
NRC Regulatory Agenda

Quarterly Report
July-September 1985

**U.S. Nuclear Regulatory
Commission**

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Quarterly Report
July-September 1985

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Office of Administration
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Preface

The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has proposed, or is considering action as well as those on which it has recently completed action, and all petitions for rulemaking which have been received and are pending disposition by the Commission.

Organization of the Agenda

The agenda consists of two sections. Section I, "Rules" includes: (A) Rules on which final action has been taken since June 30, 1985, the closing date of the last NRC Regulatory Agenda, (B) Rules published previously as proposed rules on which the Commission has not taken final action, (C) Rules published as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) Unpublished rules on which the NRC expects to take action.

Section II, "Petitions for Rulemaking" includes: (A) Petitions denied or incorporated into final rules since June 30, 1985, (B) Petitions incorporated into proposed rules, (C) Petitions pending staff review, and (D) Petitions with deferred action.

In Section I of the Agenda, the rules are ordered from lowest to highest part within Title 10 Code of Federal Regulations (10 CFR). If more than one rule appears under the same part, the rules are arranged within the part by date of most recent publication. If a rule amends multiple parts, the rule is listed under the lowest affected part. In Section II of the Agenda, the petitions are ordered from lowest to highest part of 10 CFR and are identified with a petition for rulemaking (PRM) number. If more than one petition appears under the same CFR part, the petitions are arranged by PRM numbers in consecutive order within the part of 10 CFR.

The status and information included in Sections I and II of this agenda have been updated through September 30, 1985. The dates listed under the heading "Timetable" for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff. They are included for planning purposes only. This Regulatory Agenda is published to provide increased notice and public participation in the rulemaking proceedings included on the Agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) was enacted to encourage Federal agencies to consider, consistent with their enabling legislation, regulatory and informational requirements appropriate to the sizes of the businesses, organizations, and governmental jurisdictions subject to regulations. The Act requires that NRC consider modifying or tiering those rules which have a significant economic impact upon a substantial number of small entities in a way which considers the particular needs of small

businesses or other small entities, while at the same time assuring that the public health and safety and the common defense and security are adequately protected. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact upon a substantial number of small entities. If the rule will not have this impact, the head of the agency must so certify in the rule, and the analysis need not be prepared.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations (EDO) initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified as indicated below. As additional rules receive EDO approval, they will be identified in subsequent editions of this agenda. Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal.

Symbols

Rules that appear on the agenda for the first time are identified by an asterisk "*". Rules that have been approved by the EDO are identified by the symbol (+). This agenda contains no major rules as defined in Section 1(b) of Executive Order 12291.

Public Participation in Rulemaking

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, NW., Washington, DC between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed on the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Single copies of this agenda may be purchased from the U.S. Government Printing Office (GPO) at a cost of \$6.00, payable in advance. Customers may call (202) 275-2060 or (202) 275-2171 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, D.C. 20013-7082.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7086, persons outside the Washington, DC metropolitan area may call toll-free: 800-368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "contact" for that rule.

(A) Rules on which final action has been taken since June 30, 1985

A

TITLE:

Minor Clarifying Amendment: Definitions

CFR CITATION:

10 CFR 1; 10 CFR 20; 10 CFR 50

ABSTRACT:

The final rule amends the NRC's regulations pertaining to the domestic licensing of production and utilization facilities in order to rearrange the definitions section, which is currently arranged by alphabetical designators, into an undesignated alphabetical listing. This rearrangement will be easier to locate, read, and amend. In addition, cross references to specific paragraphs in 10 CFR 50.2 are being revised in Parts 1, 20, and 50 to reflect the removal of designated paragraphs. This amendment does not alter the contents of any definition.

TIMETABLE:

Final Action 08/23/85 50 FR 34085
Final Action Effective 08/23/85 50 FR 34085

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John Philips
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-7086

TITLE:

Public Records; Freedom of Information Act; Granting Appeals

CFR CITATION:

10 CFR 9

ABSTRACT:

The final rule revises one section of the NRC's Freedom of Information Act (FOIA) regulations to provide that appeals from initial denials of requests for information under the FOIA shall be decided by the Secretary of the Commission, with the advice and concurrence of the Office of General Counsel, instead of being decided by the Commission. The Secretary will be required to consult with the Commission before granting an appeal. This rule will eliminate the necessity for SECY papers on FOIA Appeals, thus reducing OGC man-hours spent on FOIA Appeals. The rule should not affect the public in any way. There is no alternative to rulemaking for addressing this issue.

TIMETABLE:

Final Action 07/02/85 50 FR 27214
Final Action Effective 07/02/85

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841; 5 USC 552

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Theresa W. Hajost
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-1493

TITLE:

Production or Disclosure in Response to Subpoenas or Demands of
Courts or Other Authorities

CFR CITATION:

10 CFR 9

ABSTRACT:

The final rule adds Subpart D to 10 CFR Part 9 to prescribe procedures with respect to the production of documents or disclosure of information in response to subpoenas or demands of courts or other judicial or quasi-judicial authorities in state and Federal proceedings. The final rule clarifies the procedures to be followed by Commission employees in responding to demands for testimony, information, or documents and ensures that the responsibility for determining the response to the demands is placed on the appropriate Commission official. The rule also allows the Office of General Counsel more control over Commission information and documents subpoenaed in litigation to which the NRC is not a party. There is no alternative to rulemaking for this issue. This rule requires those who seek to use current or former NRC employees in their litigation to submit certain information to the NRC; however, the Commission has decided that this slight inconvenience is warranted in these circumstances.

TIMETABLE:

NPRM 07/10/84 49 FR 28012
NPRM Comment Period Begin 07/10/84 49 FR 28012
NPRM Comment Period End 08/09/84
Final Action 09/17/85 50 FR 37642
Final Action Effective 10/17/85 50 FR 37642

LEGAL AUTHORITY:

42 U.S.C. 2102; 42 U.S.C. 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Theresa W. Hajost
Office of the General Counsel
Washington, DC 20555
202 634-1493

TITLE:

+Revised Criteria and Procedures for Determining Eligibility for
Access or Control Over Special Nuclear Material

CFR CITATION:

10 CFR 11

ABSTRACT:

The final rule amends the requirements for applications for initial access authorization and for their renewal by allowing utilization of information on file with the government on individuals who possess current active clearances based upon equivalent investigations. The final changes eliminate unnecessary duplication of administrative costs to licensees for individuals who possess comparable clearances and also eliminate certain NRC administrative costs. The objective of this rulemaking action is to provide an effective program for the Commission to grant special nuclear material access authorizations without imposing unnecessary administrative burdens on licensees. This can be achieved by effecting the foregoing changes to the existing rule, which will allow the Commission to grandfather certain cleared licensee employees into the program and to accept application forms and investigative data provided by other Federal agencies, thereby eliminating the \$1580.00 investigation fee.

TIMETABLE:

Final Rule for Division Review 05/00/85
Office Concurrence on Final Rule Completed 07/00/85
Final Rule Package to EDO 08/00/85
Final Rule Published 09/27/85 50 FR 39076
Final Rule Effective 10/28/85 50 FR 39076

LEGAL AUTHORITY:

42 USC 2201(i); 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Russel R. Rentschler
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4761

TITLE:

+ Access to and Protection of National Security Information and
Restricted Data

CFR CITATION:

10 CFR 25; 10 CFR 95

ABSTRACT:

The final rule incorporates a recently approved exception to the personnel security background investigation requirement for access to Communications Security (COMSEC) information, provides a procedure for affected licensees to obtain NRC approval to effect any substantive changes to a licensee's security plan, and adopts several revisions that are strictly ministerial in nature. These actions will revise NRC's regulations to reflect current agency policy and practice and make clarifications to the regulations that past agency experience indicated are necessary.

TIMETABLE:

NPRM 03/13/85 50 FR 10064
NPRM Comment Period Begin 03/13/85
NPRM Comment Period End 05/13/85
FINAL RULE FOR DIVISION REVIEW 06/00/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 07/00/85
FINAL RULE PACKAGE TO EDO 08/00/85
FINAL ACTION 09/11/85 50 FR 36983
FINAL ACTION EFFECTIVE 10/11/85 50 FR 36983

LEGAL AUTHORITY:

42 USC 2165; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Richard A. Dopp
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-4124

TITLE:

Certification of Industrial Radiographers

CFR CITATION:

10 CFR 34

ABSTRACT:

The advance notice of proposed rulemaking would have required all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking sought comment on a proposal that would enable NRC to verify the effectiveness of this training, thereby assuring that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Following a series of public meetings, many comments were received. The thrust of the comments was that current training programs and examination procedures administered by licensees were adequate for determining the competence of individuals to be industrial radiographers. An ad hoc Radiography Steering Committee formed to improve radiation safety in the performance of industrial radiography agreed that the costs associated with a third party certification program would not result in significant benefits through a reduction of accidents that would not result in overexposures to individuals. Therefore the staff is recommending that the Commission terminate this rulemaking action.

TIMETABLE:

ANPRM 05/04/82 47 FR 19152

ANPRM Comment Period Begin 05/04/82 47 FR 19152

ANPRM Comment Period End 09/03/82

ANPRM Withdrawal 09/19/85 50 FR 38011

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Nathan Bassin

Office of Nuclear Material Safety and Safeguards

Washington, DC 20555

301 427-9027

TITLE:

+ Physician's Use of Radioactive Drugs

CFR CITATION:

10 CFR 35

ABSTRACT:

As new uses for FDA approved drugs are developed, the NRC is amending its regulations to provide physicians an exception from its requirement to use a radiopharmaceutical only for the methods of use listed on the package label. This rule will facilitate potentially beneficial new uses of approved drugs. The only alternative to the rulemaking was to amend individual licenses to authorize these new methods of use which would have consumed an inordinate amount of staff time. The final rule allows NRC licensed physicians to use certain currently available diagnostic radiopharmaceuticals for some recently developed methods of use that are not listed on the respective package labels.

TIMETABLE:

NPRM 04/22/85 50 FR 15752
NPRM Comment Period Begin 04/22/85
NPRM Comment Period End 05/22/85
FINAL RULE FOR DIVISION REVIEW 05/31/85
Final Action 09/10/85 50 FR 36866
Final Action Effective 09/10/85 50 FR 36866

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4108

TITLE:

Pressurized Thermal Shock

CFR CITATION:

10 CFR 50

ABSTRACT:

The final rule codifies the NRC staff's recommended near-term actions for protection against pressurized thermal shock (PTS) events. Specifically, the provisions of the final rule establishes screening criteria for axial and circumferential welds; require licensees with operating plants to submit data concerning their reactor vessels to the NRC staff for review; require certain licensees to submit an analysis and schedule for implementation of flux-reduction programs; and require certain licensees with operating pressurized water reactors (PWRs) to submit a PTS safety analysis to the NRC staff for review. The issue of pressurized thermal shock arises because in PWR's, transients and accidents can occur that result in severe overcooling (thermal shock) of the reactor pressure vessel concurrent with, or followed by, repressurization. In these PTS events, rapid cooling of the reactor vessel internal surface results in thermal stress with a maximum tensile stress at the inside surface of the vessel. The provisions of the final rule applies only to PWRs. The major considered alternative to the rule was to take no action.

With the possible exception of a few plants where large flux reduction options may be initiated in the near future, the only significant costs will be future analysis costs for those few plants that are expected to approach the screening RT-NDT limit. A cost analysis was prepared for those plant after receipt of the plant specific analysis and the resulting determination of the particular corrective regulatory action necessary and expedient for the plant.

TIMETABLE:

NPRM 02/07/84 48 FR 4498
NPRM Comment Period Begin 02/07/84 48 FR 4498
NPRM Comment Period End 05/07/84
Final Action 07/23/85 50 FR 29938
Final Action Effective 07/23/85 50 FR 29938

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Pressurized Thermal Shock

AGENCY CONTACT:

Roy H. Woods
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-4714

TITLE:

Revision of Backfitting Processing for Power Reactors

CFR CITATION:

10 CFR 50

ABSTRACT:

The final rule establishes requirements for long-term management of the Commission's review process for the imposition of new regulatory requirements on power reactors. More specifically, the objective of the rulemaking is to address "backfitting", a process which can include both plant specific changes and generic changes as applied to one or more classes of power reactors. This rulemaking revises 10 CFR 50.54, 50.109, 2.204, and add a conforming amendment to Appendix O. The rule is intended to reduce costs of "backfitting" for licensees through better management of this review process.

TIMETABLE:

ANPRM 09/28/83 48 FR 44217

ANPRM Comment Period End 10/28/83

NPRM 11/30/84 49 FR 47034

NPRM Comment Period Begin 11/30/84 49 FR 47034

NPRM Comment Period End 01/29/85

Final Action 09/20/85 50 FR 38097

Final Action Effective 10/21/85 50 FR 38097

LEGAL AUTHORITY:

42 USC 2021; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232

42 USC 2233; 42 USC 2239; 42 USC 4332; 42 USC 4334; 42 USC 4355

42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

James Tourtellotte

Nuclear Regulatory Commission

Regulatory Reform Task Force

Washington, DC 20555

202 634-1461

TITLE:

+Codes and Standards for Nuclear Power Plants (1983 Edition,
Winter 1982 through Summer 1984 Addenda)

CFR CITATION:

10 CFR 50

ABSTRACT:

The final rule incorporates by reference the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda, and the 1983 Edition of Section III, Division I, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1982 Addenda, Summer 1983 Addenda, and the 1983 Edition of Section XI, Division I, of the ASME Code. The ASME Code sets standards for the construction of light-water-reactor nuclear power plant components in Section III, Division I, and specifies requirements for the inservice inspection of those components in Section XI, Division I. The final rule would update the existing reference to the ASME Code and thereby permit the use of improved methods for the construction and inservice inspection of nuclear power plant components.

Incorporating by reference the latest edition and addenda of the ASME Code will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Revisions to the ASME code are achieved through the process to which the NRC contributes. This consensus process ensures a proper balance between utility, regulatory, and other interests concerned with the code and ensures that the value of any revisions to the code is consistent with its impact.

TIMETABLE:

NPRM 05/17/85 50 FR 20574
NPRM Comment Period Begin 05/17/85 50 FR 20574
NPRM Comment Period End 07/16/85
Final Action 09/26/85 50 FR 38970
Final Action Effective 10/28/85 50 FR 38970

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Gilbert C. Millman
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7862

TITLE:

+ Disposal of High-Level Radioactive Wastes in Geologic Repositories

CFR CITATION:

10 CFR 60

ABSTRACT:

The Nuclear Regulatory Commission (NRC) is publishing amendments related to the disposal of high-level radioactive wastes in geologic repositories within the unsaturated zone. These amendments, in addition to the existing provisions of 10 CFR Part 60 ensure that the regulations will apply in an appropriate manner to geologic media within either the saturated or the unsaturated hydrogeologic zone. This action is necessary to ensure that the NRC regulations address considerations relevant to all geologic repositories, whether sited in the saturated or the unsaturated zone. The major benefit of the final amendments provides NRC with the maximum flexibility with respect to reviewing license applications for high-level radioactive waste disposal.

TIMETABLE:

NPRM 02/16/84 49 FR 5934
NPRM Comment Period Begin 02/16/84 49 FR 5934
NPRM Comment Period End 04/16/84
Final Action 07/22/85 50 FR 29641
Final Action Effective 07/22/85

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5842; 42 USC 10141

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Clark Pritchard or Claudia Hackbarth
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4615

(B) Proposed Rules

B

TITLE:

Procedures Involving the Equal Access to Justice Act:
Implementation

CFR CITATION:

10 CFR 1; 10 CFR 2

ABSTRACT:

The proposed rule provides new provisions intended to implement the Equal Access to Justice Act (EAJA). The provisions would provide for the payment of fees and expenses to certain eligible individuals and businesses that prevail in adjudications with the agency when the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) that have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by insuring the development of government-wide "uniform" agency regulations and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. The decision from the Comptroller General has been rendered and is currently the subject of litigation.

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80, contains revisions to the EAJA that are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

TIMETABLE:

NPRM 10/28/81 46 FR 53189
NPRM Comment Period Begin 10/28/81 46 FR 53189
NPRM Comment Period End 11/28/81
Next Action Undetermined

LEGAL AUTHORITY:

5 USC 504

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-3224

TITLE:

Adjudications -- Special Procedures for Resolving Conflicts
Concerning the Disclosure or Nondisclosure of Information

CFR CITATION:

10 CFR 2

ABSTRACT:

The Nuclear Regulatory Commission is considering amending its rules of practice to provide special procedures for resolving conflicts concerning the disclosure or nondisclosure of information relating to an NRC investigation or inspection or provided by a confidential source and deemed relevant and material to an adjudication. Prepared at the express direction of the Commission, the proposed amendments apply to all NRC offices that have information relevant and material to an adjudication. The proposed amendments provide for ex parte in camera presentations and follow guidance contained in the Commission's recent statement of policy on investigations, inspections, and adjudicatory proceedings.

TIMETABLE:

NPRM 05/22/85 50 FR 21036
NPRM Comment Period Begin 05/22/85 50 FR 30446
NPRM Comment Period End 08/23/85
FINAL RULE FOR DIVISION REVIEW 01/00/86
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 03/00/86
FINAL RULE PACKAGE TO EDO 04/00/86
FINAL RULE PUBLISHED 05/00/87

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Jane R. Mapes
Nuclear Regulatory Commission
Office of the Executive Legal Director
Washington, DC 20555
301 492-8695

TITLE:

Modifications to the NRC Hearing Process (Limited
Interrogatories and Factual Basis for Contentions)

CFR CITATION:

10 CFR 2

ABSTRACT:

The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

TIMETABLE:

NPRM 06/08/81 46 FR 30349

ANPRM Regulatory Reform Rule 04/12/84 49 FR 14698

Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2239

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

James Tourtellote
Nuclear Regulatory Commission
Regulatory Reform Task Force
Washington, DC 20555
202 634-1461

TITLE:

Commission Review Procedures for Power Reactor Construction
Permits; Immediate Effectiveness Rule

CFR CITATION:

10 CFR 2

ABSTRACT:

The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic Safety and Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance.

The comment period closed November 24, 1982. Nine comments were received. Half of the comments favored the proposed rule while half opposed it. This proposed rule does not preclude further action on five alternatives for amending the "Immediate effectiveness" rule presented in an earlier notice on May 22, 1980 (45 FR 34279).

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Possible Amendments to 'Immediate Effectiveness' Rules."

TIMETABLE:

NPRM 10/25/82 47 FR 47260
NPRM Comment Period Begin 10/25/82 47 FR 47260
NPRM Comment Period End 11/24/82
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Commission Review Procedures for Power Reactor Construction
Permits; Immediate Effectiveness Rule

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-1465

TITLE:

Criteria for Reopening Records in Formal Licensing Proceedings

CFR CITATION:

10 CFR 2

ABSTRACT:

The Nuclear Regulatory Commission is considering amending its regulations to codify and refine NRC case law criteria for reopening a closed evidentiary record in a formal licensing proceeding. This rulemaking would affect any party who wishes to reopen an evidentiary record .

TIMETABLE:

NPRM 12/27/84 49 FR 50189

NPRM Comment Period Begin 12/27/84 49 FR 50189

NPRM Comment Period End 02/11/85

Final Action 12/00/85

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Carole F. Kagan
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-1493

TITLE:

Notice and Comment on, Procedures for State Consultation on, and Standards for Making Determinations about Whether License Amendments Involve No Significant Hazards Considerations

CFR CITATION:

10 CFR 2; 10 CFR 50

ABSTRACT:

The NRC is publishing a single final rule that combines the two interim final rules implementing, in part, PL 97-415. Modifications to the final rule are based on further staff review and evaluation of public comments received on the two rules. The rules were published on April 6, 1983 (48 FR 14868). They specify criteria for notice and public comment on, procedures for State consultation on, and standards for making determinations about whether amendments to operating licenses for certain facilities involve no significant hazards considerations. In addition, the rules specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located. The rules permit the Commission to act expeditiously if circumstances surrounding a request for an amendment require prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved.

TIMETABLE:

Interim Final Rule 04/06/83 48 FR 14876
IFR COMMENT PERIOD BEGIN 04/06/83
IFR COMMENT PERIOD END 05/06/83
FINAL RULE FOR DIVISION REVIEW 02/20/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 06/10/85
FINAL RULE PACKAGE TO EDO 06/11/85
Final Action 02/00/86

LEGAL AUTHORITY:

42 USC 2201; PL 97-415

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Thomas F. Dorian
Nuclear Regulatory Commission
Office of the Executive Legal Director
Washington, DC 20555
301 492-8690

TITLE:

Possible Amendments to "Immediate Effectiveness" Rules

CFR CITATION:

10 CFR 2; 10 CFR 50

ABSTRACT:

The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the original "immediate effectiveness" rule (36 FR 828, January 19, 1971) construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision was subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. Present rules provide for limited review of ASLB decisions by the Atomic Safety and Licensing Appeal Board (ASLAB) and the Commission prior to issuance of construction permits.

This proposed rule would help to determine whether NRC should return to the former "immediate effectiveness" rule or adopt one of the following alternatives: (1) require the ASLAB to make a separate ruling on the question of effectiveness, or (2) require final ASLAB and Commission decisions on the merits of certain construction-related issues prior to authorizing issuances of the construction permit; (3) require final ASLAB and Commission decisions on the merits of all issues prior to authorizing issuances of the construction permit; and, return to the former "immediate effectiveness" rule, but relax the standards for obtaining a stay of the ASLAB decisions.

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule."

TIMETABLE:

NPRM 05/22/80 45 FR 34279
Interim Final Rule 12/00/85

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Possible Amendments to "Immediate Effectiveness" Rules

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-3224

TITLE:

Licensing and Regulatory Policy and Procedures for
Environmental Protection; Alternative Site Reviews

CFR CITATION:

10 CFR 2; 10 CFR 50; 10 CFR 51

ABSTRACT:

The proposed rule would focus on six major issues associated with alternative site selection for nuclear power plants; (1) information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed sites with alternative sites, and (6) reopening of the alternative site decision. The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site review of a license application by codification of the lessons learned in past and recent review of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would develop understandable written NRC review and decision making criteria to permit a rational and timely decision concerning the sufficiency of the alternative site analysis.

Alternatives to this rulemaking would include publishing a policy statement or regulatory guide or withdrawing the proposed rule. Each of these alternatives would be less efficient than completing the rulemaking. The provisions of the proposed rule provide a flexible and reasoned approach to siting that would facilitate license review and make decisions more predictable. Confusion and controversy over this issue would be reduced. There would be no significant impact on costs other than savings that would result from greater certainty regarding the Commission requirements. NRC resources necessary to complete this rulemaking are minimal. Approximately two-man months of staff time will be required to finalize this rule if the Commission decides to complete the rulemaking.

After considering the comments on the proposed rule, the Commission published a final rule on May 28, 1981 (46 FR 28630). That final rule addressed the sixth issue, reopening the construction permit or early site review stages insofar as it relates to operating license proceedings. Finalization of other portions of the proposed rule has been deferred until completion of a comprehensive review of radionuclide source terms from reactor accidents.

TIMETABLE:

NPRM 04/09/80 45 FR 24168
NPRM Comment Period Begin 04/09/80 45 FR 24168
NPRM Comment Period End 06/09/80
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 4332; 42 USC 5841

TITLE:

Licensing and Regulatory Policy and Procedures for
Environmental Protection; Alternative Site Reviews

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Ott
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4615

TITLE:

Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors

CFR CITATION:

10 CFR 2; 10 CFR 72

ABSTRACT:

The proposed rule contains two options for implementing the hybrid hearing process in Section 134 of the Nuclear Waste Policy Act of 1982. That section sets forth a hybrid hearing process for certain contested proceedings on applications for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. Either version of the proposed rule would provide for an oral argument in the early stage of the hearing process and would designate only genuine and substantial issues for resolution in an adjudicatory hearing. Option 1 would add a new Subpart K to Part 2. Subpart K would require the use of hybrid procedures in all proceedings to which section 134 applies. It would also change the initial stages of the existing hearing process by allowing a person whose interest is affected to participate as a party and to obtain discovery without the need to plead contentions. Option 2 would permit the use of hybrid procedures at the request of any party to the proceeding. It would be implemented by means of an alternative form of summary disposition under a new Sec. 2.749a.

In all other respects, the existing Part 2 procedures would apply. The Commission sought comments on both proposals to aid in its choice of procedures for the final rule.

The hybrid hearing procedures are intended to simplify and expedite the licensing process for spent fuel storage facility expansions and transshipments. The proposed rule is needed to permit full realization of those statutory purposes. Because section 134 applies by its terms to applications filed after January 7, 1983, a final rule should be developed as soon as practicable. There are no alternatives to rulemaking that would meet the statutory objectives. The rule will simplify and expedite the hearing process resulting in less costly and shorter hearings for license applicants, intervenors, the NRC staff, and the Licensing Boards. Members of the public who seek to participate in NRC licensing proceedings will have an opportunity to request an oral argument but will be required to make a stronger showing of need in order to require that an adjudicatory hearing be held.

TITLE:

Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel
Storage Capacity at Civilian Nuclear Power Reactors

TIMETABLE:

NPRM 12/05/83 48 FR 54499
NPRM Comment Period Begin 12/05/83 49 FR 414
NPRM Comment Period End 02/20/84
FINAL RULE FOR DIVISION REVIEW 04/09/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 04/23/85
FINAL RULE PACKAGE TO EDO 06/21/85
FINAL RULE PUBLISHED 10/00/85
Final Action 10/00/85

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2239

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Linda S. Gilbert
Nuclear Regulatory Commission
Office of Executive Legal Director
Washington, DC 20555
301 492-7678

TITLE:

+ Nondiscrimination on Basis of Age in Federally Assisted
Commission Programs

CFR CITATION:

10 CFR 4

ABSTRACT:

The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR 90.

A copy of the draft final regulations was transmitted to the Office of the General Counsel of the Civil Rights Division, HHS to comply with the requirement that final agency regulations not be published until the Secretary of HHS approved them. HHS has indicated its approval of the draft final rule in a letter transmitted to the NRC.

TIMETABLE:

NPRM 09/21/81 46 FR 46582
NPRM Comment Period Begin 09/21/81
NPRM Comment Period End 11/20/81
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 09/00/85
FINAL RULE PACKAGE TO EDO 10/00/85
FINAL RULE PUBLISHED 11/00/85
Final Action 11/00/85

LEGAL AUTHORITY:

42 USC 6101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Edward E. Tucker
Nuclear Regulatory Commission
Office of Small and Disadvantaged Business
Utilization/Civil Rights, Washington, DC
301 492-7697

TITLE:

Minor Clarifying Amendments

CFR CITATION:

10 CFR 9

ABSTRACT:

The NRC is proposing to amend its regulations pertaining to the availability of records under the Freedom of Information Act to clarify and conform them to existing case law and to reflect long-standing agency practice. In addition, the NRC is proposing to amend its regulations to conform the reproduction costs for Privacy Act records to those currently charged at the NRC's Public Document Room and other NRC offices for publicly available documents.

TIMETABLE:

NPRM 08/01/85 50 FR 31192
NPRM Comment Period Begin 08/01/85 50 FR 31192
NPRM Comment Period End 09/02/85
Final Action 12/00/85

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

J.M. Felton
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-7211

TITLE:

+ Improved Personnel Dosimeter Processing

CFR CITATION:

10 CFR 20

ABSTRACT:

The notice of proposed rulemaking seeks comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is accredited by NBS/NVLAP. The Commission considered five alternatives for establishing a regulatory program intended to improve personnel dosimetry processing. These alternatives included: no change in current requirements; requiring licensees to participate in performance testing without specifying a testing laboratory; requiring licensees to participate in performance testing conducted by an NRC-specified testing laboratory; a request from Congress for the authority for NRC to license personnel dosimetry processors directly; and requiring licensees to obtain dosimetry services from an NRC-operated or contracted dosimetry service.

An evaluation of estimated annual costs to the dosimetry processing industry resulting from an NRC rule requiring licensees to utilize dosimetry processors accredited under an NBS/NVLAP program was projected to be about \$717,000. This would result in an estimated net annual increase in the cost of providing monitoring for each worker per year of \$0.51, a 2.1% annual increase. The major benefit of the proposed rule would be increased accuracy and reliability of dose measurement to workers in licensed installations. Other benefits include continued assurance of personnel dosimeter processor competence with minimal NRC staff and resource allocation; formulation of a program that can easily be utilized by other agencies; value to the industrial licensee through legal credibility of a nationally-recognized accreditation program; and value to the worker through more accurate assignment of dose. The staff is currently analyzing the comments received on the NPRM.

TITLE:

+ Improved Personnel Dosimeter Processing

TIMETABLE:

ANPRM 03/28/80 45 FR 20493
ANPRM Comment Period Begin 05/12/80 45 FR 31118
ANPRM Comment Period End 06/27/80
NPRM 01/10/84 49 FR 1205
NPRM Comment Period Begin 01/10/84 49 FR 1205
NPRM Comment Period End 03/12/84
FINAL RULE FOR DIVISION REVIEW 10 / 31/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 12/30/85
FINAL RULE TO EDO 03/15/86
FINAL RULE PUBLISHED 05/30/86

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2134;
42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Don Nellis
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4588

TITLE:

Residual Contamination in Smelted Alloys

CFR CITATION:

10 CFR 30; 10 CFR 32; 10 CFR 70; 10 CFR 150

ABSTRACT:

The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request. A draft environmental statement for this action has been prepared.

TIMETABLE:

NPRM 10/27/80 45 FR 70874
NPRM Comment Period Begin 10/27/80 45 FR 70874
NPRM Comment Period End 12/11/80
Environmental Impact Statement 04/30/84
NPRM WITHDRAWAL NOTICE FOR DIVISION
REVIEW 07/22/85
OFFICE CONCURRENCE ON WITHDRAWAL
NOTICE COMPLETED 09/06/85
NPRM WITHDRAWAL PACKAGE TO EDO 09/30/85
NPRM WITHDRAWAL NOTICE PUBLISHED 10/31/85

LEGAL AUTHORITY:

42 USC 2021; 42 USC 2073; 42 USC 2077; 42 USC 2111; 42 USC 2201;
42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

D. R. Hopkins
Nuclear Regulatory Research
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:

Decommissioning Criteria for Nuclear Facilities

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70;
10 CFR 72

ABSTRACT:

The advance notice of proposed rulemaking sought comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licenses. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning. Although it is planned to provide additional guidance through regulatory guides, it is necessary to amend the regulations in order to achieve appropriate assurances that funds for decommissioning will be available.

The major cost impact of the proposed rule would involve proper planning at all stages of nuclear facility operation. Proper planning includes providing for (1) financial assurance that funding will be available for decommissioning, (2) maintenance of records that could affect decommissioning, and (3) careful planning of procedures at the time of decommissioning. For non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an aggregate expenditure of 21 staff-years (\$1.6 million) spread over 5 years (or 320,000 per year).

For the approximately 80 operating reactors plus 75 research and test reactors, it is estimated that the major impact will result in an aggregate expenditure of 3.8 staff-years (\$288,000) spread over 3 years. These expenditures will ensure that adequate measures have been taken to protect the health and safety of occupational workers, the public, and the environment within the confines of optimum cost benefit consideration.

TIMETABLE:

ANPRM 03/13/78 43 FR 10370
NPRM 02/11/85 50 FR 5600
NPRM Comment Period Begin 02/11/85 50 FR 23025
NPRM Comment Period End 07/12/85
FINAL RULE FOR DIVISION REVIEW 11/01/86
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 03/15/87
FINAL RULE TO EDO 07/01/87
FINAL RULE PUBLISHED 10/30/87

LEGAL AUTHORITY:

42 USC 2201

TITLE:

Decommissioning Criteria for Nuclear Facilities

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Keith G. Steyer/Catherine Mattsen
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7910

TITLE:

+ Radiation Surveys and In-House Inspection Systems in Radiography

CFR CITATION:

10 CFR 34

ABSTRACT:

The proposed rule would require that the in-house inspection description in a radiography license application specify a method for inspecting each radiographer and radiographer's assistant's knowledge of applicable regulations, license conditions, and performance of established procedures at intervals not exceeding three months. This action is intended to further ensure that radiographic operations are conducted safely.

The cost of performing the inspection is estimated to be \$120.00 per worker or \$432,960 per year for the entire industry. There is no impact on the NRC staff. The proposed rule would also require a licensee to perform and record a radiation survey of a radiographic exposure device made when storing the device after use instead of recording the results of the radiation survey made after the last exposure. This action, which is taken in response to a petition for rulemaking (PRM-34-3) is intended to provide an acceptable procedure for assuring that the sealed source has been properly stored within the device.

Alternatives to rulemaking were considered including preparation of guidance recommending a time-of-storage survey or license condition. These approaches would not have a regulatory basis and also would not be adaptable by agreement states. Requiring an additional radiation survey at the time of storage provides additional assurance that accidental exposures will not occur to members of the public as well as workers. The cost of this survey requirement to the entire industry is estimated to be \$541,200 annually (\$150.00 per radiographer). There are no additional recordkeeping costs. Impact on NRC staff is negligible since inspectors will review the time-of-storage survey record rather than the last use survey record. NRC staff time for processing this rule to final publication is estimated to be 0.4 staff years.

Twenty comments were received on the proposed rule, most of which were opposed to the three month inspection of radiographers with a roughly 50-50 split on the storage survey issue.

TIMETABLE:

NPRM 10/04/84 49 FR 39168
NPRM Comment Period Begin 10/04/84 49 FR 39168
NPRM Comment Period End 11/18/84
FINAL RULE FOR DIVISION REVIEW 11/30/85
FINAL RULE TO EDO 03/15/86
FINAL RULE PUBLISHED 03/30/86

TITLE:

+ Radiation Surveys and In-House Inspection Systems in
Radiography

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Donald O. Nellis
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4588

TITLE:

+ Medical Use of Byproduct Material

CFR CITATION:

10 CFR 35

ABSTRACT:

The proposed rule would revise Part 35 to modify the process for licensing and regulating the medical use of radioactive byproduct material. Requirements that apply to medical licensees are scattered in the regulations, license conditions, the individual licensee's application, and licensing branch policy statements. The purpose of the proposed rule is to consolidate and codify the requirements in the regulation. This rule will result in a clearer understanding of NRC requirements for all medical licensees. This revision is necessary in order to provide a clear consolidated statement of requirement. The only way to impose requirements on all licensees is by license condition or regulation; therefore no alternative action was considered. Because most of the requirements contained in this regulation are currently imposed by regulation or license condition, there will be no significant cost savings or additional burden; the industry and NRC will benefit by having a clear, concise, complete regulation.

A previously published proposed rule requiring that the activity of each radiopharmaceutical dosage be measured before it is administered to a patient has been incorporated into this proposed revision of Part 35. (See 46 FR 43840; September 1, 1981 - RIN 3150-AA12 Patient Dosage Measurement).

TIMETABLE:

NPRM 07/26/85 50 FR 30616
NPRM Comment Period Begin 07/26/85 50 FR 30616
NPRM Comment Period End 11/18/85
Office Concurrence on Final Rule to be Completed by 06/30/86
Final Rule Package to EDO 07/31/86
Final Rule Published 08/31/86

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Norman L. McElroy
Nuclear Regulatory Commission, Office
of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4108

TITLE:

+ Licenses and Radiation Safety Requirements for Well-logging Operations

CFR CITATION:

10 CFR 39

ABSTRACT:

The proposed rule would establish specific radiation safety requirements applicable to licensees who perform operations such as well-logging, mineral-logging, radioactive markers, and subsurface use of radioactive materials in tracer studies. The proposed rule is necessary because current NRC regulations address these operations in a general way without providing the specific guidance necessary to ensure that these operations are performed safely. As an alternative to the status quo, the proposed rule would adopt the requirements similar to those in the suggested State Regulations for Control of Radiation Part W as new NRC regulations. The potential costs for industry to implement these requirements would be about \$1,300,000/yr. However, because most of the requirement is already imposed by license conditions, the net increase in cost would be about \$350,000 per year for the industry or about \$2000 per licensee. The rule would establish a consistent, comprehensive set of requirements that would minimize the effort required to obtain reciprocity for NRC licensees to operate in Agreement States or vice versa. The rule would require about one staff-year effort.

TIMETABLE:

NPRM 04/08/85 50 FR 13797
NPRM Comment Period Begin 04/08/85 50 FR 13797
NPRM Comment Period End 07/08/85
COMMENT PERIOD EXTENDED TO 10/09/85 50 FR 32086
FINAL RULE FOR DIVISION REVIEW 01/15/86
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 03/15/86
FINAL RULE PACKAGE TO EDO 05/30/86
FINAL RULE PUBLISHED 06/30/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stephen McGuire
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7636

TITLE:

+ Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards

CFR CITATION:

10 CFR 40

ABSTRACT:

The proposed rule would revise the Nuclear Regulatory Commission's regulations governing the disposal of uranium mill tailings to conform them to regulations recently published by the Environmental Protection Agency that set standards for protecting the environment from these wastes. The proposed rule would remove inconsistencies between NRC and EPA requirements and incorporate in NRC regulations the stability, radon release, and other provisions of the EPA standard not related to groundwater. This action is necessary to comply with provisions of the Uranium Mill Tailings Radiation Control Act and the NRC Authorization Act for FY 1983; therefore no alternatives to this action need to be considered. EPA has estimated that compliance with their recently published regulations would cost the uranium milling industry from about \$310 million to \$540 million to dispose of all existing tailings and tailings to be generated by the year 2000. This includes the costs of the groundwater protection provisions which are to be addressed in future NRC rule changes. The EPA regulations are binding on NRC licensees in the interim. The final rule is under review by the Commission.

TIMETABLE:

NPRM 11/26/84 49 FR 46418
NPRM Comment Period Begin 11/26/84 50 FR 2293
NPRM Comment Period End 02/10/85
FINAL RULE FOR DIVISION REVIEW 04/19/85
FINAL RULE PACKAGE TO EDO 05/03/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 05/03/85
FINAL RULE PACKAGE TO COMMISSION 05/20/85
FINAL RULE PUBLISHED 10/31/85

LEGAL AUTHORITY:

42 USC 2014; 42 USC 2092; 42 USC 2093; 42 USC 2094; 42 USC 2095;
42 USC 2111; 42 USC 2113; 42 USC 2114; 42 USC 2201; 42 USC 2232;
42 USC 2233; 42 USC 2236; 42 USC 2282; 42 USC 2021; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Uranium Mill Tailings Regulations: Conforming NRC Requirements
to EPA Standards

AGENCY CONTACT:

Kitty S. Dragonette
Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4300

TITLE:

+ Material Balance Reports

CFR CITATION:

10 CFR 40; 10 CFR 70; 10 CFR 150

ABSTRACT:

The proposed rule would amend the requirements applicable to the submission of source material and special nuclear material inventory reports. The proposed rule would eliminate the requirement to report inventories on Form 742 for all licensees except those reporting under the US/IAEA Safeguards Agreement. The proposed rule would also eliminate the requirement to report inventories for all licensees except those for nuclear reactors and those reporting under the agreement. The NRC would generate an equivalent inventory report, based on the data submitted by each affected licensee; and the licensee would verify the accuracy of the report. This amendment would reduce the reporting burden imposed on the licensee without adversely affecting the domestic safeguards program on the ability to satisfy international commitments. The proposed reduction would result in a total cost savings of \$39,000 for affected licensees.

TIMETABLE:

NPRM 05/10/85 50 FR 19695
NPRM Comment Period Begin 05/10/85 50 FR 19695
NPRM Comment Period End 07/09/85
FINAL RULE FOR DIVISION REVIEW 10/00/85
OFFICE CONCURRENCE ON FINAL RULE COMPLETED 11/00/85
CRGR REVIEW 11/00/85
FINAL RULE PACKAGE TO EDO 12/00/85
FINAL RULE PUBLISHED 02/00/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

June Robertson
Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, DC
301 427-4004

TITLE:

+ Specific Exemptions

CFR CITATION:

10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission is proposing to amend its regulations to clarify standards that will be applied when it considers whether to grant exemptions from the regulatory requirements codified in 10 CFR Part 50. Staff experience and several recent adjudicatory proceedings have shown that clarifying these standards would improve understanding of situations warranting an exemption for the applicants, licensees, public, and the staff. Although existing exemption practice will suffice for an interim period until the proposed rule is finalized, action should be completed on this issue as soon as is practicable. There is no alternative to rulemaking as a mechanism to clarify and strengthen the Commission's exemption policy, as well as to formalize existing criteria and existing staff practice. The associated incremental industry and NRC staff cost will be minimal. Development and promulgation of the proposed and final rule will involve approximately 640 hours of NRC staff time, at \$60 per hour for a total of \$238,400.

TIMETABLE:

NPRM 04/26/85 50 FR 16506
NPRM Comment Period Begin 04/26/85 50 FR 16506
NPRM Comment Period End 05/28/85
FINAL RULE FOR DIVISION REVIEW 08/00/85
FINAL RULE PACKAGE TO EDO 09/15/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 09/15/85
FINAL RULE PUBLISHED 10/00/85

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841; 42 USC 5842;
42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

F.X. Cameron
Nuclear Regulatory Commission
Office of the Executive Legal Director
Washington, DC 20555
301 492-8689

TITLE:

Limiting the Use of Highly Enriched Uranium in Domestic Research
and Test Reactors

CFR CITATION:

10 CFR 50

ABSTRACT:

The final rule would require that non-power reactors use only low-enriched uranium fuel (LEU), with certain exceptions. The final rule is intended to reduce the highly enriched uranium fuel (HEU) in the United States and thereby reduce the potential for theft or diversion. The majority of licensees affected by the proposed rule would be universities operating research and training reactors. To date, four of the 25 affected universities have made the decision to curtail the operation of their research/training reactors. Delay in the implementation of the rule could have an adverse impact on the remaining affected licensees and their decisions regarding continuance or discontinuance of their respective reactor operations.

Major features of the final rule include provisions for (1) assuring Federal Government funding for conversion related activities and (2) minimizing the possibility of licensees becoming involved in hearings on conversion on issues unrelated to safety questions.

The estimated identified and quantifiable costs to the affected licensees range between \$12-16 million. In addition, there will be other identifiable costs that are difficult to assess quantitatively, such as societal costs. The estimated annual impact on NRC resources has been estimated to be between \$70,000 and \$120,000.

TIMETABLE:

NFRM 07/06/84 49 FR 17769
NPRM Comment Period Begin 07/06/84
NPRM Comment Period End 11/02/84 49 FR 17769
Final Rule for Division Review 06/14/85
Office Concurrence on Final Rule Completed 06/28/85
Final Rule Package to EDO 08/19/85
Final Rule Published 11/30/85

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N/A

TITEL:

Limiting the Use of Highly Enriched Uranium in Domestic Research
and Test Reactors

AGENCY CONTACT:

Francis P. Gillespie
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301443-7936

TITLE:

Fitness for Duty of Personnel with Access to Nuclear Power Plants

CFR CITATION:

10 CFR 50

ABSTRACT:

At a Commission meeting, October 17, 1984, the Commission directed the staff to draft a policy statement on programs for training and qualification in lieu of publishing this proposed "Fitness for Duty" rule and other proposed training and qualification amendments. On December 10, 1984, the NRC decided to separate the policy statement on fitness for duty from the policy statement on training and qualifications. Therefore, this proposed rule is being withdrawn. The policy is being established to allow power reactor applicants and licensees to develop and implement their own fitness-for-duty programs during a 2-year period. Nothing in the policy statement limits NRC's authority or responsibility to follow up on operational events or its enforcement authority when regulatory requirements are not met.

A proposed policy statement was submitted to the Commission on January 1, 1985, as SECY 85-21. A proposed fitness for duty withdrawal statement was submitted to the Commission on April 12, 1985, as SECY 85-21A. Finally, a staff position paper reaffirming the proposed policy statement was submitted to the Commission on August 26, 1985, as SECY 85-21B. SECY 85-21, 85-21A, and 85-21B await disposition by the Commission.

TIMETABLE:

NPRM 08/05/82 47 FR 33980
NPRM Comment Period Begin 08/05/82 47 FR 33980
NPRM Comment Period End 10/04/82
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2236; 42 USC 2237

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Thomas Ryan
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7619

TITLE:

Consideration of Earthquakes in the Context of Emergency Preparedness

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would not consider the need to take into account the complicating effects of earthquakes on emergency preparedness. Existing regulations require that nuclear power plants be designed to safely shut down for most earthquakes. The probability of earthquakes large enough to cause major onsite damage that would result in a significant radiological release from the plant is low, and for large earthquakes, offsite damage could make prior offsite emergency plans premised on normal conditions marginally useful.

One alternative to the proposed rule change would be to require that the emergency plans specifically address the complicating impact of earthquakes. Another alternative would be to adjudicate the issue on a case-by-case basis.

The proposed amendment will not greatly affect the industry since licensees are required to have approved emergency response plans which are flexible enough to assure that appropriate protective measures can be taken to mitigate the consequences of a nuclear emergency. The public will not be affected as adequate emergency preparedness at nuclear reactors will be assured. The staff anticipates that there will be no increase in cost to the NRC, State, and local governments and to licensees associated with the proposed rule change because it is interpretative in nature.

TIMETABLE:

NPRM 12/21/84 49 FR 49640
NPRM Comment Period Begin 12/21/84 49 FR 49640
NPRM Comment Period End 01/22/85
Final Rule for Division Review 06/20/85
Office Concurrence on Final Rule Completed 07/15/85
Final Rule Package to EDO 07/30/85
Final Rule Published 09/30/85

TITLE:

Consideration of Earthquakes in the Context of Emergency
Preparedness

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Mike Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7615

TITLE:

+ Communications Procedures Amendments

CFR CITATION:

10 CFR 50

ABSTRACT:

This proposed rule would amend the regulations which establish the procedures for submitting correspondence, reports, applications, or other written communications pertaining to the domestic licensing of production and utilization facilities.

The proposed amendments are expected to resolve confusion regarding submittal procedures and improve the communication process with the affected applicants and licensees.

The proposed amendments would (1) simplify the procedures for making Part 50 submittals to the NRC; (2) facilitate the timely dissemination of Part 50 submittals to NRC staff; (3) reduce postage and copying costs for applicants and licensees by requiring fewer copies of submittals; (4) establish a central NRC receipt point for Part 50 submittals; (5) include the NRC Resident Inspectors in the formal communications; and (6) supersede all outdated submittal directions contained in other sources of submittal guidance, such as Regulatory Guide 10.1 (Revision 4) and NRR Generic Letter 82-14. Although these documents addressed the problem, they did not entirely resolve the confusion. Moreover, subsequent changes in the organizational structure of NRC were not reflected in the guidance documents.

The current regulations also cause unnecessary delays in the dissemination of information to NRC staff. For example, any document submitted to an NRC Regional Office will not usually be disseminated to NRC Headquarters staff until two weeks later.

These problems can be resolved only by amending 10 CFR Part 50, since the current regulations are the source of the problems. The proposed rule is expected to reduce postage and copying costs for licensees and applicants subject to 10 CFR Part 50. An annual savings of \$140,000 is estimated. In addition, the NRC is expected to realize a small savings in postage costs. Preparing and publishing this rule would cost NRC approximately 320 hours of staff time at \$60 per hour for a total of \$19,200.

TIMETABLE:

NPRM 03/26/85 50 FR 11884
NPRM Comment Period Begin 03/26/85
NPRM Comment Period End 05/28/85
FINAL RULE FOR DIVISION REVIEW 07/01/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 08/31/85
FINAL RULE PACKAGE TO EDO 01/02/86
FINAL RULE PUBLISHED 02/00/86

TITLE:

+ Communications Procedures Amendments

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Steve Scott
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-8585

TITLE:

Protection of Contractor Employees

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would require 10 CFR Part 50 licensees, permittees, and applicants to ensure that procurement documents they issue or modify, specify that contractors and subcontractors post a notice to employees related to employee protection. The required notice would contain information notifying employees that an employer is prohibited from discriminating against an employee engaging in protected activities and that an employee may seek a remedy for prohibited discrimination by filing a complaint with the Department of Labor. The proposed amendment would affect licensees, permittees, applicants, and their contractors and subcontractors who are contractually responsible for construction of basic components or production and utilization facilities. Although there is no health and safety reason for addressing the issue, NRC is interested in protecting employees from discrimination. However, because Section 210 of the Energy Reorganization Act does not give the NRC direct authority over contractors and subcontractors and it clearly envisioned that the Department of Labor would be the principal agency in ensuring the rights of nuclear industry employees. The NRC plans to terminate this rulemaking action and incorporate it into a new proposed rule on "posting requirements for the protection of contractor employees and extension of criminal employees."

TIMETABLE:

NPRM 07/06/83 48 FR 31050

NPRM Comment Period Begin 07/06/83 48 FR 31050

NPRM Comment Period End 09/06/83

Final Action 01/00/86

LEGAL AUTHORITY:

42 USC 2236; 42 USC 2282; 42 USC 5851

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Anthony J. DiPalo
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7613

TITLE:

Mandatory Property Insurance for Decontamination of Nuclear Facilities

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would require an increase in the amount of on-site property damage insurance from the current minimum of \$585 million to \$1.02 billion. The NRC believes that such insurance should be required so that the financing and pace of cleanup following an accident does not become a public health and safety problem. Recent studies indicate that as much \$1.02 billion may be required to cover on-site cleanup of the worst reactor accidents if inflation and other factors are included. Other issues addressed in the proposed rule are whether the Federal government can preempt State law that prohibits certain public utilities from buying insurance offered by mutual companies or requiring payment of a retrospective premium and whether a priority of payment of insurance proceeds for decontamination and cleanup can be imposed. Action in these areas is required for the same reason as imposition of general insurance requirements, i.e. to remove the financial aspects of recovery after an accident from having an adverse impact on public health and safety.

Alternatives to the proposed rule that were considered included (1) requiring a lower dollar amount and (2) not explicitly requiring insurance above that currently required but rather allowing the necessity for additional insurance to be determined by economic regulators at the State level.

The impact of the proposed rule on licensees would probably not be large. Most licensees currently purchase insurance in excess of \$1.02 billion. Approximately 10 licensees would be required to carry more insurance than they otherwise would for an annual incremental premium cost of roughly \$1 million per year. Thus the total impact of the rule would be approximately \$10 million per year. The impact on the public would generally be positive in that public health and safety would be better protected. The impact on the NRC would be minimal with respect to increasing the amount of insurance. A decontamination priority, if it were invoked, could require additional hearings with attendant costs. One-half of a staff-year is required by OSP to continue the rulemaking, with minimal impact on other offices expected.

TITLE:

Mandatory Property Insurance for Decontamination of Nuclear
Facilities

TIMETABLE:

ANPRM 06/24/82 47 FR 27371
ANPRM Comment Period Begin 06/24/82 47 FR 27371
ANPRM Comment Period End 09/22/82
NPRM 11/08/84 49 FR 44645
NPRM Comment Period Begin 11/08/84 49 FR 44645
NPRM Comment Period End 02/07/85
FINAL RULE FOR DIVISION REVIEW 05/17/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 09/27/85
FINAL RULE PACKAGE TO EDO 12/15/85
FINAL RULE PUBLISHED 01/31/86

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Robert S. Wood
Nuclear Regulatory Commission
Office of State Programs
Washington, DC 20555
301 492-9885

TITLE:

+ Technical Specifications for Nuclear Power Reactors

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed rule would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval.

The changes are needed because of disagreement among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant.

The proposed rule would improve the safety of nuclear power by placing more emphasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources. The NRC staff has estimated that each of the affected 21 licensees should utilize the proposed method for changing supplemental specifications approximately twice a year. The total additional yearly burden to resubmit a revoked change for all 21 affected licensees would be approximately 101 staff hours.

The future milestones for this rule have not been established because the rule is on hold, pending determination as to whether or not the rule will be continued.

TIMETABLE:

ANPRM 07/08/80 45 FR 45916
ANPRM Comment Period Begin 07/08/80 45 FR 45916
ANPRM Comment Period End 09/08/80
NPRM 03/30/82 47 FR 13369
NPRM Comment Period Begin 03/30/82 47 FR 13369
NPRM Comment Period End 06/01/82
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Technical Specifications for Nuclear Power Reactors

AGENCY CONTACT:

Don Beckham
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-7066

TITLE:

+Limited Scope Modification to GDC 4 Requirements for Protection Against Postulated Pipe Ruptures

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would permit licensees and applicants to use newly developed analytical methods involving widely accepted advanced fracture mechanics theories for determining that certain pipe ruptures need not be treated in the design basis for dynamic effects. Implementing of the rule would facilitate the removal of unnecessary pipe whip restraints and jet shields from existing nuclear power plants and plants under construction as well as future plant designs. This would reduce inservice inspection cost and, in addition, would reduce inspector radiation exposure. The need and urgency for addressing the issue stems from the widespread acceptance of the analysis results and the research findings pertaining to pipe rupture coupled with increasing confidence in its applicability. Prior to the last few years, there was no sound technical basis for excluding certain pipe ruptures from the design basis. Now it is clear that it is possible to defend the exclusion of PWR primary loop double-ended guillotine pipe ruptures, and that the scope may be extended to other piping. A benefit derived from the rule would be avoidance of extensive exemptions to General Design Criterion 4 which would be the only acceptable alternate to the proposed rule. The rule only requires minimum addition and/or modification of the existing text of GDC 4. Two staff years will be needed to complete this rulemaking.

TIMETABLE:

NPRM 07/01/85 50 FR 27006
NPRM Comment Period Begin 07/01/85 50 FR 27006
NPRM Comment Period End 09/02/85
Final Rule Published 12/00/85
Final Action 12/00/85

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John A. O'Brien
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7894

TITLE:

+Operators' Licenses

CFR CITATION:

10 CFR 50; 10 CFR 55

ABSTRACT:

The Nuclear Regulatory Commission was proposing to amend its regulations to (1) require each holder of and each applicant for a license to operate a commercial nuclear power plant to establish and use a systems approach in developing training programs and establishing qualifications requirements for civilian nuclear power plant operators, supervisors, technicians, and, as appropriate, operating personnel; (2) clarify the regulations for the issuance of licenses to operators and senior operators; (3) revise the requirements and scope of written examinations and operating tests for operators and senior operators; (4) codify procedures for the administration of requalification examinations; and (5) describe the form and content for operator license applications.

The proposed rulemaking was in response to Section 306 of the Nuclear Waste Policy Act of 1982. A regulatory analysis showed a public risk reduction of 268,000 person-rem at a cost of \$240.4 million dollars resulting in a value/impact ratio of 1,100 person-rem/\$million. Coordinated industry objections to the rulemaking were the subject of a Commission meeting on April 9, 1984. Industry requested that the NRC issue a policy statement rather than a rule. Consequently, at an October 17, 1984, Commission meeting, the Commission directed the staff to publish the portion of the proposed rule revising 10 CFR Part 55 "Operators' Licenses," and to draft a Policy Statement on programs for training and qualification of nuclear power plant personnel. The proposed revision was published for comment on November 26, 1984, and the effective Policy Statement was published March 20, 1985.

The Policy Statement replaces the portion of this proposed rule that would have added requirements to 10 CFR Part 50 on training and qualification of plant personnel. The training programs are to be developed and implemented by industry during a two-year period. The policy statement provides guidance regarding NRC's support of the industry-managed training accreditation program and states NRC's continuing responsibility to independently evaluate applicants' and licensees' implementation of training programs.

TITLE:

+Operators' Licenses

TIMETABLE:

NPRM 11/26/84 49 FR 46428
NPRM Comment Period Begin 11/26/84
NPRM Comment Period End 02/24/85
FINAL RULE FOR DIVISION REVIEW 10/00/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 12/00/85
FINAL RULE PACKAGE TO EDO 03/00/86
FINAL RULE PUBLISHED 05/00/86
Final Action 05/00/86

LEGAL AUTHORITY:

42 USC 2137; 42 USC 2201; 42 USC 5841; 42 USC 10226

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Bruce Boger
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-4868

TITLE:

+ Safeguards Requirements for Nonpower Reactor Licensees Possessing
Formula Quantities of Strategic Special Nuclear Material

CFR CITATION:

10 CFR 50; 10 CFR 70; 10 CFR 73

ABSTRACT:

When the Commission approved the set of final physical protection requirements for fuel cycle facilities possessing formula quantities (five formula kilograms or more) of strategic special nuclear material (SSNM), they exempted nonpower reactors from these requirements and, instead specified a set of interim requirements. At that time the staff was directed to develop a set of permanent physical protection requirements for this class of nonpower reactors. This rulemaking is needed: (1) to replace current interim regulations and establish permanent physical security requirements for nonpower reactor licensees who possess a nonexempt formula quantity of SSNM, (2) to provide protection against insiders, and (3) to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity. The staff is using a performance-oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. Not more than three facilities are expected to have to implement these requirements at an estimated cost increase of \$1,100 to \$5,100 for improvements and \$300 to \$7,900 for annual operating costs per facility. Public comments on the new NPRM have been received and analyzed. Further action on this rule has been deferred based on a February 23, 1984 memorandum from the Office of Secretary.

TIMETABLE:

Interim Final Rule 11/28/79 44 FR 68199
Previous NPRM 09/18/81 46 FR 46333
NPRM 07/27/83
NPRM Comment Period Begin 07/27/83 48 FR 34056
Proposed Rule limited to Part 73 07/27/83 48 FR 34056
NPRM Comment Period End 11/28/83
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2071; 42 USC 2073; 42 USC 2133; 42 USC 2134; 42 USC 2152;
42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239;
42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Safeguards Requirements for Nonpower Reactor Licensees Possessing
Formula Quantities of Strategic Special Nuclear Material

AGENCY CONTACT:

Carl J. Withee
Nuclear Regulatory Commission, Office of
Nuclear Materials Safety and Safeguards
Washington, DC 20555
301 427-4768

TITLE:

Personnel Access Authorization Program (Part of Insider Rule Package)

CFR CITATION:

10 CFR 50; 10 CFR 73

ABSTRACT:

The proposed rule establish a personnel screening program for individuals requiring unescorted reactor facility access, thus providing increased assurance of the trustworthiness and emotional stability of a reactor site population. Study has indicated that disoriented or disgruntled employees (especially ones who might also be psychotic) at nuclear reactors are of primary safeguards concern because of their inside position. While the Commission has stated that at present it is satisfied with the level of safeguards in place at reactors, it approved publication of the proposed rule for public comment (40 FR 30726) as one means of further assuring protection of public health and safety. The public comment period concluded March 7, 1985. Extensive comments were received and analyzed.

Alternatives to rulemaking that were investigated, included endorsing an ANSI standard through a regulatory guide, issuing a policy statement that endorses industry developed guidelines, using staff position papers, and implementing license conditions. These alternatives were rejected because some would not produce an industry standardized program while others lacked regulatory authority. The proposed regulation will protect against the "insider" threat at reactors through the use of three components: (1) a background investigation to determine past history, (2) a psychological assessment to determine current emotional stability, and (3) a continual behavioral observation program to detect behavioral changes in an individual once granted unescorted access. Primary benefit to the public and licensees is an increased assurance of the trustworthiness and emotional suitability of individuals working in a nuclear reactor environment. Benefits to the NRC result from the use of a codified program that assures that a uniform approach, meeting minimum requirements, will be applied in screening reactor personnel. The net increase in cost per applicant and licensee in implementing this requirement is estimated to be \$91,800 initially and \$260,500 per annum thereafter. The net increase in cost to the NRC due to estimated time in reviewing proposed Personnel Access Authorization Plans and enforcement activities is \$597,100 initially. There are no identified or anticipated NRC operational cost impacts associated with this rule.

TIMETABLE:

NPRM 08/01/84 49 FR 30726

NPRM Comment Period Begin 08/01/84

NPRM Comment Period End 03/07/85

Office concurrence on Final Rule completed 08/27/85

Final Rule Package to EDO 10/31/85

Final Rule Published 01/31/86

TITLE:

Personnel Access Authorization Program (Part of Insider Package)

LEGAL AUTHORITY:

42 U.S.C. 2102; 42 U.S.C. 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Priscilla A. Dwyer

Office of Nuclear Material Safety and Safeguards

Washington, DC 20555

301 427-4773

TITLE:

Explanation to Table S-3 Uranium Fuel Cycle Environmental Data

CFR CITATION:

10 CFR 51

ABSTRACT:

The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts (e.g., environmental dose commitments, health effects, socioeconomic impacts) and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed rule was published for public review and comment (46 FR 15154, March 4, 1981), but the final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v NRC, No. 74- 1486) in the U.S. Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision of April 27, 1982 invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983.

The proposed rule to provide a narrative explanation for Table S-3 was revised to reflect new developments and the passage of time while the rulemaking was deferred. However, final action on the Table S-3 rule is being held in abeyance until new values for radon-222 and technetium-99 can be added to the table and covered in the narrative explanation. The new radon-222 estimate will follow promulgation of new milling regulations now under consideration by the Commission to reduce radon releases to conform to the Environmental Protection Agency's standards that were promulgated October 7, 1983.

TIMETABLE:

NPRM 03/04/81 46 FR 15154
NPRM Comment Period Begin 03/04/81 46 FR 15154
NPRM Comment Period End 05/04/81
FINAL RULE FOR DIVISION REVIEW 02/28/86
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 03/31/86
FINAL RULE PACKAGE TO EDO 04/15/86
FINAL RULE PUBLISHED 04/30/86

TITLE:

Explanation to Table S-3 Uranium Fuel Cycle Environmental
Data

LEGAL AUTHORITY:

42 USC 2011; 42 USC 4321

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Glenn A. Terry
Nuclear Regulatory Commission, Office of
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Washington, DC 20555
301 427-4283

TITLE:

+ Disposal of High Level Radioactive Wastes in Geologic
Repositories: Procedural Amendments

CFR CITATION:

10 CFR 60

ABSTRACT:

The proposed rule would revise procedures regarding NRC reviews of license applications for disposal of high-level radioactive wastes in geologic repositories. The procedures are being revised principally to conform to the provisions of the Nuclear Waste Policy Act of 1982. Specifically, the proposed rule would clarify that NRC begins its review in this licensing process after DOE provides NRC a site characterization plan and that usual rules of practice apply to licensing of these repositories. It would also provide that the NRC may publish a notice of receipt of a site characterization plan and a notice inviting comments on its analysis of a plan.

The proposed rule would also change some of the procedures for the participation of States and Indian tribes in the licensing process. Without the proposed rule, there would be major incongruities between the Nuclear Waste Policy Act and 10 CFR Part 60. Alternatives to the proposed rule would be changing the Nuclear Waste Policy Act or doing nothing and allowing incongruities to exist, with subsequent risk of litigation against NRC.

State and Indian tribes will be affected in that procedures for their participation in the licensing process for geologic repositories will be changed. This should not result in any additional costs or expenditures of resources on the part of the public, NRC, or the nuclear waste management system. The public, and especially States and Indian tribes, will benefit from increased clarity in procedures for licensing.

TIMETABLE:

NPRM 01/17/85 49 FR 2579
NPRM Comment Period Begin 01/17/85 49 FR 2579
NPRM Comment Period End 03/18/85
FINAL RULE FOR DIVISION REVIEW 07/01/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 09/21/85
FINAL RULE PACKAGE TO EDO 09/30/85
FINAL RULE PUBLISHED 12/30/85

LEGAL AUTHORITY:

42 USC 2021a; 42 USC 2071; 42 USC 2111; 42 USC 2201;
42 USC 2201(o); 42 USC 2232; 42 USC 2273; 42 USC 4332;
42 USC 5842; 42 USC 5846; 42 USC 5851; 42 USC 10141

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Disposal of High Level Radioactive Wastes in Geologic
Repositories: Procedural Amendments

AGENCY CONTACT:

Clark Prichard
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301 427-4586

TITLE:

+ Material Control and Accounting Requirements for Licensees Possessing Formula Quantities of Strategic Special Nuclear Material

CFR CITATION:

10 CFR 70

ABSTRACT:

The proposed rulemaking would replace existing material control and accounting (MC&A) requirements for fuel cycle facilities that are authorized to possess and use formula quantities of strategic special nuclear material (SSNM).

It would establish a performance oriented regulation that emphasizes timely detection of formula quantity SSNM losses and provides for more conclusive resolution of discrepancies than is currently achievable. Experience with existing regulations has demonstrated weaknesses in the area of alarm resolution principally because of a lack of timely detection of anomalies and poor loss localization capabilities. The rulemaking would alleviate these liabilities by requiring tests on a more timely basis on small plant subdivisions.

An alternative to the rule would be to implement the concepts through license amendments for the four involved licensees; however, such an action would be inconsistent with the Administrative Procedures Act and the direction provided in NRC's Policy and Program Guidance document. The protection of the public health and safety will be enhanced through earlier detection and more prompt resolution of anomalies potentially indicative of an SSNM loss. In response to public comments, the staff has revised the earlier cost figures to reflect costs on a site-specific basis. The initial cost to the industry has been estimated to be \$5.7 million which analyses indicate will be offset by reduced annual operating costs. Cost savings will be achieved through the reduction or elimination of unnecessary requirements with the principal one being a reduction in the frequency of physical inventories. The cost to the NRC to complete this rulemaking is estimated to be four staff years or \$240,000 which includes time for the review of the plans submitted in response to the rule.

TITLE:

+ Material Control and Accounting Requirements for Licensees Possessing Formula Quantities of Strategic Special Nuclear Material

TIMETABLE:

ANPRM 11/18/81 46 FR 45144
ANPRM Comment Period Begin 11/18/81 46 FR 56625
ANPRM Comment Period End 02/09/82
NPRM 02/02/84 49 FR 4091
NPRM Comment Period Begin 02/02/84 49 FR 4091
NPRM Comment Period End 09/05/84
FINAL RULE FOR DIVISION REVIEW 01/00/86
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 02/00/86
FINAL RULE PACKAGE TO EDO 03/00/86
FINAL RULE PUBLISHED 07/00/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

C. W. Emeigh
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of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4769

TITLE:

+ Searches of Individuals at Power Reactor Facilities (Part of Insider Package)

CFR CITATION:

10 CFR 73

ABSTRACT:

The proposed rule would revise the search requirements for individuals entering the protected area of nuclear power plants. Under the proposed requirements, all persons would be subject to equipment searches for firearms, explosives and incendiary devices. Physical searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material. Random searches were considered as an alternative, but were dismissed as being possibly disruptive. Since licensees already possess the necessary equipment, this rule will affect only licensee procedures at negligible additional cost.

Since requirements for searches have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation.

The most expensive items in the industry cost have already been absorbed, equipment and search personnel; thus cost to the industry is minimal. This impact on NRC operations will occur in the area of licensing review of amended licensee security plans. Initial cost to the NRC is estimated to be \$58,600. There are no significant NRC operational costs resulting from this rule.

TIMETABLE:

NPRM 08/01/84 49 FR 30726
NPRM Comment Period Begin 08/01/84 49 FR 30726
NPRM Comment Period End 03/07/85
Office Concurrence on Final Rule Completed 08/27/85
Final Rule for Division Review 08/00/85
Final Rule to EDO 10/31/85
Final Rule Published 01/31/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Searches of Individuals at Power Reactor Facilities (Part of Insider Package)

AGENCY CONTACT:

Priscilla A. Dwyer
Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4773

TITLE:

+Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants (Part of Insider Rule Package)

CFR CITATION:

10 CFR 73

ABSTRACT:

The proposed rule would require in Nuclear Power Plants, (1) access controls to vital areas, (2) the protection of certain physical security equipment, (3) revised requirements for key and lock controls, and (4) revised authority to suspend safeguards measures during emergencies. (Years of operating experience revealed a need for clarification and refinement.) The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled, "Access Controls to Nuclear Power Plant Vital Areas." Initial development of a final rule produced significant changes, particularly in the criteria for personnel access controls to vital areas, resulting in the need to publish a revised rule. This proposed rule and the other components of the insider rule package were reviewed by the NRC Safety/Safeguards Review Committee which considered a number of alternative approaches to vital areas and provided recommendations that are reflected in the proposed rule.

Since requirements for protecting vital areas have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would carry the force of a regulation.

Implementation cost for these improvements is \$10,200 per site; however, an annual savings of \$15,000 per site is anticipated in the cost of industry operations because of reduced key and local control requirements. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans and Inspection and Enforcement staff support time. Initial cost to the NRC is estimated to be \$175,700. There is no significant NRC operational costs resulting from this rule.

TIMETABLE:

NPRM 08/01/84 49 FR 30726
NPRM Comment Period Begin 08/01/84
NPRM Comment Period End 04/07/85
Office concurrence on Final Rule completed 08/27/85
Final Rule Package to EDO 10/31/85
Final Rule Published 01/31/86

LEGAL AUTHORITY:

42 U.S.C. 2102; 42 U.S.C. 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Priscilla A. Dwyer
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
(301) 427-4773

TITLE:

+ Modification of Protection Requirements for Spent Fuel Shipments

CFR CITATION:

10 CFR 73

ABSTRACT:

A proposed rule has been issued to moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The alternatives considered during the development of the proposal were: (1) let the current interim requirements continue in force; (2) moderate the current requirements; and (3) eliminate all interim requirements. The alternative of moderating the requirements was selected. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated fuel cooled less than 150 days. The benefit of the proposed rule would be the elimination of unnecessarily strict requirements which presently apply to spent fuel shipments.

The modified requirements will result in an estimated savings to licensees of about \$20,000 to \$30,000 annually, assuming the present rate of 135 shipments annually. Adoption of the proposed amendments would reduce NRC travel cost by about \$8,000 annually. Public comments are being considered and a final rule is being drafted.

TIMETABLE:

NPRM 06/08/84 49 FR 23867
NPRM Comment Period Begin 06/08/84
NPRM Comment Period End 09/10/84
FINAL RULE FOR DIVISION REVIEW 12/20/85
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 01/15/86
FINAL RULE PACKAGE TO EDO 01/31/86
FINAL RULE PUBLISHED 03/31/86
Final Action 03/31/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Modification of Protection Requirements for Spent Fuel Shipments

AGENCY CONTACT:

Carl B. Sawyer
Nuclear Regulatory Commission, Office of
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Washington, DC 20555
301 427-4186

TITLE:

+ Reporting Requirements for Safeguards Events

CFR CITATION:

10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 74

ABSTRACT:

The proposed rule would amend reporting requirements of section 73.71 for reports of unaccounted for shipments, suspected thefts, unlawful diversion, and other safeguards events. The staff has found the present requirements confusing to licensees and, therefore, difficult for licensees to properly implement. These difficulties have contributed to safeguards event reports that lack uniformity and contain insufficient data for NRC analysis purposes. Safeguards event reporting requirements are necessary to permit timely response by the NRC to safeguards incidents and to identify possible generic deficiencies in safeguards systems. Until the requirements for reporting are clarified and simplified, the problems identified above will continue to exist. This is considered to be a matter of moderate urgency. An alternative to rulemaking is issuance of additional or revised guidance on the present requirement. However, such guidance would lack regulatory authority. Since the problems have arisen over the abstract nature of the present requirement, it appears the best solution is to correct the source of the problem by amending the existing rule. The proposed amendments redefine, in clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour telephonic notification is deleted. All events would be either telephonically reported within one hour or logged in licensee records to be submitted to the NRC quarterly. Concurrent with the rule revision, a revised regulatory guide is being developed which provides a format for reporting to the NRC and gives examples of what types of events should be reported and under what category.

There is expected to be no cost impact to the public. Benefits to licensees will be clearer, simpler regulations, and a reduction in telephonic and written report making. While the proposed regulations will require more detailed, standardized written reports, the reduction in the number of telephone and written reports is expected to result in a net cost decrease to industry of \$641,600 incurred on an annual basis.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 11/00/84
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 03/00/85
PROPOSED RULE TO EDO 08/01/85
PROPOSED RULE PUBLISHED 08/27/85 50 FR 34708
NPRM COMMENT PERIOD BEGIN 08/27/85 50 FR 34708
NPRM COMMENT PERIOD END 11/27/85
FINAL RULE PUBLISHED 07/30/86

TITLE:

+ Reporting Requirements for Safeguards Events

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Priscilla A. Dwyer
Nuclear Regulatory Commission, Office of
Nuclear Safety and Safeguards
Washington, DC 20555
301 427-4773

TITLE:

+ Criteria for an Extraordinary Nuclear Occurrence

CFR CITATION:

10 CFR 140

ABSTRACT:

The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on items that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels). The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO. Because ENO criteria are administrative criteria for use by the Commission, they do not impose any requirement upon a licensee.

TIMETABLE:

NPRM 04/09/85 50 FR 13978
NRRM Comment Period Begin 04/09/85
NPRM Comment Period End 08/13/85
Comment Period expires 09/06/85 50 FR 32086
FINAL RULE FOR DIVISION REVIEW 02/28/86
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 05/30/86
FINAL RULE PACKAGE TO EDO 06/30/86
FINAL RULE PUBLISHED 10/31/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Harold Peterson
Nuclear Regulatory Commission
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Washington, DC 20555
301 427-4353

(C) Advance Notices of Proposed Rulemaking

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TITLE:

Rules of Practice for Domestic Licensing Proceedings: Role of NRC Staff in Adjudicatory Licensing Hearings

CFR CITATION:

10 CFR 2

ABSTRACT:

The role of the NRC staff in initial proceedings was among the issues discussed in an enclosure to a January 2, 1985, memorandum to the Chairman of the House Subcommittee on Energy and Water Development from Chairman Palladino. This discussion stated that the Commission has decided that the NRC's role in these proceedings should not be changed. Therefore, the action proposed by this advance notice of proposed rulemaking will be terminated. The Commission is considering amending its Rules of Practice concerning what role the NRC staff should have in adjudicatory licensing hearings to most effectively contribute to the protection of the public health and safety. This notice invites public comments and suggestions on four options and related questions, briefly described below. Option 1 would limit staff participation in contested initial licensing proceedings to only those controverted factual issues it disagrees with on a technical basis or rationale. Option 2 would require the NRC staff to supply the Commission and the Licensing Board with its view and analyses on every substantive issue raised in an initial licensing proceeding but would prohibit the staff's participation in any procedural matter. Option 3 would retain status quo, i.e., the NRC staff would participate as full party on all issues. Option 4 would expand public involvement in the prehearing stage of initial licensing proceedings, and this option could be used in conjunction with any of the first three options. The staff would subsequently address each substantive issue raised in the Safety Evaluation Report.

Alternatives to rulemaking could include a policy statement or no action, depending on the option chosen. The possible means of addressing this issue through rulemaking are discussed above. The effects of the rulemaking, including benefits and costs, will depend on the option chosen. NRC resources needed for this rulemaking are estimated at 500 staff hours.

TIMETABLE:

ANPRM 11/02/83 48 FR 50550
ANPRM Comment Period Begin 11/02/83 48 FR 50550
ANPRM Comment Period Extended 01/03/84 48 FR 54243
ANPRM Comment Period End 01/03/85
Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2231

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Rules of Practice for Domestic Licensing Proceedings: Role of NRC
Staff in Adjudicatory Licensing Hearings

AGENCY CONTACT:

James R. Tourtellotte
Nuclear Regulatory Commission
Regulatory Reform Task Force
Washington, DC 20555
301 492-7678

TITLE:

Regulatory Reform of the Rules of Practice and Rules for
Licensing of Production and Utilization Facilities

CFR CITATION:

10 CFR 2; 10 CFR 50

ABSTRACT:

This proposed rule would amend thirty-three sections of two parts affecting the hearing process associated with the issuance of all NRC licenses. Streamlining the hearing process would ultimately provide cost savings to all participants in the process. However, intervenors may initially be required to provide more information than is now required at some added expense.

In the screening process, the most significant changes would (1) establish a screening Atomic Safety and Licensing Board (ASLB) to act as a clearinghouse for all requests for hearings, petitions for leave to intervene, and proposed contentions, (2) require a participant in a hearing to show that he or she has an interest to protect in the proceeding, and (3) require evidence of a factual dispute for a contention to be admitted.

During the conduct of hearings, the most significant changes would (1) not hear discovery requests requiring the staff to support positions other than its own, (2) permit the ASLB to decide the case on the basis of written material, (3) permit the ASLB to appoint a panel of technical experts if needed, (4) allow presiding officers to raise issues on their own motion (sua sponte) only in unusual cases, (5) allow summary disposition motions to be filed at any stage of the proceeding, (6) allow the Commission to designate a hearing examiner in lieu of a three-member ASLB, and (7) require the filing of cross examination plans.

During the decision-making process, the most significant changes would (1) remove the ASLB as an independent appeal board but place it organizationally directly under the Commission to review, as before, ASLB decisions, and give its recommendations to the Commission, (2) allow any generic issue resolved in an initial licensing proceeding to be codified, allowing a 45 day comment period (3) allow an intervenor to participate in discussing only those items he or she introduced, and (4) reinstate the immediate effectiveness of an ASLB decision on an operating license, construction permit, or work authorization. The proposals, submitted by the Commission's Regulatory Reform Task Force suggest ways to improve the reactor licensing process.

TIMETABLE:

ANPRM 04/12/84 49 FR 14698

ANPRM Comment Period Begin 04/12/84 49 FR 14689

ANPRM Comment Period End 06/11/84

NPRM Undetermined

TITLE:

Regulatory Reform of the Rules of Practice and Rules for
Licensing of Production and Utilization Facilities

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2231; 42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

James R. Tourtellotte
Nuclear Regulatory Commission
Regulatory Reform Task Force
Washington, DC 20555
202 634-1461

TITLE:

+ Standards for Protection Against Radiation

CFR CITATION:

10 CFR 20

ABSTRACT:

Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation which are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action; delay for further guidance; and partial revision of the standards. They were rejected as ignoring scientific advancements; being unresponsive to international and national guidance; and correcting only some of the recognized problems with the present Part 20. Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; providing understandable health-risk base for protection; and placing constraints on collective dose evaluations at levels where risks are trifles.

Initial estimates of the cost of implementing the revision is about \$23 million the initial year and about \$7 million in subsequent years. This cost does not include any savings which might also be realized by the revision.

TIMETABLE:

ANPRM 03/20/80 45 FR 18023
ANPRM Comment Period Begin 03/20/80 45 FR 18023
ANPRM Comment Period End 06/18/80
NPRM TO COMMISSION 04/22/85
NPRM 12/00/85
Final Rule Published 06/00/87

TITLE:

+ Standards for Protection Against Radiation

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133;
42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Robert E. Baker
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4579

TITLE:

+ Financial Responsibility of Materials Licensees for Cleanup
After Accidental and Unexpected Releases

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

ABSTRACT:

The advance notice of proposed rulemaking (ANPRM) seeks comments on the advisability of having NRC require a mechanism to assure financial capability on the part of certain NRC materials licensees (e.g., fuel fabricators and users of sealed radiation sources) to undertake prompt cleanup of accidental release or contamination, both on and off site. Estimates for cleanup costs in the recent past have ranged up to \$2 million for a single event. To date, cleanup has been conducted by the State or Federal government, but frequently public monies are used only after lengthy delays. Use of an alternative, i.e., the 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is effectively blocked by EPA policy. CERCLA provides funds for cleanup if the owner or operator is unable to do so and if the release is not covered by "Price-Anderson" provisions, which address liability and do not provide funds for cleanup per se. EPA maintains that NRC has full authority to require cleanup of accidental releases by licensees; thus, CERCLA public funds should not be used for this purpose.

Costs to licensees of the possible different financial assurance mechanisms are based on proprietary information. Staff is inviting comments in response to the ANPRM to address costs aspects, as well as scope of coverage and availability of alternative mechanisms. After evaluating the comments, the staff will recommend to the Commission if the rulemaking should continue. The NRC resources necessary for the ANPRM are 0.5 FTE in 1985 and 0.4 in 1986.

TIMETABLE:

ANPRM 06/07/85 50 FR 23960
ANPRM Comment Period Begin 06/07/85 50 FR 23960
ANPRM Comment Period End 10/05/85
PROPOSED RULE FOR DIVISION REVIEW 11/15/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 12/15/86
PROPOSED RULE PACKAGE TO EDO 01/01/87
PROPOSED RULE PUBLISHED 04/01/87
FINAL RULE PUBLISHED 04/30/88

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

TITLE:

+ Financial Responsibility of Materials Licensees for Cleanup
After Accidental and Unexpected Releases

AGENCY CONTACT:

Mary Jo Seeman
Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4647

TITLE:

+Emergency Preparedness for Fuel Cycle and Other Radioactive
Materials Licensees

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 70

ABSTRACT:

The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would among other actions, require the notification of authorities in case of an accident. The proposed rule is intended to mitigate the consequences of potentially significant releases of radioactive material. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard).

TIMETABLE:

ANPRM 06/03/81 46 FR 29712
ANPRM Comment Period Begin 06/03/81 46 FR 29712
ANPRM Comment Period End 08/03/81
Proposed Rule for Division Review 02/08/85
Office Concurrence on Proposed Rule Completed 09/25/85
Proposed Rule Package to EDO 10/10/85
Proposed Rule Published 11/00/85
Final Rule Published 01/00/87

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

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Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7636

TITLE:

+Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues

CFR CITATION:

10 CFR 40

ABSTRACT:

The advance notice of proposed rulemaking requested comments on NRC's tentative approach to making further amendments to its uranium mill tailings regulations. The contemplated rulemaking proceeding is intended to incorporate groundwater provisions and other requirements established by the Environmental Protection Agency for similar hazardous wastes into NRC regulations. This action is necessary to make NRC regulations consistent with EPA standards as required by the Uranium Mill Tailings Radiation Control Act. Alternatives to this action involve timing and scope.

Comments on the ANPRM will help define the nature and scope of the action. EPA has estimated that compliance with their groundwater standards and with the stability, radon release, and other requirements recently promulgated will cost the industry from about \$310 million to \$540 million for all tailings generated by the year 2000. The range depends on the eventual cost of groundwater protection for future tailings. The EPA regulations are binding on NRC licensees in the interim. Estimates of NRC resources are still being developed.

TIMETABLE:

ANPRM 11/26/84 49 FR 46425
ANPRM Comment Period Begin 11/26/84 50 FR 2293
ANPRM Comment Period End 03/01/85
PROPOSED RULE FOR DIVISION REVIEW 12/06/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 01/24/86
PROPOSED RULE PACKAGE TO EDO 01/31/86
NPRM 05/23/86
PROPOSED RULE PUBLISHED 05/23/86
FINAL RULE PUBLISHED 04/22/87

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841; 42 USC 7901 Note

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Kitty S. Dragonette
Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, D.C. 20555
301 427-4300

TITLE:

± Emergency Core Cooling Systems; Revisions to Acceptance Criteria

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by changing the methods used to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident. This action is proposed because research has shown that calculations performed under current requirements result in estimates of cooling system performance which are significantly worse than estimates based on the improved knowledge gained from this research and because the operation of some nuclear reactors is being unnecessarily restricted. This results in increased cost of electricity generation. The proposed rule would allow use of the best information currently available to demonstrate that the ECCS would protect the reactor core during a loss-of-coolant accident. The proposed rule would apply to all applicants for and holders of construction permits for light water reactors.

Because the proposed rule represents a significant change in a regulatory requirement, the staff is currently preparing a summary of ECCS research performed over the last 10 years which will serve as the technical basis for the proposed rule and a regulatory guide which will provide definition of what constitutes an acceptable best estimate model and acceptable methods of performing the uncertainty evaluation. The estimated cost to the NRC of this rulemaking is 2-3 staff years and \$200,000 of contractor support.

TIMETABLE:

ANPRM 12/06/78 43 FR 57157
ANPRM Comment Period Begin 12/06/78 43 FR 57157
ANPRM Comment Period End 02/05/79
Proposed Rule for Division Review 08/00/85
Office Concurrence on Proposed Rules Completed 10/00/85
Proposed Rule Package to EDO 01/30/86
Proposed Rule Published 03/30/86
Final Rule Published 03/15/87

LEGAL AUTHORITY:

42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232;
42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841
42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Emergency Core Cooling Systems; Revisions to Acceptance Criteria
Criteria

AGENCY CONTACT:

L.M. Shotkin
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-4254

TITLE:

Design and Other Changes in Nuclear Power Plant Facilities
After Issuance of Construction Permit

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule will prescribe improved approaches for reducing and better controlling the level of change in reactor design and construction. These approaches will be based on recommendations found in NUREG-1055, "Improving Quality and the Assurance of Quality in the Design and Construction of Nuclear Power Plants" (QA Report), which the NRC submitted to Congress in April 1984. The QA Report, prepared by the NRC's Office of Inspection and Enforcement (IE), cited deficiencies in the management of design changes as a key factor contributing to significant quality problems in reactor design and construction that have occurred in the past several years. The QA Report recommended that the NRC consider requiring more complete designs prior to the beginning of construction and the adoption, as a discipline, of change management (known generically as configuration management) as approaches to overcoming the design management deficiencies. Since this rulemaking deals with issues closely related to design completion and control of changes, responsibility for this rulemaking was transferred from the NRC's Office of Nuclear Regulatory Research to IE in September 1984.

Staff is working toward a refinement of the QA Report findings and the development of a regulatory analysis which will discuss the economic impact of the rulemaking on affected licensees.

TIMETABLE:

ANPRM 12/11/80 45 FR 81602
ANPRM Comment Period Begin 12/11/80 45 FR 81602
ANPRM Comment Period End 02/09/81
Final Action 11/00/87

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Wayne Scott
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 492-4220

TITLE:

Modification of the Policy and Regulatory Practice
Governing the Siting of Nuclear Power Reactors

CFR CITATION:

10 CFR 50; 10 CFR 51; 10 CFR 100

ABSTRACT:

This rulemaking is intended to review and revise the Commission's siting regulations to reflect experience gained since the Commission's current reactor siting regulations were published on April 12, 1962 (27 FR 3509). Many developments in this period including work to establish a Commission safety goal and the ongoing review of reactor accident source terms, have brought into question both the existing regulations and their technical support. This rulemaking will resolve those questions.

In the present circumstances a lack of applications for new plants argue that these changes are not needed. However, the new information that is being developed and the lead time between the decision to site and the time when a reactor begins producing power commercially make it prudent for the Commission to address these changes in a timely manner.

The alternatives to rulemaking in this case are restricted to no action. If action is taken based on the new and more reliable data now becoming available, the regulations themselves must be changed. Intermediate remedies such as policy statements and regulatory guides would not have adequate authority to supplant existing regulations.

An advance notice of rulemaking was published seeking public comment on various approaches to this rulemaking. A proposed rule will be structured to achieve resolution of these comments and reflect information from the reactor accident source term review and the trial implementation period for the Safety Goal. These revised regulations will make the siting and review of power plant sites more predictable through application of clearer requirements.

There is no indication that the criteria would increase costs or have a significant adverse affect on safety. On the contrary, clear requirements will allow for more informed and more efficient siting decisions. This rulemaking would require additional NRC resources of approximately two staff years and minimal contract support. This rulemaking is presently on hold pending completion of the reactor accident source term review. A schedule for resumption of this activity is to be developed upon completion of the accident source term review.

TITLE:

Modification of the Policy and Regulatory Practice
Governing the Siting of Nuclear Power Reactors

TIMETABLE:

ANPRM 07/29/80 45 FR 50350
NPRM 10/00/87

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

William R. Ott
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4631

TITLE:

Seismic and Geologic Siting Criteria for Nuclear Power
Plants

CFR CITATION:

10 CFR 100

ABSTRACT:

The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM-50-20 and PRM-100-2 will be addressed as part of this rulemaking.

The staff has initiated paperwork to withdraw this rulemaking.

TIMETABLE:

ANPRM 01/19/78 43 FR 2729
NPRM 12/00/87

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Leon L. Beratan
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4370

(D) Unpublished Rules

D

TITLE:

Revised Rules of Practice for Domestic Licensing Proceedings

CFR CITATION:

10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission is proposing an amendment that would revise its procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would comprehensively restate current practice, retitle the hearing office, and revise and reorganize the Commission's procedural rules. The changes set out in this proposed rule are intended to enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

TIMETABLE:

ANPRM 11/01/85
NPRM 05/01/86
Final Action 09/01/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

B. Paul Cotter, Jr.
Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, DC 20555
301 492-7787

TITLE:

- * Revision to Ex Parte and Separation of Functions Rules
Applicable to Formal Adjudicatory Proceedings

CFR CITATION:

10 CFR 0, 10 CFR 2

ABSTRACT:

The proposed rule would amend the Commission's regulations dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions in formal adjudicatory proceedings to update the agency's rules of practice and to incorporate requirements imposed by the Government in the Sunshine Act. Changes are proposed in both the form and the substance of the existing rules to clarify their meaning and to aid agency adjudicatory officials to maintain effective communication with NRC staff personnel and persons outside the agency while at the same time ensuring that proceedings will be conducted fairly and impartially. This proposed rule would supersede a prior proposed rule entitled, "Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions," (3150-AA00) published March 7, 1979 (44 FR 12428).

TIMETABLE:

NPRM 12/00/85

LEGAL AUTHORITY:

5 USC 554(d); 5 USC 557(d)

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of General Counsel
Washington, D. C. 20555
202 634-3224

TITLE:

* Statement or Organization and General Information

CFR CITATION:

10 CFR 1

ABSTRACT:

The Nuclear Regulatory Commission is amending its regulations to grant additional rulemaking authority to its Executive Director for Operations (EDO). The amendment affects internal agency procedure and practice and will not impact NRC applicants, licensees, or the public. The EDO may now issue rules under 10 CFR Parts 0, 2, and 110 that do not raise significant questions of policy, i.e., rules that do not involve a major change in existing Commission policy, present a major new issue, are corrective in nature, or will not result in a major commitment of resources. The new authority will also extend to issuing proposed and final rules under 10 CFR Parts 7, 8, and 9, Subpart C, that are corrective or of a nonpolicy nature. Prior to this amendment, the EDO did not have authority to issue rules affecting 10 CFR Parts 0, 2, 7, 8, 9, Subpart C, or 110.

TIMETABLE:

Final Action 10/00/85

LEGAL AUTHORITY:

42 USC 2033; 42 USC 2201; 42 USC 2039; 42 USC 2241; 42 USC 5841; 42 USC 5843; 42 USC 5844; 42 USC 5845; 42 USC 5849

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Trip Rothschild
Office of the General Counsel
Washington, DC 20555
202 634-1465

TITLE:

* General Statement of Policy and Procedure for Enforcement Actions

CFR CITATION:

10 CFR 2

ABSTRACT:

The NRC is publishing minor revisions to its enforcement policy to describe how its enforcement policy applies to vendors of products or services that are supplied to the nuclear industry for ultimate use in facilities or activities that are licensed by the NRC. The policy statement is intended to inform licensees, vendors and the public of the bases for taking various enforcement actions. The policy is codified as Appendix C to Part 2 of Title 10 of the Code of Federal Regulations.

TIMETABLE:

Final Action 11/00/85

LEGAL AUTHORITY:

42 USC 2014; 42 USC 2111; 42 USC 2114; 42 USC 2167; 42 USC 2273;
42 USC 2282; 42 USC 2901

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Jane A. Axelrad
Office of Inspection and Enforcement
Washington, DC 20555
301 492-4909

TITLE:

Availability of Official Records

CFR CITATION:

10 CFR 2

ABSTRACT:

The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The purpose of the amendment is to reaffirm that the terms of 10 CFR 2.790 (c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw pursuant to 10 CFR 2.790 (c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

TIMETABLE:

Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-3224

TITLE:

Informal Hearing Procedures for Materials Licenses Proceedings

CFR CITATION:

10 CFR 2

ABSTRACT:

This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. In addition, the proposed rule would encompass the objective of the proposed rule, "Jurisdiction of Adjudicatory Boards," identified as 3150-AA53 which is being deleted from OMB's Unified Agenda. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

TIMETABLE:

NPRM 01/00/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2239(a)

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Paul Bollwerk
Nuclear Regulatory Commission
Office of the General Counsel
Washington, DC 20555
202 634-3224

TITLE:

+ Licensing Requirements for the Storage of Spent Fuel and High-Level Radioactive Waste

CFR CITATION:

10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

ABSTRACT:

The proposed rule will revise existing regulations to cover specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision, required by the Nuclear Waste Policy Act, is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program.

Paragraph (d) of Section 141 of the NWPA provides that any monitored retrievable storage installation pursuant to Section 141 shall be subject to licensing by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in unnecessary delay in reviewing a license application if Congress authorizes construction of an MRS. The Department of Energy (DOE) is required to complete a detailed study of the need for and feasibility of a MRS installation. In a proposal to be submitted to Congress on or before June 1, 1985, DOE must include for the siting, development, construction, and operation of facilities capable of storing spent fuel and high-level radioactive waste. Site-specific designs, specifications, and cost estimates must also be included in the proposal. DOE has announced that a proposal for MRS will be submitted to Congress in January 1986.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 06/00/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 08/22/85
PROPOSED RULE PACKAGE TO EDO 09/30/85
PROPOSED RULE PUBLISHED 12/20/85
FINAL RULE PUBLISHED 10/00/86

LEGAL AUTHORITY:

42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093;
42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232;
42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Licensing Requirements for the Storage of Spent Fuel and High-Level Radioactive Waste

AGENCY CONTACT:

William R. Pearson
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7663

TITLE:

+ Nondiscrimination on the Basis of Handicap in Nuclear Regulatory Commission Programs

CFR CITATION:

10 CFR 4

ABSTRACT:

The proposed rule would provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, in programs or activities conducted by the Nuclear Regulatory Commission. The proposed rule would make it unlawful for the NRC to discriminate, on the basis of handicap, in employment or the conduct of its activities. The proposed rule would place the same obligations on the NRC that are placed on the recipients of Federal financial assistance.

TIMETABLE:

Final Action 06/00/87

LEGAL AUTHORITY:

42 USC 2021; 42 USC 2201; 42 USC 5841; 29 USC 794; 29 USC 706

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Edward E. Tucker
Nuclear Regulatory Commission, Office of
Small and Disadvantaged Business Utilization
Civil Rights, Washington, DC 20555
301 492-7697

TITLE:

+ Nondiscrimination on the Basis of Sex - Title IX of the Education Amendments of 1972, as Amended

CFR CITATION:

10 CFR 4

ABSTRACT:

The proposed rule would implement the provisions of Title IX of the Education Amendments of 1972, as amended, that prohibit discrimination on the basis of sex in programs and activities receiving Federal financial assistance from the Nuclear Regulatory Commission. The proposed rule sets out the requirements necessary to comply with the legislation and the procedures to be followed by appropriate officials within the NRC in enforcing the requirements. The requirements of the proposed rule would apply to each recipient of Federal financial assistance from the NRC.

TIMETABLE:

Final Action 06/00/87

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841; 20 USC 1681; 20 USC 1682; 20 USC 1683;
20 USC 1685; 20 USC 1686

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Edward E. Tucker
Nuclear Regulatory Commission, Office of
Small and Disadvantaged Business Utilization
Civil Rights, Washington, DC 20555
301 492-7697

TITLE:

Retention Periods for Records

CFR CITATION:

10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31;
10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50;
10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

ABSTRACT:

This proposed rule would establish a specific retention period for certain NRC-required records. It would also provide a uniform standard acceptable to the NRC for the condition of a record throughout a specified retention period. Further, the rule would establish throughout NRC regulations, with some exceptions, uniform retention periods of three years, five years, ten years, and the life of a license. This rule would bring NRC regulations into compliance with the Office of Management and Budget's (OMB) regulation (5 CFR 1320.6) that requires a specified retention period for each required record. It also implements NRC's 1982 commitment to OMB to establish a record retention period of determinable length for each required record.

Amending twenty one parts of NRC regulations to specify clearly what records to retain, how long to retain them, and the condition of a record useful for NRC inspection, will be mutually beneficial to applicants and licensees and to the NRC.

Recordkeeping labor for NRC's approximately 6,700 licensees who would be affected by the rule can be divided into four functions: (1) preparing the report, (2) storing the report, (3) files, and (4) retrieving the report information.

The principal savings to the licensee, dispersed over the period licensed, would be in physical storage space and associated storage equipment and materials. The burden of recordkeeping would be reduced approximately 10 percent annually for these licensees by the proposed rule. An estimated 466,323 hours associated with recordkeeping or \$28,000,000 annually would be saved. Preparing and publishing this rule would cost NRC approximately 500 hours of staff time at \$60 per hour for an estimated total of \$30,000.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 01/00/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 03/00/86
PROPOSED RULE PACKAGE TO EDO 07/00/86
NPRM 07/00/86
PROPOSED RULE PUBLISHED 07/00/86
FINAL RULE PUBLISHED 08/00/87
Final Action 08/00/87

LEGAL AUTHORITY:

42 USC 2201

TITLE:

Retention Periods for Records

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

R. Stephen Scott
Office of Administration
Washington, DC 20555
301 492-8585

TITLE:

Residual Radioactive Contamination Limits for Decommissioning

CFR CITATION:

10 CFR 20

ABSTRACT:

The proposed rule would establish residual radioactive contamination limits that must be met before buildings, structures, equipment, materials, and lands may be released for use on an unrestricted basis. Licensed facilities with residual levels of radioactive contamination below these limits would be eligible for unrestricted release and termination of the license. The proposed amendments are necessary to provide licensees with quantitative criteria to use in the decommissioning and cleanup of buildings, structures, equipment, materials, and lands used in NRC licensed activities. The primary alternative to rulemaking is to continue case-by-case evaluations based on regulatory guides until such time as EPA may establish such standards. The proposed rule is intended to ensure that buildings, structures, equipment, materials, and lands used in NRC licensed activities will be decommissioned and decontaminated in a consistent manner that protects public health. The cost analysis for this proposal is being completed.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 03/31/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 06/30/86
PROPOSED RULE PACKAGE TO EDO 09/30/86
NPRM 12/00/86
PROPOSED RULE PUBLISHED 12/31/86
FINAL RULE PUBLISHED 12/31/87

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Don F. Harmon
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4566

TITLE:

+ Conforming Amendments to Prenotification, Quality Assurance,
and Package Monitoring Requirements

CFR CITATION:

10 CFR 20; 10 CFR 71

ABSTRACT:

The proposed amendments would revise the requirement for advance notification of waste shipments to provide a more uniform level of hazard at which the report is required. The proposed level of hazard is expected to conform to the level at which the Department of Transportation imposes motor vehicle routing requirements. The proposed amendments would also clarify which of the general licenses in 10 CFR Part 71 require quality assurance programs. The proposed amendments would also adjust the limits for package monitoring on receipt in 10 CFR 20.205 to conform to the new A1/A2 system of Part 71. The proposed amendments are expected to result in no overall net increase in costs to affected licensees.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 08/15/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 09/15/86
PROPOSED RULE PACKAGE TO EDO 10/00/86
PROPOSED RULE PUBLISHED 11/00/86
FINAL RULE PUBLISHED 05/31/87

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233;
42 USC 2273; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Donald R. Hopkins
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:

*Posting Requirements for the Protection of Contractor Employees
and Extension of Criminal Penalties

CFR CITATION:

10 CFR 21

ABSTRACT:

The proposed rule would combine the Extension of Criminal Penalties and Protection of Employees Who Provide Information into the above titled proposed rule. The proposed rule would require the posting of the provisions of section 223 (b) of the Atomic Energy Act of 1954, as amended, and section 210 of the Energy Reorganization Act which notify any individual director, officer, and employee of a firm constructing or supplying the components of a nuclear power plant of the provisions of section 223(b) and 210.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 02/00/86
OFFICE CONCURRENCE ON PROPOSED RULE 04/00/86
COMPLETED
PROPOSED RULE PACKAGE TO EDO 06/00/86
PROPOSED RULE PUBLISHED 06/00/86
FINAL RULE PUBLISHED 06/00/87

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stanley P. Turel
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7925

TITLE:

+Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance

CFR CITATION:

10 CFR 21; 10 CFR 50

ABSTRACT:

This proposed rule would amend Part 21 and sec. 50.55(e) both of which require the reporting of safety defects by licensees. This effort was prompted by TMI Action Plan Task II, J. 4 and has as its main objectives: (1) elimination of duplicate reporting among all requirements, (2) consistent reporting among all reporting requirements, (3) establishment of uniform and clear definitions for defects which need to be reported, (4) establishment of uniform time limits within which a defect must be reported and evaluated and, (5) establishment of uniform content for reporting of defects. Approximately 450 to 500 reports are issued annually under Part 21 and sec. 50.55(e) respectively. The reports identify plant-specific safety concerns and potential generic safety concerns for further NRC followup. These reports form the basis for numerous NRC bulletins and information notices. This proposed rulemaking will reduce the potential for duplicate reporting and evaluation that now exists and will establish a more coherent regulatory framework that is expected to reduce industry and NRC burden in this area without sacrificing safety effectiveness. Alternatives to this approach varied from establishment of a single rule for all reporting to maintaining a status quo for defect reporting. All alternatives were rejected since they would not result in any substantial improvement to the present regulatory framework.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at \$12,400,000 annually for industry and \$2,900,000 annually for NRC evaluations. It is anticipated that industry reporting burden with the proposed rulemaking will be reduced by 36,800 hours or \$2,208,000 while NRC burden should be increased by \$100,000. Additional burden to industry and NRC, while minimal, is anticipated in the areas of adherence to time schedules, and enforcement, recordkeeping respectively.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 05/00/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 06/05/85
PROPOSED RULE PACKAGE TO EDO 09/27/85
PROPOSED RULE PUBLISHED 02/01/86
FINAL RULE PUBLISHED 08/01/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

TITLE:

+Proposed Revisions to the Criteria and Procedures for the
Reporting of Defects and Noncompliance

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John Zudans
Nuclear Regulatory Commission
Office of Inspection and Enforcement
Washington, DC 20555
301 492-7205

TITLE:

+ Adjustment to Fee Schedule Publication

CFR CITATION:

10 CFR 25

ABSTRACT:

The final rule revises current regulatory requirements regarding the frequency of formal publication of changes to the Access Authorization Fees charged by NRC. Currently, section 25.17 states that revised fees will be published in the Federal Register during July of each year. A more accurate and efficient regulatory requirement would be to revise the access authorization fee schedule concurrent with the Office of Personnel Management's (OPM) notification to NRC of its background investigation rate changes since NRC's fees are wholly dependent on the rate charged by OPM.

TIMETABLE:

FINAL RULE FOR DIVISION REVIEW 12/00/85
OFFICE CONCURRENCE ON FINAL RULE COMPLETED 02/00/86
FINAL RULE PACKAGE TO EDO 03/00/86
FINAL RULE PUBLISHED 04/00/86
FINAL ACTION 04/00/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 2165; 42 USC 5841; 31 USC 9701

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: None

AGENCY CONTACT:

Richard A. Dopp
Nuclear Regulatory Commission
Office of Administration
Washington, D. C. 20555
(301) 492-4124

TITLE:

+ Access Authorization for Licensee Personnel: Implementation of National Security Decision Directive (NSDD) 84, "Safeguarding National Security Information "

CFR CITATION:

10 CFR 25

ABSTRACT:

The proposed rule would adopt revised National policy, initiated by the National Security Council and approved by the President, which prescribes that a new, standardized form titled "Classified Information Nondisclosure Agreement" (SF-189) be completed by all licensees who request NRC access authorization under Part 25. The proposed rule also requires that a security indoctrination be given to the affected individuals prior to completing the new form. These amendments are necessary in order to comply with National Security Decision Directive (NSDD) 84, "Safeguarding National Security Information."

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 06/00/85

OFFICE CONCURRENCE ON PROPOSED RULE

COMPLETED 11/00/85

PROPOSED RULE PACKAGE TO EDC 12/00/85

NPRM 01/00/86

FINAL RULE PUBLISHED 03/00/86

LEGAL AUTHORITY:

42 USC 2165; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Richard A. Dopp
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 427-4549

TITLE:

Licensing of Sources and Devices

CFR CITATION:

10 CFR 30; 10 CFR 32; 10 CFR 40; 10 CFR 70

ABSTRACT:

The proposed rule would require manufacturers or distributors of sealed sources or devices containing sealed sources to obtain a license from the NRC prior to the initial transfer of the sealed sources or devices to specific licensees. The rule would also require manufacturers or distributors of sealed sources or devices to provide the NRC with information on such products relating to design, manufacture, testing, operation, safety and hazards as a condition for obtaining a license. If the proposed requirements were applied to the 800 material license applications and amendments reviewed in 1982 as a statistical base, total costs to suppliers would rise from \$148,025 under the current voluntary program to \$152,950. At the same time, the proposed rule would eliminate the \$48,000 cost to material licensees of preparing 800 license amendments.

TIMETABLE:

Final Action 06/00/87

LEGAL AUTHORITY:

42 USC 2111; 42 USC 2201; 42 USC 2071; 42 USC 2092

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Steve Baggett
Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-9005

TITLE:

+ Financial Responsibility Standards for Long Term Care for Low Level Waste Disposal Sites

CFR CITATION:

10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

ABSTRACT:

The proposed rule is designed to provide standards to ensure that each licensee responsible for the disposal of low-level radioactive waste possesses an adequate bond, surety, or other financial arrangement to insure completion of all requirements established by the Commission for decontamination, decommissioning, and site closure. Section 151 of the Nuclear Waste Policy Act authorizes the NRC to develop standards for financial arrangements for low-level radioactive waste site closure. Comments on the NPRM will help define the nature and scope of the action.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 01/30/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 02/10/86
PROPOSED RULE PACKAGE TO ED0 03/01/86
NPRM 06/30/86
PROPOSED RULE PUBLISHED 06/30/86
FINAL RULE PUBLISHED 05/19/87

LEGAL AUTHORITY:

42 USC 10171

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Mary Jo Seeman
Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4647

TITLE:

General Design Criterion on Human Factors

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would establish a new general design criterion on human factors considerations. The specific factors to be addressed include operability, surveillance, maintainability, and human engineering criteria. The revised human factors criterion is necessary because post-TMI reviews and operating experience indicate that the human factors discipline is rarely applied when needed at the design and construction stage.

Alternatives to the proposed criterion are described in the Regulatory Analysis and include (1) continuation of the current ad hoc requirements; (2) modification to specific existing criteria in 10 CFR Part 50, Appendix A; and (3) delaying action until the development of an industry standard and preparing a regulatory guide to document the NRC position.

Alternative 1 may not meet the objective of timely incorporation of sound human factors principles into the design, construction and operation of nuclear power plants; alternative 2 would probably prove more costly and less efficient to implement, and alternative 3 may not implement the human factors principles in the time frame recommended by TMI investigative groups.

When all effects of the proposed Human Factors General Design Criterion are quantitatively evaluated, a net benefit is expected. The results indicate that the nuclear industry will experience an overall cost increase as a result of applying human factors principles to the design, installation and operation of an average system. However, new plants that have human factors principles applied throughout the entire design, construction, and operations phases can expect a net savings of \$1.1 million on each system. Operating plants or plants with an already approved design that apply human factors principles to new or replacements systems may experience a net cost increase of about \$3.1 million.

A qualitative analysis for this proposed rule showed that benefits will accrue in the areas of occupational exposure, public health, regulatory efficiency and economic risks to onsite and offsite property.

TIMETABLE:

Next Action Undetermined

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N/A

TITLE:

General Design Criterion on Human Factors

AGENCY CONTACT:

Dan Jones
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-4846

TITLE:

+ Deletion of the Unusual Event Emergency Classification

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would delete the "Unusual Events" emergency class from the Commission's emergency classification scheme. The current emergency classifications are: (1) notification of unusual events, (2) alert, (3) site area emergency and (4) general emergency. This emergency classification scheme has been used by the NRC, FEMA, licensees and State and local governments for at least four years. During this time, the Commission has noted that the reporting of unusual events not only significantly strains the NRC resources, but tends to establish a "cry wolf" syndrome with State and local governments. The NRC emergency operations center receives approximately 20 notifications of unusual events per week. The purposes of the unusual events offsite notifications are to (1) assure that the first step in any response later found to be necessary has been carried out, (2) bring the operating staff to a state of readiness, and (3) provide systematic handling of unusual events information and decision-making. All of these purposes are redundant to the purposes and required licensee actions associated with the "alert" classification.

One alternative to the proposed rule would be to not remove the unusual events classification. Another alternative simply would be to delete the unusual event from NUREG-0654. These alternatives would not satisfactorily accomplish the staff's objectives. The staff believes that the deletion of the "unusual events" classification would not impair or decrease the state of preparedness at nuclear power plants. The proposed change would require the NRC to approve revised emergency plans. However, the staff believes that the deletion of "unusual events" will represent a substantial savings to the industry both in dollars and in human resources, approximately one-half staff year per plant. The NRC resources expended through 1985 in order to develop this rulemaking will be approximately two staff-years, or \$120,000 per year.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 05/30/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 06/15/85
PROPOSED RULE PACKAGE TO EDO 10/30/85
NPRM 01/00/86
FINAL RULE PUBLISHED 05/30/86

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2234; 42 USC 5841

TITLE:

+ Deletion of the Unusual Event Emergency Classification

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Michael Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7615

TITLE:

+ Safety Related and Important to Safety in 10 CFR Part 50

CFR CITATION:

10 CFR 50

ABSTRACT:

The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding two new definitions to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues. The rulemaking should not impact licensees or the public because it clarifies existing requirements. The additional burden on NRC to prepare and implement this rule will be very nominal because current practices will not be changed.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 02/21/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 03/20/85
PROPOSED RULE PACKAGE TO EDO 04/04/85
NPRM UNDETERMINED
PROPOSED RULE PUBLISHED UNDETERMINED

LEGAL AUTHORITY:

42 USC 5841; 42 USC 5842; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Stephen M. Goldberg
Nuclear Regulatory Commission
Office of Inspection and Enforcement
Washington, DC 20555
301 492-4968

TITLE:

Broad Scope Modification of General Design Criterion 4 Requirements
For Protection Against Dynamic Effects of Postulated Pipe Rupture

CFR CITATION:

10 CFR Part 50

ABSTRACT:

The proposed broad scope modification of General Design Criterion 4 (GDC4) would allow demonstration of piping integrity by analyses to serve as a basis for excluding consideration of dynamic effects associated with pipe rupture. A proposed rule published July 1, 1985 (50 FR 27006) was limited to the primary loops of pressurized water reactors (PWRs), whereas this proposed rule would cover all high energy piping in all nuclear power units. The modification will permit the general but selective removal of pipe whip restraints and jet impingement shields from operating plants, plants under construction and future plant designs, but will not impact other design requirements.

The only alternatives to rulemaking would be the granting of exemptions to GDC4 or reinterpretation of the text of the existing rule. The staff has, however expressed the view that extensive use of exemptions to authorize the elimination of pipe whip restraints is inappropriate. Therefore, it appears most appropriate to undertake this broad scope rulemaking at this time.

TIMETABLE:

Proposed Rule Published 01/00/86
Final Rule Published 07/00/86

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5846

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

John A. O'Brien
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7860

TITLE:

Primary Reactor Containment Leakage Testing for
Water-Cooled Power Reactors

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. It is proposed to revise the rule as noted to make it current and improve its usefulness.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice which is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended.

Still remaining are resolution of issues peripheral to, but important to, the rule, presentation of the proposed rule for public comment and in integration of appropriate public comments.

A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of \$14 million to \$300 million and an increase in occupational exposure of less than one percent per year per plant due to increased testing.

TIMETABLE:

PROPOSED RULE TO EDO 10/15/85
NPRM 12/15/85
PROPOSED RULE PUBLISHED 12/15/85
FINAL RULE PUBLISHED 12/15/86

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

Primary Reactor Containment Leakage Testing for
Water-Cooled Power Reactors

AGENCY CONTACT:

Gunter Arndt
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7893

TITLE:

Station Blackout

CFR CITATION:

10 CFR 50

ABSTRACT:

NRC is proposing to amend its regulations to require light water nuclear power plants to be capable of withstanding a total loss of alternating current (AC) electrical power, called Station Blackout, to the essential and nonessential switchgear buses for a specified duration. A proposed regulatory guide, to be issued at the same time as the proposed rule, would provide guidance on how to determine the duration.

The proposed requirements were developed in response to information generated by the Commission's study of Unresolved Safety Issue A-44, Station Blackout. The proposed rule is intended to provide further assurance that a loss of both off-site and emergency on-site electric AC power systems will not adversely affect the public health and safety.

A regulatory analysis has been prepared for the proposed rule. The estimated public risk reduction is 80,000 person-rem over 25 years, and the estimated total cost for industry to comply with the proposed rule is \$40 million. This results in an overall cost benefit ratio of about 2,000 person-rem per million dollars.

The alternatives to this proposed rulemaking are to take no action or to provide only guidance for plants to be able to cope with a station blackout period. To take no action would not yield any reduction in public risk from station blackout events. To provide guidance only, since there is presently no requirement for nuclear power plants to be able to cope with a total loss of AC power, would not result in any basis for enforcement. The proposed rule is the recommended alternative based on its enforceability and, in part, on the favorable cost/benefit ratio. The staff discussed this proposal on 09/11/85 with the Commission, which deferred a decision pending additional discussion to be held November 14, 1985.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 11/01/83
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 02/22/85
PROPOSED RULE PACKAGE TO EDO 02/22/85
NPRM UNDETERMINED
PROPOSED RULE PUBLISHED UNDETERMINED
FINAL RULE PUBLISHED 12/30/86

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: N/A

TITLE:

Station Blackout

AGENCY CONTACT:

Alan Rubin
Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555
301 492-8303

TITLE:

Extension of Criminal Penalties

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

Independent review resulted in recommendation that this rule be terminated and incorporated into a new proposed rule on posting requirements for the protection of contractor employees and extension of criminal penalties.

TIMETABLE:

Final Action 01/00/86

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Donald R. Hopkins
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7

TITLE:

+Refinement of Emergency Planning Regulations

CFR CITATION:

10 CFR 50

ABSTRACT:

The proposed rule would amend the Commission's emergency planning regulations to reflect experience gained since 1980 and reorganize the emergency planning requirements for clarity. Research studies on reactor risk and practical emergency planning experience have led to a refined portrayal of reactor risks and consequences. The proposed rule would require a graduated emergency response capability to reflect a more realistic program for dealing with radiological emergencies at nuclear power plants.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 01/00/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 02/00/86
PROPOSED RULE PACKAGE TO EDO 03/00/86
NPRM 04/00/86
FINAL RULE PUBLISHED 04/00/87

LEGAL AUTHORITY:

42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Undetermined

AGENCY CONTACT:

Michael Jamgochian
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7615

TITLE:

+ Radon 222 Estimate for Table S-3

CFR CITATION:

10 CFR 50; 10 CFR 51

ABSTRACT:

In a Federal Register notice published on April 14, 1979, the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated. Pending rulemaking action to provide a new estimate for radon-222 in Table S-3, the environmental effects of radon are subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual nuclear power plant licensing proceedings. The only alternative to generic treatment of the environmental impact of radon-222 is to continue to allow these environmental impacts to be brought into litigation in individual licensing cases. By the proposed rulemaking action, new estimates for the environmental releases of rn-222 will be added to Table S-3, and the narrative explanation of Table S-3 will be modified accordingly. By memorandum from the Secretary dated August 23, 1985, the Commission directed the staff to combine this rulemaking with the final rule to add the narrative explanation to Table S-3 and to incorporate technetium-99 into the rulemaking effort. This will complete Table S-3 and will remove all environmental impacts of the uranium fuel cycle from further consideration and litigation in individual nuclear power plant licensing cases.

This rulemaking action will not impose additional work or requirements on the public, the industry, license applicants, or the Commission staff. It will reduce the time required and the effort needed to complete nuclear power plant licensing proceedings. NRC resources to develop the rulemaking are estimated to be 0.5 FTE scientific staff, with no contractual support.

TIMETABLE:

U.S. Court of Appeals D.C. Circuit
Invalidates Table S-3 04/27/82
EPA's New Standards promulgated 10/07/84
(Final Rule - Uranium Mill Tailings 10/31/85)
FINAL S-3 RULE FOR DIVISION REVIEW 02/28/86
OFFICE CONCURRENCE ON FINAL RULE
COMPLETED 03/31/86
FINAL RULE PACKAGE TO EDO 04/15/86
FINAL RULE PUBLISHED 04/30/86

TITLE:
+ Radon 222 Estimate for Table S-3

LEGAL AUTHORITY:
42 USC 2201; 42 USC 5841; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
William E. Thompson
Office of Nuclear Material Safety
and Safeguards
Washington, DC 20555
301 427-9024

TITLE:

+ Part 51; Conforming Amendments

CFR CITATION:

10 CFR 51; 10 CFR 60

ABSTRACT:

The proposed rule would provide procedures for performing an environmental review of High Level Waste geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental review which NRC perform in licensing other types of nuclear facilities. This issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA. Alternatives are to take no action, issue an ANPRM, or ask Congress for additional legislation.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 12/15/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 04/15/86
PROPOSED RULE PACKAGE TO EDO 07/01/86
PROPOSED RULE PUBLISHED 07/11/86
FINAL RULE PUBLISHED 11/30/86

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4586

TITLE:
+Special Nuclear Material Physical Inventory Summary Reports

CFR CITATION:
10 CFR 51, 10 CFR 70, 10 CFR 74

ABSTRACT:
With this proposed rule, previously entitled "Material Status Reports", the NRC is amending its regulations on special nuclear material control and accounting to require the reporting of summary results of physical inventories. These amendments would codify reporting of physical inventory data that has been provided voluntarily by licensees since 1975.

Since the affected licensees are already supplying this information voluntarily, there will be no additional costs to these licensees.

TIMETABLE:
Proposed Rule for Division Review 01/25/85
Office Concurrence on Proposed Rule Completed 10/30/85
Proposed Rule Package to EDO 11/30/85
Proposed Rule Published 02/28/86
Final Rule Published 10/00/86

LEGAL AUTHORITY:
42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:
Sandra Frattali
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7890

TITLE:

+ Elimination of Inconsistencies between NRC Regulations and EPA Standards

CFR CITATION:

10 CFR 60

ABSTRACT:

The Nuclear Waste Policy Act of 1982 directs NRC to promulgate criteria for the licensing of HLW geologic repositories. By section 121 (c), these criteria must not be inconsistent with standards to be developed by EPA for the disposal of HLW in deep geologic repositories. This proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement. The EPA Standard is scheduled to be promulgated in August, 1985. The alternative is to ask Congress to amend the NWPA. The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 12/00/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 04/00/86
PROPOSED RULE PACKAGE TO EDO 05/00/86
PROPOSED RULE PUBLISHED 07/00/86
FINAL RULE PUBLISHED 04/00/87

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4586

TITLE:

+ Definition of High-Level Radioactive Waste (HLW) in 10 CFR Part 60

CFR CITATION:

10 CFR 60

ABSTRACT:

This advance notice of proposed rulemaking (ANPRM) seeks to revise the definition of HLW in Part 60 to reflect certain changes in the legal definition of HLW contained in the Nuclear Waste Policy Act of 1982. Because of the complex issues involved in revising the definition of HLW, which affects virtually the entire radioactive waste management system, the staff is proposing an ANPRM rather than a proposed rule. A revision of the definition of HLW would affect DOE's plans for a geologic repository, State plans for regional compacts to manage low-level waste, Federal vs. State responsibility for some above Class C wastes, costs of waste disposal for certain waste generators, and the development of new technologies and facilities to dispose of certain types of wastes. A definition of HLW which reduces uncertainty about responsibility for different types of wastes would benefit the radioactive waste management system. NRC staff time for processing this rule is estimated to be 4 staff years. Alternatives to rulemaking would be to take no action or request Congress to amend the NWPA. The rulemaking would eliminate uncertainty and reduce costs for the public, industry, and NRC.

TIMETABLE:

ANPRM 09/00/85
PROPOSED RULE FOR DIVISION REVIEW 09/00/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 11/00/86
PROPOSED RULE PACKAGE TO EDO 12/00/86
PROPOSED RULE PUBLISHED 04/00/87
FINAL RULE PUBLISHED 06/00/88

LEGAL AUTHORITY:

42 USC 10101

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No**AGENCY CONTACT:**

Clark Prichard
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 427-4586

TITLE:

+ Rule to Amend the Transportation Provisions Pertaining to the Shipment of Low Specific Activity (LSA) Material

CFR CITATION:

10 CFR 71

ABSTRACT:

The proposed rule would define two classes of LSA materials with specified shipping or packaging requirements. The two classes represent a consolidation of five classes of LSA materials and surface contaminated objects (SCO) now in the 1985 regulations of the International Atomic Energy Agency (IAEA). In addition, the proposed rule provides special consideration for the inherent safety associated with the shipment of solid, nonflammable objects which are not dispersible in water. A new requirement of the amended rule would impose a dose rate limit on LSA materials. This requirement, which is philosophically consistent with the proposed IAEA regulations, is considered necessary to keep current and future LSA shipments within the envelope of safety originally conceived for such materials. This proposed rule would be responsive to PRM-71-1, PRM-71-2 and PRM-71-4. A new regulatory analysis is currently being developed by the staff which evaluates the financial impacts of having to close heavily traveled roads as a result of a large spill of LSA material.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 02/28/86
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 04/30/86
PROPOSED RULE PACKAGE TO EDO 06/30/86
PROPOSED RULE PUBLISHED 08/00/86
FINAL RULE PUBLISHED 05/31/87

LEGAL AUTHORITY:

42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233;
42 USC 2273; 42 USC 5842

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: Yes

AGENCY CONTACT:

Donald R. Hopkins
Nuclear Regulatory Commission
Office of Nuclear Regulatory Research
Washington, DC 20555
301 443-7878

TITLE:

+ Physical Protection Requirements for Independent Spent Fuel Storage Installations (ISFSIs)

CFR CITATION:

10 CFR 73

ABSTRACT:

Requirements for the physical protection of spent nuclear fuel at independent storage sites are currently contained in 10 CFR 73.50. Those requirements were originally developed for a broad range of materials and facilities, and were not developed specifically for independent spent fuel storage installations (ISFSIs). Preliminary studies, some of which are related to transportation and require extrapolations to fixed installations, indicate that some of the current requirements for ISFSIs may not be at the appropriate level. If ongoing assessments confirm that existing regulations should be changed to be more commensurate with the consequences of a sabotage attack, a proposed performance-oriented rule would be developed to allow licensees the flexibility of using the most cost-effective measures available to meet the regulatory requirements. The necessity and urgency of addressing this issue is to have safeguards requirements in place that are commensurate with the risk of storing spent nuclear fuel in dry casks at reactor sites. An alternative to rulemaking is to continue use of the existing regulations, issuing exemptions and adding license conditions as necessary.

In accordance with NRC Policy and Planning Guidance, rulemaking is to be utilized when numerous licensees are affected. As work on resolution of the technical issues continues, analyses regarding the effects of the rule on the public, industry and NRC will be developed. It will take about one year to publish a final rule after the Commission approves the proposed rule for publication. The estimated resources needed from now until a final rule is prepared are approximately 1-1/2 staff years.

TIMETABLE:

ANPRM 03/00/86

NPRM 03/00/87

Final Action 12/31/88

LEGAL AUTHORITY:

42 USC 2201; 42 USC 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

+ Physical Protection Requirements for Independent Spent Fuel
Storage Installations (ISFSIs)

AGENCY CONTACT:

Russel R. Rentschler
Nuclear Regulatory Commission, Office of
Nuclear Material Safety and Safeguards
Washington, DC 20555
301 427-4761

TITLE:

* Security Requirements for Category II Material at Fixed Sites

CFR CITATION:

10 CFR 73

ABSTRACT:

The proposed rule would amend the physical protection requirements for special nuclear material of moderate strategic significance (Category II) at fixed sites. Since the publication of Category II safeguards regulations in 1979, there have been several terrorist acts which involved coordinated actions against separate targets, showing an ability and willingness by at least some adversary groups to plan their attacks in advance and to closely coordinate and execute simultaneous acts by geographically separated parties. While there is no available evidence of such acts being directed against US nuclear facilities, multiple thefts of Category II material could result in the accumulation of a quantity of material of high strategic significance. The proposed amendments would increase physical protection requirements for those Category II licensees who possess SSNM, including those licensees who possess a formula quantity but implement only Category II requirements because their fuel is irradiated to at least 100 rem/hr at three feet. The amendments also limit the use of the 100 rem/hr exemption to a reduction of one physical protection category with no reduction below the requirements of low strategic significance (Category III). The alternatives considered were requiring improvements in only one or two of the three major functions regarding the security system and continuing with the status quo. The benefit of the proposed rule is that it is designed to make the measures used to protect Category II quantities of high enriched uranium, plutonium, and uranium-233 more resistant to attempted theft of material by external adversaries as well as by a single internal adversary. The proposed requirements will result in an estimated cost of about \$10,000 to each affected licensee initially and approximately \$2,500 annually thereafter. About .8 staff years will be expended in completing the proposed rule.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 08/30/85
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED 11/01/85
PROPOSED RULE PACKAGE TO EDO 11/15/85
PROPOSED RULE PUBLISHED 01/15/85

LEGAL AUTHORITY:

42 U.S.C. 2201; 42 U.S.C. 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

TITLE:

* Security Requirements for Category II Material at Fixed Sites

AGENCY CONTACT:

Carl Withee

Office of Nuclear Material Safety and Safeguards

Washington, DC 20555

301 427-4768

TITLE:

+ Nuclear Regulatory Commission Acquisition Regulations

CFR CITATION:

48 CFR 20

ABSTRACT:

The proposed rule would implement and supplement 48 CFR, Federal Acquisition Regulation (FAR) System and specify those agency policies, procedures, contract clauses, solicitation provisions, and forms governing the contracting process. In publishing the proposed rule, the NRC will comply with P.L. 98-577 and the FAR 1.303 which requires that agency regulations be published in the Federal Register and codified in 48 CFR. The proposed rule will enable prospective contractors to become familiar with NRC contracting regulations and enable the preparation of contractual documents which protect the interest of the NRC. NRC resources needed for this rulemaking are estimated at 1,120 staff hours at an estimated cost of \$67,200.

TIMETABLE:

PROPOSED RULE FOR DIVISION REVIEW 10/31/85
OFFICE CONCURRENCE ON PROPOSED RULE
COMPLETED 01/15/86
PROPOSED RULE PACKAGE TO EDO 01/31/85
PROPOSED RULE PUBLISHED 03/31/86
FINAL RULE PUBLISHED 09/30/86

LEGAL AUTHORITY:

42 USC 2201

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Edward L. Halman
Nuclear Regulatory Commission
Office of Administration
Washington, DC 20555
301 492-4347

II
PETITIONS

(A) - Petitions incorporated into final rules
or petitions denied since June 30, 1985

A

PETITION DOCKET NUMBER: PRM-7-2

PETITIONER: John L. Nantz

PART: 7

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: October 26, 1984 (49 FR 43070)

SUBJECT: Commission Decisions Regarding Closure of Advisory Committee Meetings

SUMMARY: - Description. The petitioner requests that the Commission amend its regulations to establish a formal procedure to allow interested persons to petition the Commission regarding closure of advisory committee meetings or portions of those meetings. The petitioner states that, at the present time, the Commission has delegated the responsibility for making closed meeting determinations to the Assistant Secretary without Commission review. The present practice regarding advisory committee meeting closures, according to the petitioner, contains none of the safeguards to ensure adequate consideration of the public interest that exist for the Commission's own meetings.

Objective. The petitioner proposes amendments that would establish a procedure for seeking reconsideration of decisions to close advisory committee meetings within seven days after the date of public announcement of the decision and before the meeting in question is held. These amendments, states the petitioner, provide an established mechanism to invoke Commission review of advisory committee closure determinations that should enhance the probability that the Commission's delegate will give adequate attention to the public interest in open deliberations.

Background. The comment period closed on December 26, 1984; Four comments were received.

TIMETABLE: Complete. This petition was denied in a notice published in the Federal Register August 1, 1985 (50 FR 31191).

CONTACT: Marjorie S. Nordlinger
Office of the General Counsel
(202) 634-3214

(B) - Petitions incorporated into proposed rules

B

PETITION DOCKET NUMBER: PRM-34-3

PETITIONER: Chicago Bridge and Iron Company

PART: 34

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 23, 1982 (49 FR 52722)

SUBJECT: Final Radiation Survey of a Radiographic Exposure Device

SUMMARY: Description. The petitioner proposed an amendment that would require the licensee to survey and record the survey results whenever the exposure device was placed in storage. This is in addition to the survey made at the end of each exposure. Based on comments received on the petition, the staff agrees that this change should be made.

The present §34.11(d) requires that the licensee conduct an in-house inspection of radiographers and radiography assistants every 3 months. The current regulation is not specific and a clarification of this section is needed.

Objective. To require that a licensee survey an exposure device after it is placed in storage and record the results of the survey.

Background. A proposed rule addressing these subjects was published October 4, 1984 (49 FR 39168). The comment period expired November 18, 1984.

TIMETABLE: The final rule is scheduled to be published in March 1986.

CONTACT: Donald O. Nellis
Office of Nuclear Regulatory Research
(301) 427-4588

PETITION DOCKET NUMBER: PRM-35-2

PETITIONER: The American Association of Physicists in Medicine

PART: 35

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 29, 1982 (47 FR 4311)

SUBJECT: Intervals Between Required Dosimetry System Calibrations

SUMMARY: Description. The petitioner proposes that the Commission amend its regulations to permit a longer interval between required calibrations of teletherapy dosimetry systems. Current regulations require calibration by the National Bureau of Standards or an accredited Regional Calibration Laboratory every two years. The petitioner indicates that the waiting period for instrument calibration is currently about six months and is expected to increase, and that dosimetry systems do not have to be calibrated that frequently.

Objective. The petitioner proposes a regulation that would allow a longer interval between calibrations while providing for suitable dosimetry system constancy checks. The petitioner's proposed alternative is intended to reduce the six-month waiting period for instrument calibration without adversely affecting dosimetry system reliability.

Background. The comment period closed March 30, 1982. The staff met with representatives of the National Bureau of Standards on January 21, 1982, to discuss the extent of and reasons for the instrument calibration backlog. Pending final resolution, affected licensees will receive relief in the form of case-by-case variances. Medical licensees may benefit by not having to have dosimetry equipment calibrated so frequently. In response to the petition, a proposed rule, similar to that suggested in the petition, is being incorporated into a proposed revision of 10 CFR Part 35, "Medical Use of Byproduct Material", which was published for public comment on July 26, 1985 (50 FR 30616); NRC resources are noted there. The comment period for this proposed rule closes November 18, 1985.

TIMETABLE: The final rule is scheduled to be published about August 1986.

CONTACT: Norman L. McElroy
Office of Nuclear Material Safety and Safeguards
(301) 427-4108

PETITION DOCKET NUMBER: PRM-50-22

PETITIONER: Public Interest Research Group, et al.

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 8, 1977 (42 FR 40063)

SUBJECT: Decommissioning of Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission amend its regulations to require nuclear plant operators to post bonds before each plant's operation to ensure that funds will be available for isolation of radioactive material upon decommissioning. The petitioners state that their proposal would ensure that power companies which operate reactors, rather than future generations, bear the cost of decommissioning. The petitioners also request that the Commission amend its regulations to require that operators of nuclear power plants already in operation be required to establish plans and immediately post bonds to insure proper decommissioning.

Objective. Since decommissioning will not occur until after the 40-year operating license has expired and may require substantial expense for years thereafter, the petitioners seek to ensure that companies which are now financially stable continue to have the capacity to pay decommissioning costs when necessary.

Background. The original comment period closed October 7, 1977, but was extended to January 3, 1978. Sixty-two comments were received, a majority of which oppose the petition. A notice denying the petition in part was published in the Federal Register on June 22, 1979 (44 FR 36523). The partial denial covered that part of the petition seeking an immediate rulemaking requiring the posting of surety bonds. Other issues and funding alternatives raised in the petition have been incorporated into the ongoing rulemaking on Decommissioning Criteria for Nuclear Facilities. An advance notice of proposed rulemaking for that proceeding was published on March 13, 1978 (43 FR 10370), and the proposed rule was published February 11, 1985 (50 FR 5600). The comment period for this proposed rule ended July 12, 1985.

TIMETABLE: Commission action on final rule is scheduled for October 1987.

CONTACT: Catherine Mattsen
Office of Nuclear Regulatory Research
(301) 443-7661

PETITION DOCKET NUMBER: PRM-71-1, PRM-71-2, PRM-71-4

PETITIONER: Energy Research and Development Administration (ERDA)/DOE
(PRM-71-1)
American National Standards Inst. Committee N14 (PRM-71-2)
Chem-Nuclear Systems, Inc. (PRM-71-4)

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: PRM-71-1, September 22, 1975 (40 FR 43517);
PRM-71-2, April 15, 1976 (41 FR 15921); and
PRM-71-4, January 27, 1977 (42 FR 5149).

SUBJECT: Exemption of "Low Specific Activity Material" from the
Requirements of Part 71

SUMMARY: Description. The petitioners requested that the Commission amend its regulations at §§71.7 and 71.10 to exempt "low specific activity material," as defined in §71.4(g), from the requirements of Part 71. The petitioners stated that the Department of Transportation (DOT) Hazardous Materials Regulations, 49 CFR 170-189, provide a specific exemption for "low specific activity material" in which these materials are exempted from the normal packaging requirements. Petitioners further stated that this exemption would make Part 71 more consistent with both the 1967 regulations of the International Atomic Energy Agency (IAEA) and with the 1972 revised edition of the IAEA regulations.

Objective. To exempt "low specific activity material" from the packaging requirements of 10 CFR Part 71 to achieve compatibility among the regulations of the NRC, DOT, and IAEA.

Background. Comments were received on these petitions over a period of one and one-half years. Altogether, five favorable comments were received. In July 1979, the Commission approved a proposed revision (SECY-79-192) to the NRC transportation regulations in 10 CFR Part 71 to make them more compatible with those of the IAEA, including the requested revision to §71.7 to exempt "low specific activity material" from the requirements of Part 71. The proposed rule change was published in the Federal Register on August 17, 1979 (44 FR 48234). During the development of the final rule, however, the transportation program office (NMSS) reversed its earlier decision to exempt "low

specific activity material" from Part 71 until a deficiency in the rule is corrected and directed that action on the petitions be delayed until a new rulemaking action is initiated to correct the deficiency. That new proposed rule is scheduled for completion by August 1986.

TIMETABLE: Commission action on the petition is scheduled for May 1987, when the final "low specific activity" rule is scheduled to be published.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
(301) 443-7878

PETITION DOCKET NUMBER: PRM-73-2

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: September 15, 1977 (42 FR 46431)

SUBJECT: Elimination of "Pat Down" Physical Searches of Individuals at Nuclear Power Plants

SUMMARY: Description. The petitioners request elimination of the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary in that comparable highly sensitive facilities such as those used to store nuclear weapons do not have such a requirement. The petitioners state that their petition would permit "pat down" searches and that individuals entering a protected area would be put on notice that they are subject to these searches. Existing requirements for the use of detection equipment would not be affected. The petition includes proposed amendatory text to Part 73. The petitioners also have submitted a memorandum in support of the petition.

Objective. To eliminate the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant.

Background. The comment period closed October 17, 1977. Approximately 100 comments were received. Eighty comments were from utilities and supported the petition. The other 20 disagreed with the petition. Currently effective regulations require, in part, that licensees conduct physical "pat down" searches of their employees and other persons before allowing them to enter a protected area of a power reactor facility. However, NRC has extended to licensees relief from this requirement while a proposed rulemaking proceeding in physical searches is conducted. The most recent notice granting a continuation of this relief was published in the Federal Register on December 1, 1980 (45 FR 79492). The Commission notified the petitioner that action on the petition has been delayed pending resolution of the rulemaking proceeding to modify requirements for physical searches at nuclear power plants. Implementation of the proposed revised pat-down search rule would not represent any increased costs to individual licensees.

TIMETABLE: Commission action on the petition for rulemaking is pending issuance of the final rule on personnel access authorization. The proposed rule was published in the Federal Register on August 1, 1984 (49 FR 30738), and the comment period for the rule was extended to March 7, 1985 (49 FR 48200). Commission action on the final rule is scheduled for October 1985.

CONTACT: Kristina Jamgochian
Office of Nuclear Regulatory Research
(301) 443-7985

PETITION DOCKET NUMBER: PRM-73-3

PETITIONER: KMC, Inc., et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 10, 1978 (43 FR 29635)

SUBJECT: Physical Security Requirements at Nuclear Power Plants

SUMMARY: Description. The petitioner requests amendment of §73.55 to include a statement that, if a nuclear power reactor licensee meets the specific requirements for physical protection against an insider threat, as provided for in the Commission's regulations, a licensee will also meet the general performance requirements for physical protection provided in §73.55. The petitioner contends that while §73.55(a) permits licensees to suggest alternative measures that would achieve equivalent levels of physical protection, experience has shown that these proposed alternatives have not been accepted by the NRC staff. The petitioner states that the NRC has required additional features, beyond the requirements in §73.55, to meet the general performance requirements for physical security protection. Specifically, the petitioner requests amendment of paragraph (a)(2) of §73.55 that provides requirements for protection against "insider" threat (that is, a threat from an individual inside a plant, including an employee of the utility). The requested change would state that a utility that meets the specific requirements in paragraphs (b) through (h) of §73.55 would satisfy the general performance requirements for physical security in §73.55. The petitioner provides specific amendatory language in the petition and also has submitted a memorandum in support of the petition.

Objective. To limit NRC staff from imposing on utilities additional requirements for physical security protection above those requirements in §73.55 by stating that a utility, when it satisfies the specific requirements for physical protection against an insider threat (as provided in the Commission's regulations), will also meet the general performance requirements for physical protection against an insider threat.

Background. The comment period closed September 8, 1978. Four comments on the petition were received. On November 11, 1978, the NRC notified the petitioner that action on the petition would be delayed because the currently effective physical security requirements in §73.55 were under review.

The NRC has extended to licensees partial relief from the physical security requirements in §73.55. The most recent notice extending this relief was published in the Federal Register on December 1, 1980 (45 FR 79410). The NRC published a proposed rule in the Federal Register on December 1, 1980 (45 FR 79492), which would modify the physical security requirements in §73.55. Action on the petition is delayed pending resolution of policy questions raised by the petition in current rulemakings.

TIMETABLE: Commission action on the petition for rulemaking is pending issuance of the final "Insider Rule." The proposed rule was published in the Federal Register on August 1, 1984 (49 FR 30738) and the comment period for the rule was extended to March 7, 1985 (49 FR 48200). Commission action on the final rule is scheduled for October 1985.

CONTACT: Kristina Jamgochian
Office of Nuclear Regulatory Research
(301) 443-7985

PETITION DOCKET NUMBER: PRM-73-7

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6658)

SUBJECT: Elimination of Required Log-Out of Personnel from
Vital Areas of Nuclear Power Reactors

SUMMARY: Description. The petitioners request that the Commission eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas. The petitioners contend that the requirement is not only unnecessary from a safety standpoint, but may be detrimental to safe plant shutdown and effective plant response to other emergencies. The petitioners also contend that sensitive facilities have no similar requirement. The petition includes proposed amendatory text that would achieve these modified requirements.

Objective. To eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas.

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. Action on the petition is delayed pending resolution of policy questions in current rulemakings.

TIMETABLE: Commission action on the petition will follow publication of the final "Insider Rule." The proposed rule was published in the Federal Register on August 1, 1984 (49 FR 30735), and the comment period for the rule was extended to March 7, 1985 (49 FR 48200). Commission action on the final rule is scheduled for October 1985.

CONTACT: Kristina Jamgochian
Office of Nuclear Regulatory Research
(301) 443-7985

PETITION DOCKET NUMBER: PRM-73-8

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6657)

SUBJECT: Elimination of Required Search of Hand-Carried Packages of Personnel at Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission eliminate the requirement for searches of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary as demonstrated by the absence of these kinds of searches in comparable Federal programs. The petitioners also contend that the requirement is an ineffective means of preventing insiders from sabotaging the plant. The petition includes proposed amendatory text that would achieve this requested change.

Objective. To eliminate the required search of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant.

Background. The comment period closed April 19, 1982. Ten comments on the petition were received. Action on the petition is delayed pending resolution of policy questions in current rulemakings.

TIMETABLE: Commission action on the petition will follow publication of the final "Insider Rule." The proposed rule was published in the Federal Register on August 1, 1984 (49 FR 30738), and the comment period for the rule was extended to March 7, 1985 (49 FR 48200). Commission action on the final rule is scheduled for October 1985.

CONTACT: Kristina Jamgochian
Office of Nuclear Regulatory Research
(301) 443-7985

PETITION DOCKET NUMBER: PRM-140-1

PETITIONER: Public Citizen Litigation Group and Critical Mass
Energy Project

PART: 140

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 28, 1979 (44 FR 50419)
April 9, 1985 (50 FR 13978)

SUBJECT: Extraordinary Nuclear Occurrence

SUMMARY: Description. The petitioners request that the NRC (1) find that the accident at Three Mile Island was an extraordinary nuclear occurrence (ENO) and (2) amend Subpart E of Part 140 to make less stringent the criteria used for determining that an extraordinary nuclear occurrence has occurred. Part 140 of the Commission's regulations provide procedures and requirements for determining the financial protection required of licensees and for the indemnification and limitation of liability of licensees. Subpart E of Part 140 sets forth the procedures the Commission will follow and the criteria the Commission will apply in determining whether there has been an ENO.

Objective. To change the criteria used by the Commission to make a determination that an ENO has occurred.

Background. The comment period closed on December 31, 1979. One comment was received. The petitioners are property owners in the vicinity of TMI and contend that their property was sharply decreased in value as a result of the accident. In addition, the petitioners contend that "the Commission's established criteria have been easily met" in that the damages resulting from the accident exceed those levels necessary to be considered an ENO. This portion of the petition was considered to be a public comment on the Commission's request for information on the TMI ENO determination and was resolved by the Commission's ENO decision of April 16, 1980. A proposed rule revising the ENO criteria was published for public comment April 9, 1985 (50 FR 13978); the comment period expires September 6, 1985 (50 FR 32086).

TIMETABLE: The final rule is scheduled for publication in October 1986.

CONTACT: Harold T. Peterson, Jr.
Office of Nuclear Regulatory Research
(301) 427-4353

(C) - Petitions pending staff review

PETITION DOCKET NUMBER: PRM-20-6

PETITIONER: Natural Resources Defense Council, Inc.

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: October 29, 1975 (40 FR 50327)

SUBJECT: Radiation Protection Standards

SUMMARY: Description. The petitioner requests that the Commission amend its radiation protection standards as they apply to the maximum permissible whole body dose equivalent for occupational exposure. Specifically, the petitioner requests (1) that for individuals under the age of 45, the whole body radiation exposure limit would not exceed 0.5 rem in any calendar year and 0.3 rem in any calendar quarter and (2) that individuals over 45 years of age may receive up to 3 rems per quarter whole body dose as long as the whole body dose does not exceed $0.5(M-18) + X(N-M)$ rem (where M is not less than 45, N equals the individual's age in years and X is calculated to reduce the cumulative somatic risk by a factor of 6 below the cumulative somatic risk associated with exposure at 5 rem/year from age 18). The petitioner also requests that hearings be held to determine the "as low as practicable" extent to which the exposures can be maintained below the proposed regulations.

Objective. To reduce the genetic risk associated with radiation exposure at the occupational level by a factor of 10 and to reduce the somatic risk by a factor of 6.

Background. The initial comment period closed December 29, 1975, but was extended to February 12, 1976. The comments received included three letters supporting the petition, one proposing an alternative set of reduced limits, and 52 opposing the petition. The petitioner filed a supplement to the petition, dated November 4, 1977, requesting the consideration of recent epidemiological studies. This issue was included in the hearing on occupational radiation protection that was jointly sponsored by EPA, NRC, and OSHA. The staff presented a paper to the Commission on August 17, 1978. The tentative staff position was that the petitioner's request to lower the occupational dose limits should be denied, but the staff has deferred its final recommendation pending the following actions. Proposed EPA guidance was published in the Federal Register on January 23, 1981. EPA/NRC/OSHA

hearings were held in April 1981. The question of occupational dose limits is being addressed by the staff in work on the revision of 10 CFR Part 20. This petition has been combined with PRM-20-6A from Rosalie Bertell that addresses the same issues. A response to this petition and PRM-20-6A will be prepared following Commission action on the revised Part 20 rule.

TIMETABLE: Commission action on the proposed rule is scheduled for December 1985.

CONTACT: Robert E. Baker
Office of Nuclear Regulatory Research
(301) 427-4579

PETITION DOCKET NUMBER: PRM-20-6A

PETITIONER: Rosalie Bertell

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: August 21, 1978 (43 FR 37018)

SUBJECT: Standards for Protection Against Radiation

SUMMARY: Description. The petitioner requests that the Commission (1) amend its Standards for Protection Against Radiation as they apply to the maximum whole body dose equivalent for occupational exposures to ionizing radiation, (2) include in 10 CFR Part 20 those diseases that indicate above-normal susceptibility to leukemia or radiation damage, and (3) review in one hearing this petition consolidated with the petition (PRM-20-6) filed by the Natural Resources Defense Council, Inc. The petitioner states that the requested amendment in item (1) would have the same effect, measured by the reduction of the individual's biological ability to cope with chronic and malignant disease, as would be achieved by reducing the current maximum whole body dose for occupational exposure by a factor of 50.

Objective. To reduce the current permissible whole body dose equivalent for occupational exposure by a factor of 50.

Background. The comment period expired October 20, 1978. Four comments were received, one favoring and three opposing the petition. This petition has been combined with an earlier petition (PRM-20-6) from the National Resources Defense Council, Inc., that addresses the same issues. The issue of occupational dose limits is presently being addressed by the staff in work on the revision of 10 CFR Part 20. A response to this petition and PRM-20-6 will be prepared following Commission action on the revised Part 20 rule.

TIMETABLE: Commission action on a proposed rule is scheduled for December 1985.

CONTACT: Robert E. Baker
Office of Nuclear Regulatory Research
(301) 427-4579

PETITION DOCKET NUMBER: PRM-20-14

PETITIONER: The University of Utah

PART: 20

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 30, 1984 (49 FR 3667)

SUBJECT: Disposal of Very Low Concentrations of Short-Lived Radionuclides

SUMMARY: Description. The petitioner proposed an amendment of §20.306 and the addition of a new §20.307 to alleviate a number of problems that many licensees are experiencing under current regulations with the disposal of experimental animal waste material and certain radionuclide components. The petitioner states that the changes would substantially reduce nonradiological risks related to the collection, storage, packaging, and shipping of certain biological and chemical wastes without compromising or reducing radiation protection.

Objective. To obtain additional options for the disposal of very low concentrations of short-lived radionuclides.

Background. A request for information was published with the notice of receipt of the petition. The comment period closed March 30, 1984. Forty-five comment letters were received, including one from the petitioner that revised the initial petition and offered a second version that was based on the petitioner's analysis of the comment letters. Most of the comment letters favored the petition. Approximately one-fourth of the comment letters contained data that were solicited when the notice of receipt of the petition was published. These data will be used to help evaluate the merit of the petition. The staff analyzed the data, the petition, the revised petition, and other comment letters and is requesting assistance from NMSS in analyzing the impact of alternative disposal methods.

TIMETABLE: The staff proposal in response to this petition is scheduled for completion in January 1987.

CONTACT: Harold Peterson
Office of Nuclear Regulatory Research
(301) 427-4353

PETITION DOCKET NUMBER: PRM-30-55

PETITIONER: State of New Jersey, Department of Environmental Protection

PART: 30

OTHER AFFECTED PART(S): 31, 32, 33

FEDERAL REGISTER CITATION: August 11, 1977 (42 FR 40791)

SUBJECT: Radiation Standards for Uses of Byproduct Material

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking proceeding for the purpose of adopting new national standards for users of radioactive byproduct materials. The petitioner states that the Commission Radiation Standards for byproduct material facilities and nuclear power plants differ drastically. The petitioner states that a nuclear power plant's sophisticated control equipment is designed to handle different types of potential accidents and still keep radiation exposure to the public within acceptable limits, while a byproduct material facility (e.g., radiopharmaceutical plant) does not have the same capabilities. Furthermore, the petitioner states that because byproduct material plants have unrestricted siting, more people are in the vicinity of a byproduct facility than a nuclear power plant and would be affected by radiation exposure resulting from an accident.

Objective. The petitioner proposes that the Commission take the following actions to reduce unnecessary public exposure to radioactive substances emitted from byproduct material facilities: 1. Establish criteria to quantify the "as low as reasonably achievable" emission reduction policy for major facilities using byproduct materials from man-made fission reactions and require existing plants to meet these criteria. 2. Establish siting criteria for these facilities that would form a basis for evaluating the acceptability of new plant locations in terms of radiation doses to the public. 3. Require new and existing byproduct facilities to develop and implement offsite environmental surveillance programs to provide information on levels of radioactivity in the environment around these facilities.

Background. The comment period closed October 11, 1977. Six comments were received, all opposing the petition. The staff is developing a final position on the petition. This petition was combined with an earlier petition (PRM-50-10) from the State of New Jersey that dealt with similar issues. PRM-50-10 was withdrawn on September 15, 1983 (48 FR 41429).

TIMETABLE: The petitioner has verbally indicated that it intends to withdraw this petition for rulemaking.

CONTACT: Richard P. Grill
Office of Nuclear Regulatory Research
(301) 427-4615

PETITION DOCKET NUMBER: PRM-50-21

PETITIONER: Northern States Power Company and Wisconsin
Electric Power Company

PART: 50

OTHER AFFECTED PART(S): 2

FEDERAL REGISTER CITATION: July 21, 1977 (42 FR 37458)

SUBJECT: Plant Security Information

SUMMARY: Description. The petitioners request that the Commission amend its regulations (1) in §50.34(c) to include plant security information within the definition of Restricted Data, or, alternatively, within the definition of National Security Information; (2) in §2.905 to ensure that discovery of plant security information is subject to the protections of Subpart I of Part 2; (3) in Subpart I of Part 2 to explicitly recognize that the protections required by the Subpart extend to information not under Commission control; and (4) to delete §2.790(d)(1) that currently could permit disclosure of plant security information without the protections of Subpart I of Part 2.

Objective. To protect plant security information from unauthorized disclosure and to ensure that licensees' security plans are not compromised.

Background. The comment period closed September 19, 1977. Twelve comments were received, nine of which endorsed the petition. Consideration to grant the petition was under review based on Pub. L. 96-295 (NRC FY 80 Authorization Bill) that amended the Atomic Energy Act by adding Section 147, "Safeguards Information," which directs the Commission to prescribe regulations or issue orders to prohibit the unauthorized disclosure of safeguards information that specifically identifies the licensees' or applicants' detailed security measures, etc.

TIMETABLE: Disposition of this petition is pending ongoing discussions with the petitioner.

CONTACT: Stanley Turel
Office of Nuclear Regulatory Research
(301) 443-7925

PETITION DOCKET NUMBER: PRM-50-25, PRM-50-25A

PETITIONER: State of Illinois and the Porter County Chapter of the Izaak Walton League of America, Inc., et al.

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 4, 1980 (45 FR 7653)

SUBJECT: Extension of Construction Completion Date

SUMMARY: Description. The petitioners filed essentially identical petitions which request that the Commission amend its regulations in Part 50, §50.55, to require that a "good cause" proceeding concerning a requested amendment of a construction permit to exceed the latest construction completion date must consider whether a permittee has shown good cause for the continued construction of a nuclear power plant in light of all the circumstances at the time the application is considered. The petitioners further request that the Commission determine that "good cause" is not limited to the reasons why construction was not completed by the latest completion date in the construction permit.

Objective. To prevent frustration of the statutory purposes of Section 185 of the Atomic Energy Act of 1954, as amended, which permits the extension of the completion date for construction of a nuclear power plant only for good cause shown.

Background. The comment period closed April 4, 1980. Six comments were received, including two from the petitioners on jurisdictional issues. Comments filed by parties other than the petitioners opposed the petition. The Atomic Safety and Licensing Board (ASLB) and the Commission have ruled on the "good cause" issue which is the subject of this petition. The matter was alluded to in the Bailly case before the U.S. Court of Appeals. The staff is preparing a proposal for the Commission. The state of Illinois has formally withdrawn its petition. The other petitioners have verbally consented to the withdrawal, but have not yet formally withdrawn their petition. Since all petitioners wish to withdraw their petitions for rulemaking, a notice of withdrawal will be published in the Federal Register.

TIMETABLE: Notice of withdrawal is scheduled for publication in October 1985.

CONTACT: Barry Pineles
Office of the Executive Legal Director
(301) 492-7688

PETITION DOCKET NUMBER: PRM-50-31

PETITIONER: Citizens Task Force

PART: 50

OTHER AFFECTED PART(S): 70

FEDERAL REGISTER CITATION: March 24, 1982 (47 FR 12639)

SUBJECT: Emergency Preparedness

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require that (1) the present ten-mile emergency planning zone radius be extended to twenty miles and include any towns bordering on or partially within this zone; (2) all communities with a population in excess of 5,000 persons be provided by the respective utility with the funding to purchase, install, and operate radiological monitoring equipment to reach and maintain the level of preparedness deemed necessary by the affected municipalities; and (3) utilities be required to finance the emergency planning efforts of municipalities located near nuclear reactors.

Objective. To establish an effective notification and evacuation system in communities located near nuclear reactors.

Background. The comment period closed May 24, 1982.

TIMETABLE: Commission action on the response to the petitioner is scheduled for April 1986 (to be coordinated with the severe accident research program).

CONTACT: Stephen A. McGuire
Office of Nuclear Regulatory Research
(301) 443-7636

PETITION DOCKET NUMBER: PRM-50-36

PETITIONER: Nuclear Utility Backfitting and Reform Group (NUBARG)

PART: 50

OTHER AFFECTED PART(S): 73

FEDERAL REGISTER CITATION: June 21, 1983 (48 FR 28282)

SUBJECT: Reporting Requirements in NRC Regulations and Documents

SUMMARY: Description. The petitioner requests that the Commission amend its regulations in 10 CFR Parts 50 and 73 to eliminate what the petitioner believes are duplicative and unnecessarily burdensome reporting requirements. The petitioner also requests that the Commission amend the technical specifications in licenses of nuclear power plant licensees and revise existing NRC guidance documents to reduce what the petitioner feels are duplicative reporting provisions contained in those documents. The petitioner specifically requests that revisions be made to §§50.54(p), 50.54(q), 50.55(e), 50.59(b), 73.71, and Appendix E to 10 CFR Part 50; NUREG-0103, -0123, -0212, and -0452; and licensees' technical specifications. In support of its proposed amendments, the petitioner states that the requested revisions would permit licensees to make more efficient use of their personnel resources and allow licensees' employees to concentrate their attention on matters of public health and safety.

Objective. To reduce the regulatory burden on nuclear power plant licensees through amendment of existing reporting requirements to eliminate duplicative and unnecessarily burdensome provisions.

Background. The comment period closed August 23, 1983. The comments on this petition and the petitioner's request will be considered in the NRC's ongoing evaluation and revision of the reporting and recordkeeping burden required of NRC licensees.

TIMETABLE: The staff proposal in response to this petition is scheduled for completion in December 1985.

CONTACT: R. Stephen Scott
Office of Administration
(301) 492-8585

PETITION DOCKET NUMBER: PRM-50-37

PETITIONER: Lillian McNally

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: October 31, 1983 (48 FR 50083)

SUBJECT: Standards for the Levels of Deuterium and Tritium in Water
Circulated In and Around Nuclear Power Plants

SUMMARY: Description. The petitioner requests that new standards be set for all water circulated in and around nuclear power plants. The petitioner specifically proposes that water circulated in and around nuclear power plants not contain levels of deuterium and tritium which exceed the natural environmental concentration of these elements for a period of one year; that one year later the concentration levels be limited to less than one part by weight in 10,000 parts; and that the level of contaminants be reviewed annually thereafter to determine the attainable purity of circulating water.

Objective. To place a limit on deuterium to reduce the formation of tritium from deuterium by neutron absorption.

Background. The comment period closed December 30, 1983. A response is undergoing staff review.

TIMETABLE: The response is scheduled to be completed in late 1985.

CONTACT: Harold T. Peterson, Jr.
Office of Nuclear Regulatory Research
(301) 427-4353

PETITION DOCKET NUMBER: PRM-50-39

PETITIONER: Southern California Edison Company

PART: 50

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: May 20, 1985 (50 FR 20799)

SUBJECT: Emergency Response Plans for Persons Who Are Both Contaminated with Radioactive Material and Physically Injured

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to clarify that onsite and offsite emergency response plans need only include medical arrangements for persons who are both contaminated with radioactive material and physically injured in some other manner which requires medical treatment. The petitioner contends that public safety does not necessitate the prearrangement of emergency medical treatment for severely irradiated persons who have not also suffered physical injury requiring immediate treatment in a medical facility. The petitioner also contends that the class of people for whom advance arrangements for medical services are required is not clearly stated in the present wording of 10 CFR Part 50 and proposes revising 10 CFR 50.47(b)(12).

Objective. To establish standards for pre-arranged emergency medical services which are based upon a scientific and medical understanding of what is necessary to protect the public.

Background. The comment period closed July 20, 1985.

TIMETABLE: Staff action on the petition is scheduled to be completed July 1986.

CONTACT: Michael Jamgochian
Office of Nuclear Regulatory Research
(301) 443-7615

PETITION DOCKET NUMBER: PRM-51-6

PETITIONER: Catherine Quigg

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 15, 1980 (45 FR 25557)

SUBJECT: Environmental Assessment for High Burnup Nuclear Fuel

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to require the preparation of a generic environmental impact statement (GEIS) for high burnup nuclear fuel as used in commercial nuclear reactors, stored in spent fuel pools or cooling racks, or, potentially, processed in reprocessing plants or disposed of in permanent sites. The petitioner states that, with the decision not to reprocess nuclear fuel, the Federal government and the utilities want to use more uranium in existing nuclear fuel in reactors across the country. The petitioner expresses concern that cited experiments in high fuel burnup will lead to a national program of high burnup of nuclear fuel in reactors without adequately considering potential long- and short-term environmental effects.

Objective. The petitioner proposes (1) that the Commission amend 10 CFR Part 51 to require that a GEIS be prepared and (2) that the Commission require a generic environmental impact statement for high burnup nuclear fuel. The petitioner believes this regulation is necessary to adequately protect public health and safety. The petitioner believes an environmental statement is necessary to adequately examine the following significant effects that use of high burnup fuel could have on the environment: (1) greater fission gas releases from nuclear reactors; (2) increased fission gas releases from spent fuel pools; (3) production of inferior grade spent nuclear fuel; (4) potential for greater radiological impact in reactor and spent fuel pool accidents; and (5) increased radioactive releases during reprocessing.

Background. The comment period closed June 16, 1980. Fourteen comments were received, the majority in opposition to the petition. The petitioner believes that studies and reports based on low burnup fuel may not be relevant when applied to high burnup fuel and that the Commission has no adequate basis for its negative declaration that higher burnups would have no significant environmental impact.

TIMETABLE: Environmental Assessment is scheduled for completion by
January 1986.

CONTACT: C. Prichard
Office of Nuclear Regulatory Research
(301) 427-4586

PETITION DOCKET NUMBER: PRM-71-10

PETITIONER: State of Wisconsin

PART: 71

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 4, 1985 (50 FR 4866)

SUBJECT: Transportation of Irradiated Reactor Fuel (Spent Fuel)

SUMMARY: Description. The petitioner requests that the Commission establish a regulatory process that would provide an opportunity for public participation in the evaluation and approval of proposed shipments of irradiated reactor fuel (spent fuel). The petitioner points out that the transportation of irradiated reactor fuel is an increasingly significant activity because nuclear reactor facilities are reaching maximum capacity of their spent fuel storage pools. The petitioner, a State through which numerous shipments of irradiated reactor fuel have passed and through which future shipments are scheduled, has an interest in protecting its citizens by ensuring that transporters of spent fuel have adequately prepared for potential emergencies. The petitioner alleges that there has been no Federal agency considering the risks associated with the shipping routes. The petitioner points out that the Department of Energy, Department of Transportation, and the NRC could potentially influence transportation decision-making. The petitioner concludes that the NRC has the primary responsibility to protect against the risks of radiation exposure and that the NRC adopt the proposed amendments that will provide the NRC and the public the opportunity to evaluate the propriety of spent fuel shipments.

Objective. To protect against the risks of radiation exposure associated with the transportation of irradiated reactor fuel and to provide the public the opportunity to evaluate the propriety of spent fuel shipments.

Background. The comment period closed April 5, 1985.

TIMETABLE: Staff action on this petition is scheduled to be completed December 1985.

CONTACT: Donald R. Hopkins
Office of Nuclear Regulatory Research
301-443-7878

PETITION DOCKET NUMBER: PRM-73-6

PETITIONER: Wisconsin Electric Power Company, et al.

PART: 73

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 16, 1982 (47 FR 6659)

SUBJECT: Modification of Qualifications for Security Personnel of Nuclear Power Plants and Other Special Nuclear Material Licensees

SUMMARY: Description. The petitioners request that the Commission eliminate the requirement that armed security personnel at nuclear power plants or other facilities licensed to handle special nuclear material (1) carry an extra pair of eye-glasses and (2) undergo an annual medical examination within the preceding 30 days of an annual physical fitness test. The petitioners contend that these requirements are "excessive and unreasonable" when compared to similar requirements for security personnel in other government agencies or in operations with security requirements comparable to those of nuclear power plants. The petition includes proposed amendatory text which would achieve these modified requirements.

Objective. To eliminate requirements for security personnel that the petitioner contends are "excessive and unreasonable."

Background. The comment period closed April 19, 1982. Nine comments on the petition were received. Action on the petition is delayed pending publication of a revision to a regulatory guide on training, equipping, and qualifying of guards and watchmen.

TIMETABLE: Commission action on the petition will follow publication of a revision to Regulatory Guide 5.20 scheduled for December 1985.

CONTACT: Stanley Turel
Office of Nuclear Regulatory Research
(301) 443-7679

(D) - Petitions with deferred action

PETITION DOCKET NUMBER: PRM-20-15

PETITIONER: Edison Electric Institute (EEI) and Utility Nuclear Waste Management Group (UNWMG)

PART: 20

OTHER AFFECTED PART(S): NONE

FEDERAL REGISTER CITATION: September 19, 1984 (49 FR 36653)

SUBJECT: New Methods of Disposal of Radioactively Contaminated Waste Oil from Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission issue a regulation governing the disposal of radioactively contaminated waste oil from nuclear power plants by establishing radionuclide concentrations in waste oil at which disposal may be carried out without regard to the radioactive material content of the waste. Each year, the petitioners state, quantities of waste oil containing very low levels of radioactive contamination are produced at nuclear power plants. The petitioners maintain that the currently used method of disposal (which is absorption or solidification, transportation to, and burial at a licensed disposal facility) is costly, inconsistent with NRC's policy in favor of volume reduction, and represents an inefficient use of resources. In order to provide efficient, environmentally acceptable, and cost beneficial methods, the petitioners propose six disposal methods with specific gross activity limits for itemized radionuclides to be included in a new Appendix E to Part 20.

Objective. To develop a de minimis standard of 1 mrem/yr. for disposal of waste oil generated in nuclear power plants which is consistent with Commission and ACRS support for the development of regulatory cutoff levels.

Background. The comment period closed November 19, 1984.

TIMETABLE: Staff action on this petition is unscheduled pending EPA response to request for development of guidelines on exempt quantities of radioactively contaminated waste oil.

CONTACT: Don Harmon
Office of Nuclear Regulatory Research
(301) 427-4566

PETITION DOCKET NUMBER: PRM-40-23

PETITIONER: Sierra Club

PART: 40

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: February 25, 1981 (46 FR 14021);
May 2, 1983 (48 FR 19722)

SUBJECT: Licensing the Possession of Uranium Mill Tailings at
Inactive Storage Sites.

SUMMARY: Description. The petitioner requests that the Commission amend its regulations to license the possession of uranium mill tailings of inactive storage sites. The petitioner proposes the following regulatory action to ensure that the public health and safety is adequately protected: (1) repeal the licensing exemption for inactive uranium mill tailings sites subject to the Department of Energy's remedial programs; (2) require a license for the possession of byproduct material on any other property in the vicinity of an inactive mill tailings site if the byproduct materials are derived from the sites; or, in the alternative, (3) conduct a rulemaking to determine whether a licensing exemption of these sites or byproduct materials constitutes an unreasonable risk to public health and safety. On March 23, 1983, the petitioner filed an amendment to the original petition. In the amendment, the petitioner requests that, in the event that NRC denies the earlier requests, NRC take further action to ensure that the management of byproduct material located on or derived from inactive uranium processing sites is conducted in a manner that protects the public health and safety and the environment. The petitioner also requests that the NRC take action to govern the management of byproduct material not subject to licensing under section 81 of the Atomic Energy Act.

Objective. To license the protection of uranium mill tailings at inactive storage sites or take other regulatory action to protect the public health and safety and the environment from the radiological and nonradiological hazards associated with the tailings. The petitioner believes that this action is necessary if NRC is to adequately fulfill its statutory responsibilities under the Uranium Mill Tailings Radiation Control Act.

Background The comment period closed April 27, 1981. Three comments were received, all stating the petition should be denied. The comment period on the amendment to the petition closed June 30, 1983. Uranium mill tailings are regulated under the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604, 42 U.S.C. 7901, et seq.). Title I of the Act directs that the Department of Energy, in consultation with NRC, conduct a remedial action program at certain inactive uranium mill tailings sites. Title V of the Act authorizes NRC to regulate disposal of the tailings at active sites. The staff is preparing a response to the petition.

TIMETABLE: Action on the petition is to be considered in the revision of uranium mill tailings regulations.

CONTACT: John Stewart
Office of Nuclear Regulatory Research
(301) 427-4609

PETITION DOCKET NUMBER: PRM-40-24

PETITIONER: Union Carbide Corporation

PART: 40

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: November 30, 1982 (47 FR 53889)

SUBJECT: Revised Criteria for Operation of Uranium Mills and Disposition of Tailings or Wastes

SUMMARY: Description. The petitioner proposes that the Commission amend its regulations setting out criteria for the operation of uranium mills and the disposition of tailings or wastes resulting from uranium milling activities. The petitioner suggests specific amendments to the criteria governing the selection of new tailings disposal sites or the adequacy of existing tailings disposal sites, the seepage of toxic materials into the groundwater, the earth cover to be placed over tailings or wastes to prevent the surface exhalation of radon, and the charge imposed on each mill operator to cover the cost of long-term surveillance. The petitioner supports its suggested amendments with information it says was not available to the Commission at the time the regulations were issued.

Objective. To significantly reduce the compliance costs incurred by the petitioner in the operation of its uranium milling facilities while continuing to adequately protect public health, safety, and the environment.

Background. The comment period that originally closed January 31, 1983, was extended until May 2, 1983. The petitioner is a New York-based corporation engaged in uranium exploration, milling, and mining. The regulations the petitioner seeks to amend were issued as part of NRC's regulations implementing the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604, 42 U.S.C. 7901, et seq.). These regulations were published in the Federal Register on October 3, 1980 (45 FR 65531).

TIMETABLE: Action on the petition is to be included in rulemaking to revise uranium mill tailings regulations for groundwater protection and other issues. Future scheduling for this rulemaking will be published in the Federal Register.

CONTACT: John Stewart
Office of Nuclear Regulatory Research
(301) 427-4609

PETITION DOCKET NUMBER: PRM-50-20

PETITIONER: Free Environment, Inc., et al.

PART: 50

OTHER AFFECTED PART(S): 100

FEDERAL REGISTER CITATION: May 19, 1977 (42 FR 25785)

SUBJECT: Reactor Safety Measures

SUMMARY: Description. The petition requested that the Commission amend Part 50 before proceeding with the processing of license applications for the Central Iowa Nuclear Project to require that (1) all nuclear reactors be located below ground level; (2) all nuclear reactors be housed in sealed buildings within which permanent heavy vacuums are maintained; (3) a full-time Federal employee, with full authority to order the plant to be shut down in case of any operational abnormality, always be present in all nuclear generating stations; and (4) the Central Iowa Nuclear Project and all other reactors be sited at least 40 miles from major population centers.

Objective. To ensure that additional safety measures are employed in the construction and siting of nuclear power plants. The petitioner seeks to have recommendations and procedures practiced or encouraged by various organizations and some current NRC guidelines adopted as mandatory requirements in the Commission's regulations.

Background. The comment period closed July 18, 1977. Three comments were received. The first three parts of the petition (see Description section above) were incorporated with PRM-50-19 for staff action purposes. A notice of denial for the third part of the petition was published in the Federal Register on February 2, 1978 (43 FR 4466). A notice of denial for the first two parts of the petition was published April 19, 1978 (43 FR 16556). NRC staff work on the fourth part of the petition will be carried out in connection with the ongoing Part 100 rulemaking on demographic criteria. Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983, to await safety goal information and source term reevaluation.

Safety goal work is near completion, but, since the accident source term reevaluation proved more complex than anticipated, additional work is planned that should provide sufficient data by early 1987 for reconsideration of the Commission's population-density siting criteria.

TIMETABLE: A schedule for resuming development of demographic criteria is expected to be submitted to the Commission in 1987.

CONTACT: William R. Ott
Office of Nuclear Regulatory Research
(301) 427-4631

PETITION DOCKET NUMBER: PRM-51-1

PETITIONER: New England Coalition on Nuclear Pollution

PART: 51

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: January 16, 1976 (41 FR 2448)

SUBJECT: Environmental Impacts of the Uranium Fuel Cycle

SUMMARY: Description. The petitioner requests that the Commission initiate a rulemaking to amend its summary of environmental considerations in the uranium fuel cycle presented in Table S-3 of Part 51. The petitioner declares that (1) the current Table S-3 seriously underestimates the impact on human health and safety by disregarding the long-term effects of certain radionuclides, particularly thorium-230 which decays into radon gas; (2) the health effects of krypton-85 and tritium releases from fuel reprocessing plants are underestimated; (3) releases of carbon-14 from the fuel cycle should be included; (4) the term "man-rem" does not provide a meaningful representation of health effects, at least in terms of radionuclides involved in this petition, and that human deaths from man-rem exposures provide a more comprehensible consequence of fuel cycle activities; and (5) the magnitude of the potential death toll from mill tailings alone alters previous judgments and requires a reassessment of previous conclusions to authorize construction and operation of nuclear reactors and the postponement of all pending applications for construction or operating authority until final resolution of the issue by the Commission.

Objective. The petitioner proposes action to amend Table S-3 in ways that they claim will more accurately reflect the impact of the long-term effects of certain long-lived radionuclides on human health and safety. The petitioner also proposes to suspend all activities related to nuclear power plant construction and operation until the Commission reassesses the health and safety effects of mine tailings.

Background. The Commission acted on all items of the petition on April 14, 1978 (46 FR 15613) except for a future rulemaking proceeding to amend the Table S-3 value for radon. The Federal Register notice of April 14, 1978, removed the radon value from Table S-3 and made it subject

to litigation in individual licensing proceedings. Litigation on the radon environmental impacts in cases pending before the Commission's Atomic Safety and Licensing Appeal Board was heard in a combined hearing in February 1980. The Appeal Board's initial decision (ALAB-640 May 13, 1981) upheld the staff's estimates of radon releases from the nuclear fuel cycle, and the final decision (ALAB-701, November 19, 1982) affirmed the staff's conclusion that radon releases would not cause significant health effects. This decision was appealed to the Commissioners for review, and the Commissioners deferred their review until the new EPA standards for radon have been analyzed and the NRC's milling regulations revised as necessary to conform to them.

Rulemaking to add the new value for radon-222 in Table S-3 will be affected by the new EPA standards that were promulgated October 7, 1983. NRC must revise its uranium mill tailings regulations to conform to the new EPA standards. The rulemaking to add a new estimate for radon-222 to Table S-3 can be undertaken after the revision of the NRC's uranium mill tailings regulations. The purpose of the Table S-3 rule is to consider the environmental effects of the uranium fuel cycle generically to eliminate repetitive analyses of these same effects in individual nuclear power plant licensing cases. This will reduce the time required for public hearings in the licensing process and will shorten the time and reduce the cost of licensing nuclear power plants. On April 27, 1982, the U.S. Court of Appeals for the D.C. Circuit decided a case filed by the Natural Resources Defense Council challenging the NRC's evaluation of the environmental impacts of nuclear power plants. The decision invalidated the entire Table S-3 rule. The NRC appealed the decision to the Supreme Court and the Supreme Court reversed the Appeals Court decision on June 6, 1983, eliminating this holdup to the revision of the radon-222 estimate. The Commission has directed the staff to add new estimates for radon-222 and technetium-99 to Table S-3 and its narrative explanation as soon as the proposed rulemaking action on uranium milling has been approved and the Commission review of ALAB-701 has been resolved.

TIMETABLE: New radon-222 estimate to be added to Table S-3 after NRC's milling regulations are revised to conform to new EPA standards.

CONTACT: William E. Thompson
Office of Nuclear Material Safety and Safeguards
(301) 427-4211

PETITION DOCKET NUMBER: PRM-60-2

PETITIONER: States of Nevada and Minnesota

PART: 60

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: April 30, 1985 (50 FR 18267)

SUBJECT: Implementation of Certain Environmental Standards Which
Have Been Proposed by the Environmental Protection Agency

SUMMARY: Description. The petitioners request that the Commission adopt a regulation governing the implementation of certain environmental standards which have been proposed by the Environmental Protection Agency (EPA). The EPA published a proposed rule, "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High Level and Transuranic Radioactive Wastes" on December 29, 1982 (47 FR 58196). EPA received objections regarding its authority to promulgate a section in the proposed rule entitled, "Assurance Requirements - 40 CFR 191.14." These objections were based on legal arguments that Section 121(a) of the Nuclear Waste Policy Act of 1982 specifically clarifies that EPA's authority to promulgate the proposed rule arises "under other provisions of law." One of those other provisions of law is the Atomic Energy Act of 1954. The petitioner asserts that disputes as to the question of authority precludes EPA from issuing final standards; however, the general authority of the Commission to protect the health and safety of the public against radiation hazards under the Atomic Energy Act endows the Commission with the power to enact regulations of the nature contained in proposed 40 CFR 191.14.

Objective. To enact under the Commission's authority the proposed regulations originally published by EPA on December 29, 1982 (47 FR 58196), thereby removing the jurisdictional issue as an impediment to the EPA's promulgation of the proposed section.

Background. The comment period closed July 1, 1985. Six sets of comments were received. The EPA announced the issuance of its regulations on August 15, 1985. The Federal Register publication is still pending. Issuance of the EPA regulations may make the petition moot.

TIMETABLE: A response to the petition will be prepared following publication of the EPA regulations in the Federal Register.

CONTACT: Edward D. Regnier
Office of Nuclear Material Safety and Safeguards
(301) 427-4781

PETITION DOCKET NUMBER: PRM-100-2

PETITIONER: Public Interest Research Group, et al.

PART: 100

OTHER AFFECTED PART(S): None

FEDERAL REGISTER CITATION: July 1, 1976 (41 FR 27141)

SUBJECT: Population Density Criteria Near Nuclear Power Plants

SUMMARY: Description. The petitioners request that the Commission amend its regulations to prohibit the construction of nuclear reactors where the population in the surrounding area exceeds or will exceed specified numerical limits. The petitioners' proposed criteria would limit permissible population density to 400 people per square mile within a 40-mile perimeter. The petitioners state that they regard these proposed criteria as interim standards to be used until the Commission is able to generate its own numerical standards on population density.

Objective. To restrict utilities from building nuclear reactors too close to metropolitan areas.

Background. The comment period closed August 30, 1976. Twelve comments were received. An NRC staff paper (SECY-78-624) was submitted to the Commission on December 4, 1978. In a memorandum to the Executive Director for Operations dated February 15, 1979, the Commission deferred action on the population density siting criteria issue pending submission of the Siting Policy Task Force report. The petitioners were notified of this deferral by letter dated March 9, 1979. The petitioners were notified by letter (in July 1980) that the petition would be considered in the context of the rulemaking on siting criteria. Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria would be delayed until summer 1983 to await safety goal implementation and source term reevaluation. Safety goal work is near completion, but, since the accident source term reevaluation proved more complex than anticipated, additional work is planned that should provide sufficient data by early 1987 for reconsideration of the Commission's population density siting criteria.

TIMETABLE: A schedule for resuming the development of demographic criteria is expected to be submitted to the Commission in 1987.

CONTACT: William R. Ott
Office of Nuclear Regulatory Research
(301) 427-4631

NRC FORM 335 (2-84) NRCM 1102 3201, 3202		U.S. NUCLEAR REGULATORY COMMISSION		1. REPORT NUMBER (Assigned by TRC add Vol. No., if any)	
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I-RULES

Section I - Rules

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**II
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Section II - Petitions for Rulemaking

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