assurance Programs, Part 50--RM#523--AG20--NRR-C1HP-56 .....	CI-22
Protection Against Discrete Radioactive Particles, Part 20--RM#164--NRR-C1HP-60 .....	CI-25
Codes and Standards, Part 50--RM#498--AF73--NRR-C1MP-24 .....	CI-28
Fire Protection; Elimination of Requirement for Non-Combustible Penetration Seal Material and Other Minor Changes, Part 50, Appendix R--RM#532--AG22--NRR-C1MP-36 .....	CI-33
Energy Compensation Sources for Well Logging, Part 39--RM#440--NMSS-C1LP-51 .....	CI-37
Fissile Material Shipments And Exemptions, Part 71--RM#521--NMSS-C3HP-31 .....	CIII-2
Compatibility with the IAEA Transportation Standards, Part 71--RM#496--NMSS-C3MP-26 .....	CIII-6
Options for the Use of Radiography and Radiographic Equipment and ANSI N432, Part 34--RM#477--NMSS-C3LP-08 .....	CIII-9

Relief from Use of Part 35 Requirements for Teletherapy Devices  
for Non-Human Irradiation, Part 36--RM#479--NMSS-C4B-27 ..... CIVB-4

Geological and Seismological Characteristics of Spent Fuel  
Storage Systems, (PRM-72-03) Part 72--RM#441--NMSS-C4B-29 ..... CIVB-5

**Areas Which Are Amenable to Risk-Informed, Performance-Based or Risk-Informed, Less Prescriptive Approaches in Future Changes to Regulations, But Are Not Associated With An Ongoing or Planned Rule Change Now**

- o Revisions to 10 CFR Part 73, Security Requirements
- o Significant Revisions to 10 CFR Part 20
- o Regulation Changes Pertaining to Part 50, Motor Operated Valves
- o Revisions Associated With Graded Quality Assurance
- o Revision to Part 50, Maintenance Rule

## EXAMPLES

### **NRR-C1HP-29 Financial Protection Requirements for Permanently Shutdown Nuclear Power Plants, Parts 50 and 140--RM#312--AF79--W#930116**

**OBJECTIVE--** The final rulemaking will amend the Commission's regulations regarding adjustment of onsite and offsite insurance coverage for specified reactor configurations during permanent plant shutdown. The current regulations do not take into account the reduced risk associated with permanently shutdown plants. In addition, the rulemaking will respond to petitions for rulemaking (PRMs 50-57).

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

**RISK-INFORMED REGULATION--** Rulemaking uses a performance-based approach.

**COST/BENEFIT--** The staff believes that the change would reduce NRC burden and licensee costs in the review of licensee submittals for determining appropriate licensee exemptions or relief from insurance coverage from regulatory requirements during permanent shutdown nuclear plants based on specified reactor 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 April 25 1996. The rulemaking plan was sent to the EDO for approval on August 6, 1996. After additional technical basis were developed to support the rulemaking, the rulemaking plan was resent to the EDO for approval on December 6, 1996. The rulemaking plan, SECY-96-256, was sent to the Commission for approval on December 17, 1996. The Commission SRM on SECY-96-256, dated January 28, 1997, approved the rulemaking plan. The proposed rulemaking was sent for office review on June 17, 1997. The proposed rulemaking was sent to the EDO for approval on August 1, 1997. The Commission SRM on SECY-97-186, dated October 6, 1997, approved the proposed rulemaking. The proposed rulemaking was sent to ADM for publication on October 14, 1997. The proposed rulemaking was published for public comment in the Federal Register on October 30, 1997 (62 FR 58690). NEI submitted late comments on April 17, 1998. The proposed rulemaking was republished for public comment in the Federal Register on September 23, 1998 (63 FR 50815).

**STAFF RESOURCES --** Total FTE = 0.73: NRR = 0.65; OGC = 0.03; ADM = 0.035;  
CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to Commission September 1998

**NRR-C1HP-26 Amending Initial Operator License Examination Requirements,  
Part 55--RM#484--AF62--W#950056**

**OBJECTIVE--** The proposed rulemaking change would revise 10 CFR 55 to require that power reactor facility licensees prepare, proctor, and grade the written licensing examinations and prepare the operating tests that are given to reactor operators and senior reactor operators. Evaluations of the pilot program have indicated that with experience licensees can do an adequate job of preparing, proctoring, and grading these examinations. However, based on the public comments received in response to the proposed rulemaking and the frequency of security incidents during the pilot program, the NRC has decided also to amend 10 CFR 55.49 as part of the final rulemaking change to clarify its intent and to require facility licensees to establish, implement, and maintain procedures to ensure examination security and integrity. The NRC has an obligation to prescribe uniform conditions for licensing operators and senior operators; therefore, it expects licensees to use the examination criteria and methods published in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," or to obtain NRC approval to use alternative criteria or methods.

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

**RISK-INFORMED REGULATION--** Rulemaking uses a less-prescriptive approach

**COST/BENEFIT--** A qualitative regulatory analysis was included with the proposed rulemaking. The pilot examination results and industry response to the proposed analysis indicate that the rulemaking change and the revised examination process have the potential (but are not guaranteed) to save licensee resources.

**RECOMMENDATION TO PROCEED--** Yes. The staff believes that the rulemaking should continue. The final rulemaking plan was sent for office concurrence on August 26, 1996. The final rulemaking plan was sent to the EDO for approval on September 9, 1996. The final rulemaking plan was sent to the Commission, SECY-96-206, for approval on September 25, 1996. The 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 March 4, 1997. The proposed rulemaking was sent to the EDO for approval on March 26, 1997. The proposed rulemaking was sent to the Commission, SECY-97-079, for approval on April 8, 1997. The 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 July 25, 1997. The proposed rulemaking was published for public comment in the Federal Register on August 7, 1997 (62 FR 42426). The public comment period closed on October 21, 1997; a total of 13 comment letters were received. The ACRS was briefed on the final rulemaking on May 1, 1998.

**STAFF RESOURCES--** Total FTE = 0.85: NRR = 0.75; OGC = 0.05; ADM = 0.035;  
CIO = 0.005; CFO = 0.005

**TARGET COMPLETION DATE--** Final Rule to Commission July 1998

**NMSS-C1MP-22 Miscellaneous Changes, Part 72--RM#446--AF80--W#960162**

**OBJECTIVE--** The proposed rulemaking would correct a number of inconsistencies and clarify the applicability of several sections of Part 72. 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**

**RISK-INFORMED REGULATION--** Not a risk-informed rulemaking

**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 to the EDO for approval on March 6, 1997. The Commission SRM on SECY-97-069, dated April 24, 1997, approved the rulemaking plan. The proposed rulemaking was sent for office review and comment on January 29, 1998. The proposed rulemaking was sent to the EDO for approval on February 20, 1998. The proposed rulemaking, SECY-98-033, was sent to the Commission for approval on February 26, 1998. The Commission SRM on SECY-98-033, dated May 8, 1998, approved publication of the proposed rulemaking. The proposed rulemaking was sent to ADM for publication in the Federal Register on May 27, 1998. The proposed rulemaking was published for public comment in the Federal Register on June 9, 1998 (63 FR 31364).

**STAFF RESOURCES --** Total FTE = 0.79: NMSS = 0.65; OGC = 0.02; SP = 0.015  
ADM = 0.07; CIO = 0.015, CFO = 0.015

**TARGET COMPLETION DATE--** Final Rule to Commission February 1999