NRC Regulatory Agenda

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Semiannual Report
July - December 1997

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Semiannual Report July - December 1997

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**Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001**

Preface

The Regulatory Agenda is a semiannual compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition.

Organization of the Agenda

The agenda consists of two sections that have been updated through December 31, 1997. Section I, "Rules," includes (A) rules on which final action has been taken since June 30, 1997, 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as advance notices of proposed rulemaking for which neither a proposed nor final rule has been issued; and (D) unpublished rules on which the NRC expects to take action.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, 1997; (B) petitions incorporated into proposed rules; and (C) petitions pending staff review.

In Section I of the agenda, the rules are ordered from the lowest to the highest part within Title 10, Chapter I, of the Code of Federal Regulations (Title 10). If more than one rule appears under the same part, the rules are arranged within that 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 the lowest to the highest part of Title 10 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 that part of Title 10.

A Regulation Identifier Number (RIN) has been added to each rulemaking agenda entry. This identification number will make it easier for the public and agency officials to track the publication history of regulatory actions. The dates listed under the heading "Timetable" for scheduled action by the Commission, the Executive Director for Operations (EDO), the Chief Financial Officer (CFO), or the Chief Information Officer (CIO) 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 the public early notice and opportunity to participate in the rulemaking process. However, the NRC may consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda. Conversely, the inclusion in this Regulatory Agenda of unpublished rules on which the NRC is considering action does not commit the NRC to publishing the rule for public comment in the Federal Register.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations 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

NRC's regulatory priorities most effectively. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking.

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 or an advance notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal in the Federal Register. Rules and Petitions for Rulemaking that appear in the agenda for the first time are identified by an asterisk (*).

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, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555-0001.

Comments may also be hand delivered to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. 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 in the agenda are available for public inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC, between 7:45 a.m. and 4:15 p.m.

Additional Rulemaking Information

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Betty K. Golden, Regulations Specialist, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 415-6863 (persons outside the Washington, DC, metropolitan area may call toll-free: 800-368-5642), or e-mail bkg2@nrc.gov. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

CONTENTS

	Page
Preface	iii
 (A) Final Rules	
1. Minor Correcting Amendments (Part 2)	1
2. Notice to Employees; Minor Amendment (Part 19)	1
3. Radiological Criteria for Decommissioning of Nuclear Facilities (Parts 20, 30, 40, 50, 51, 70, 72)	1
4. Reporting Requirements for Unauthorized Use of Licensed Radioactive Material (Part 20)	2
5. Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea (Parts 30, 32)	2
6. Administration of Byproduct Material or Radiation to Patients Who May Be Pregnant (Part 35)	2
7. Definition of Safety-Related Structures, Systems, and Components (Part 50)	3
8. Power Reactor Facilities Under a Possession Only License (Part 50)	3
9. Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations (Part 50)	3
10. Criticality Accident Requirements* (Parts 50 and 70)	4
11. Changes to Nuclear Power Plant Security Requirements (Part 73)	4
12. Information Collection Requirements: Statutory and Technical Amendments (10 CFR Chapter I)	4
 (B) Proposed Rules	
13. Availability of Official Records (Part 2)	7
14. Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository (Part 2)	7

CONTENTS

(B)	Proposed Rules (continued)	Page
15.	Electronic Freedom of Information Act; Implementation (Part 9)	8
16.	Minor Corrections, Clarifying Changes and a Minor Policy Change (Parts 20, 32, 35, 36, 39)	8
17.	Fitness for Duty (Part 26)	9
18.	Deliberate Misconduct by Unlicensed Persons Regarding Applications (Parts 30, 40, 50, 60, 61, 70, 72, 150)	9
19.	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond Issuing Licensees (Parts 30, 40, 50, 70, 72)	10
20.	Requirements for Possession of Industrial Devices Containing Byproduct Material (Parts 31, 32)	10
21.	Requirements Concerning the Accessible Air Gap for Generally Licensed Devices (Parts 31, 32)	10
22.	Revision of Prototype Testing Requirements for Dials, Hands, and Pointers Containing Tritium (Part 32)	11
23.	License Term for Medical Licenses (Part 35)	11
24.	Shutdown and Fuel Storage Pool Operation at Nuclear Power Plants (Part 50)	12
25.	Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment (Part 50)	12
26.	Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements (Part 50)	13
27.	Audit Frequency for Emergency Planning and Security (Part 50)	13
28.	Codes and Standards; IEEE National Consensus Standard (Part 50)	14
29.	Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors (Parts 50, 140)	14
30.	Industry Codes and Standards; Amended Requirements (Part 50)	15

CONTENTS

(B)	Proposed Rules (continued)	Page
31.	Addition of Radon-222 and Technetium-99 Values to Table S-3 and Revisions Resulting from Consideration of Higher-Burnup Fuel (Part 51)	15
32.	Initial Operator License Examination Requirements (Part 55)	16
33.	Elimination of Inconsistencies Between NRC Regulations and EPA HLW Standards (Part 60)	16
34.	Clarification of Assessment Requirements for Siting Criteria and Performance Objectives (Part 60)	17
35.	Physical Protection for Spent Nuclear Fuel or High-Level Radioactive Waste (Parts 60, 72, 73, 75)	17
36.	Requirements for Shipping Packages Used to Transport Vitrified Wastes Containing Plutonium (Part 71)	18
37.	Criteria for an Extraordinary Nuclear Occurrence (Part 140)	19
(C)	Advance Notices of Proposed Rulemakings	
38.	Disposal by Release into Sanitary Sewerage (Part 20)	21
39.	Distribution of Source and Byproduct Material: Licensing and Reporting Requirements (Parts 32, 40)	21
40.	Specific Domestic Licenses of Broad Scope for Byproduct Material (Part 33)	21
41.	Comprehensive Quality Assurance in Medical Use and a Standard of Care (Part 35)	22
42.	Steam Generator Tube Integrity for Operating Nuclear Power Plants (Part 50)	22

CONTENTS

(D) Unpublished Rules

43.	Statement of Organization and General Information; Minor Amendments (Parts 1, 2, 4, 7, 9, 15, 76, 110)	25
44.	Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance (Part 10)	25
45.	Access Authorization Fee Schedule for Licensee Personnel* (Parts 11, 25)	26
46.	Submittal Procedures for Documents (Parts 19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 50, 51, 52, 55, 60, 61, 62, 70, 71, 72, 73, 74, 75, 140, and 150)	26
47.	Respiratory Protection and Controls to Restrict Internal Exposure, Subpart H and Appendix A (Part 20)	28
48.	Revision of Dose Limit for Members of the Public Exposed to Hospitalized Radiation Patients* (Parts 20, 35)	28
49.	Access to Secret Restricted Data (Parts 25, 95)	29
50.	Fitness for Duty (Scope Change) (Part 26)	30
51.	Medical Uses of Byproduct Material (Part 35)	30
52.	Performance-Oriented Requirements for Fire Protection of Nuclear Power Facilities (Part 50)	31
53.	Revision to Nuclear Power Reactor Decommissioning Cost Requirements (Part 50)	32
54.	Emergency Planning Requirements for Permanently Shutdown Nuclear Power Plant Sites* (Part 50)	33
55.	Changes, Tests and Experiments* (Part 50)	33
56.	Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants* (Part 50)	34
57.	Standardized Plant Designs, Early Review of Site Suitability Issues; Clarifying Amendments (Parts 50, 52, 140)	34
58.	Domestic Licensing of Special Nuclear Material-Revision (Part 70)	35

CONTENTS

(D)	Unpublished Rules (continued)	Page
59.	Miscellaneous Changes (Part 72)	35
60.	Adoption of Part 20 Dose Limits and Dose Calculational Methodology in Part 72* (Part 72)	36
61.	Expand Applicability to Include Certificate Holders and Applicants and Their Contractors and Subcontractors* (Part 72)	36
62.	Certification Amendment Process* (Part 76)	37
63.	Revision of Fee Schedules; 100% Fee Recovery, FY 1998 (Parts 170, 171)	37
64.	Nuclear Regulatory Commission Acquisition Regulation (48 CFR Chapter 20)	38
(A)	Petitions Incorporated Into Final Rules or Petitions Denied Since June 30, 1997	
	NONE	
(B)	Petitions Incorporated Into Proposed Rules	
1.	Petitioner/Petition Docket Number: mb-microtec (USA) (PRM-32-4)	39
2.	Petitioner/Petition Docket Number: North Carolina Public Utility Commission (PRM-50-57)	39
3.	Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-50-59)	39
4.	Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-50-60)	40
(C)	Petitions Pending Staff Review	
5.	Petitioner/Petition Docket Number: Ohio Citizens for Responsible Energy, Inc. (PRM-9-2)	41
6.	Petitioner/Petition Docket Number: Keith J. Schiager, Ph.D., et al. (PRM-20-21)	41

(C)	Petitions Pending Staff Review (continued)	Page
A	7. Petitioner/Petition Docket Number: University of Cincinnati (PRM-20-24)	41
	8. Petitioner/Petition Docket Number: Nuclear Energy Institute (NEI) (PRM-30-61)	42
	9. Petitioner/Petition Docket Number: Amersham Corporation (PRM-34-5)	42
	10. Petitioner/Petition Docket Number: National Registry of Radiation Protection Technologists (NRRPT) (PRM-35-13)	42
	11. Petitioner/Petition Docket Number: Chromalloy Tallahassee* (PRM-40-26)	43
	12. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-61)	43
	13. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-50-62)	43
	14. Petitioner/Petition Docket Number: Peter G. Crane (PRM-50-63 and PRM 50-63A*)	44
	15. Petitioner/Petition Docket Number: Nuclear Energy Institute (PRM-70-7)	44
	16. Petitioner/Petition Docket Number: Portland General Electric Company (PRM-72-2)	45
	17. Petitioner/Petition Docket Number: Fawn Shillinglaw (PRM-72-3)	45
	18. Petitioner/Petition Docket Number: Envirocare of Utah, Inc. (PRM-150-2)	45

(A) FINAL RULES PUBLISHED SINCE

JUNE 30, 1997

**1. Minor Correcting Amendments
(Part 2)****RIN:** 3150-AF86

Abstract. The final rule amends the Commission's regulations to correct several miscellaneous errors in the Code of Federal Regulations.

Timetable: Final Rule Published
11/03/97 62 FR 59275
Final Rule Effective
11/03/97

Legal Authority: 5 USC 552; 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: David L. Meyer,
Office of Administration, (301) 415-7162,
e-mail dlml@nrc.gov

**2. Notice to Employees; Minor
Amendment (Part 19)****RIN:** 3150-AF66

Abstract. The final rule amends the Commission's regulations to refer to the April 1997, NRC form 3, "Notice to Employees," or the latest version of this form provided by the Commission. This action is necessary because the version referenced in the Code of Federal Regulations has been updated. This action eliminates the need to update the Federal Register every time the form is changed.

Timetable: Direct Final Rule
Published
09/15/97 62 FR 48165
Direct Final Rule
Effective
09/15/97

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. Yes

Agency Contact: Mark Haisfield,
Office of Nuclear Regulatory Research,
(301) 415-6196, e-mail mfh@nrc.gov

**3. Radiological Criteria for
Decommissioning of Nuclear
Facilities (Parts 20, 30, 40, 50, 51,
70, 72)****RIN:** 3150-AD65

Abstract. The final rule amends the Commission's regulations to codify the basic principles and radiological criteria that would allow decommissioned lands and structures to be released for unrestricted public use.

The final rule establishes basic radiological criteria for release of lands and structures. Measurables, in the form of surface and volume radioactivity concentrations and site radioactivity inventory values, would be provided in supporting regulatory guidance. These combined activities should benefit the public, industry, and the NRC by providing a risk-based framework upon which decommissioning activities and license terminations can be accomplished. The framework ensures adequate protection of public health and safety and identify residual radioactivity criteria upon which licensees can confidently develop reasonable and responsible decommissioning plans.

Timetable: Final Rule
Published
07/21/97 62 FR 39058
Final Rule Effective
08/20/97

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Frank Cardile,
Office of Nuclear Regulatory Research,
(301) 415-6185, e-mail fpc@nrc.gov

4. Reporting Requirements for Unauthorized Use of Licensed Radioactive Material (Part 20)

RIN: 3150-AF44

Abstract: The proposed rule would have added a new requirement for licensees to notify the NRC Operations Center of any diversion of licensed radioactive material from its intended or authorized use. The Commission has determined that this rulemaking is unnecessary and has withdrawn the proposed rule.

Timetable: Notice of Withdrawal
Published
08/11/97 62 FR 42948

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Mary Thomas,
Office of Nuclear Regulatory Research,
(301) 415-6230, e-mail mlt1@nrc.gov

5. Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea (Parts 30, 32)

RIN: 3150-AF70

Abstract: The final rule amends the Commission's regulations to provide for the distribution and use of a radioactive drug

containing one microcurie of Carbon-14 Urea. The final rulemaking also responds to a petition for rulemaking received from Tri-Med Specialties, Inc. (PRM-35-12).

Timetable: Final Rule Published
12/02/97 62 FR 63634
Final Rule Effective
01/02/98

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842; USC 4332; 42 USC 4334; 42 USC 4335

Effects on Small Business and Other Entities. None

Agency Contact: Samuel Z. Jones,
Office of Nuclear Regulatory Research,
(301) 415-6198, e-mail szj@nrc.gov

6. Administration of Byproduct Material or Radiation to Patients Who May Be Pregnant (Part 35)

RIN: 3150-AE44

Abstract. The proposed rule would have amended the Commission's regulations concerning the medical use of byproduct material. This rule is being subsumed by the proposed rule entitled, "Medical Uses of Byproduct Material," (RIN 3150-AF74), and is being incorporated into that rule.

Timetable: Incorporated into
Proposed Rule 06/30/97

Legal Authority: 42 USC 2111; 42 USC 2112; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282

Effects on Small Business and Other Entities. None

Agency Contact: Samuel Z. Jones,
Office of Nuclear Regulatory Research,
(301) 415-6198, e-mail szj@nrc.gov

7. Definition of Safety-Related Structures, Systems, and Components (Part 50)

RIN: 3150-AF75

Abstract. The final rule amends the Commission's regulations by correcting an error in the language of several sections in the regulations. The Commission's regulations defining safety related structures, systems, and components contained an inconsistency which needed to be corrected on an expedited basis. The attributes of such components (viz., pressure boundary components, safe shutdown components, and containment system components) have been described using the conjunction "or" in some regulations, whereas others use "and". This had recently led to some difficulty in interpreting and enforcing the regulations. There is a consensus within the NRC staff and OGC that the regulatory intent (that any one of the attributes would qualify a component as being safety related) is clear, but that the wording should be changed to remove any uncertainty on this question.

Timetable: Direct Final Rule
Published
09/08/97 62 FR 47268
Direct Final Rule Effective
11/07/97

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232

Effects on Small Business and Other Entities. None

Agency Contact: Clark Prichard,
Office of Nuclear Regulatory Research,
(301) 415-6203, e-mail cwp@nrc.gov

8. Power Reactor Facilities Under a Possession Only License (Part 50)

RIN: 3150-AF16

Abstract. The proposed rule would have amended the Commission's regulations regarding possession only licensee applications for case-specific exemptions that no longer have relevance. This rule is being subsumed by the proposed rule entitled, "Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors" (RIN 3150-AF79), and is being incorporated into that rule.

Timetable: Incorporated into
Proposed Rule 09/23/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Carl Feldman,
Office of Nuclear Regulatory Research,
(301) 415-6194, e-mail cxf@nrc.gov

9. Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations (Part 50)

RIN: 3150-AE38

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on amending the Commission's regulations to decouple source term and dose calculations from reactor siting and to permit the use of updated source term insights for future light water reactors. The Commission has determined that this rulemaking is unnecessary and has withdrawn this ANPRM.

Timetable: Notice of Withdrawal
Published
10/14/97 62 FR 53250

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: No

Agency Contact: Louis B. Riani,
Office of Nuclear Regulatory Research,
(301) 415-6574, e-mail lbr@nrc.gov

**10. Criticality Accident Requirements*
(Parts 50 and 70)**

RIN: 3150-AF87

Abstract. The direct final rule amends the Commission's regulations to provide light-water nuclear power reactor licensees with greater flexibility in meeting the requirement that licensees authorized to possess more than a small amount of special nuclear material maintain a criticality monitoring system in each area where the material is handled, used, or stored. This action is taken as a result of the experience gained in processing and evaluating a number of exemption requests from power reactor licenses and NRC's safety assessments in response to these requests that concluded that the likelihood of criticality was negligible.

Timetable: Direct Final Rule Published
12/03/97 62 FR 63825
Direct Final Rule Effective
12/03/97

Legal Authority: 42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2135; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282

Effects on Small Business and Other Entities: None

Agency Contact: Stan Turel, Office
of Nuclear Regulatory Research, (301)
415-6324, e-mail spt@nrc.gov

**11. Changes to Nuclear Power Plant
Security Requirements (Part 73)**

RIN: 3150-AF53

Abstract. The final rule amends the Commission's regulations by updating the requirements for the physical security of nuclear power reactors. The final rule updates the regulations for security at operating nuclear power plants based upon staff review experience gained in security program implementation, input from the public and industry, and technical changes in security system technology and equipment. Most of the changes involve reduction or elimination of requirements that are of marginal significance relative to their contribution to the overall effectiveness of security programs.

Timetable: Final Rule Published
12/02/97 62 FR 63640
Final Rule Effective
01/16/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Sandra Frattali,
Office of Nuclear Regulatory Research,
(301) 415-6261, e-mail sdf@nrc.gov

**12. Information Collection
Requirements: Statutory and
Technical Amendments (10 CFR
Chapter 1)**

RIN: 3150-AF69

Abstract. The final rule amends the Commission's regulations implementing the Paperwork Reduction Act to make changes required by statute and to make technical correcting amendments.

Timetable: Final Rule Published
10/06/97 62 FR 52184
Final Rule Effective
10/06/97

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 3501, et seq.

Effects on Small Business and Other Entities. None

Agency Contact: Pamela Urban,
Office of the General Counsel, (301)
415-1619, e-mail pau@nrc.gov

B

(B) PROPOSED RULES

**13. Availability of Official Records
(Part 2)****RIN:** 3150-AC07

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 amendment would reaffirm that 10 CFR 2.790(c) provides submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three additional circumstances where information will not be returned to the applicant, i.e., information which has been made available to an advisory committee or was received at an advisory committee meeting, information discussed at an open Commission meeting under the Government in Sunshine Act, and information that is subject to a pending Freedom of Information Act request.

The proposed amendment would also address the NRC's procedures for handling copyrighted information, including reproduction and distribution according to normal agency practice. The NRC, in receiving submittals and making its normal distributions, routinely photocopies submittals, makes microfiche of the submittals, and ensures that these fiche are distributed to the Public Document Room, Local Public Document Rooms, all appropriate internal offices, and made available to the National Technical Information Service. This broad distribution and reproduction is made to increase public understanding of the peaceful uses of atomic energy. The proposed rule would not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information), and it is recognized that some information in those categories may be copyrighted. Proprietary information status exempts this material from public disclosure and is not to be confused with handling pursuant to copyright designation.

Timetable: Proposed Rule Published
12/23/92 57 FR 61013
Comment Period Closed
03/08/93

Final Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42
USC 5841

**Effects on Small Business and Other
Entities.** None

Agency Contact: Catherine M. Holzle,
Office of the General Counsel, (301)
415-1560, e-mail cmh@nrc.gov

**14. Procedures Applicable to
Proceedings for the Issuance of
Licenses for the Receipt of High-
Level Radioactive Waste at a
Geologic Repository (Part 2)****RIN:** 3150-AF88

Abstract. The proposed rule would amend the Commission's regulations regarding for the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW proceeding). The proposed amendments are intended to allow application of technological developments that have occurred since the original rule was adopted in 1989, while achieving the original goals of facilitating the Commission's ability to comply with the schedule for decision on the construction authorization for the repository contained in Section 114(d) of the Nuclear Waste Policy Act, and providing for a thorough technical review of the license application and equitable access to information for the parties to the hearing.

Timetable: Proposed Rule Published
11/13/97 62 FR 60789
Proposed Comment Period
Ends
01/27/98

Proposed Rules

NRC Regulatory Agenda

Final Rule Published
08/00/98

Legal Authority: 5 USC 552; 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Kathryn L. Winsberg, Office of the General Counsel, (301) 415-1641, e-mail klw@nrc.gov

15. Electronic Freedom of Information Act; Implementation (Part 9)

RIN: 3150-AF78

Abstract. The final rule will conform the Commission's regulations to the requirements of the Electronic Freedom of Information Act of 1996. The final rule will clarify that FOIA applies equally to records maintained in electronic format, and broaden public access to government information by placing more records online. The final rule will implement statutory provisions for establishing multitrack processing of requests, permitting expedited processing of FOIA requests for compelling reasons, extending the former 10-day requirement for processing requests to 20 days, and establishing the conditions and procedures for negotiating with requesters to tailor requests to improve responsiveness.

Timetable: Approved by the EDO
12/03/96

Proposed Rule
Published
09/05/97 62 FR 46922

Comment Period Closed
10/06/97

Final Rule Published
01/20/98

Legal Authority: 5 USC 552; 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Russell A. Powell, Office of the Chief Information Officer, (301) 415-7169, e-mail rap1@nrc.gov

16. Minor Corrections, Clarifying Changes and a Minor Policy Change (Parts 20, 32, 35, 36, 39)

RIN: 3150-AF46

Abstract. The proposed rule would amend the Commission's regulations to incorporate minor corrections and clarifying changes to 10 CFR Part 20 and also make conforming changes to 10 CFR Parts 32, 35, 36, and 39. In addition, a minor policy change is proposed that would revise the monitoring criterion for minors and for declared pregnant women.

Timetable: Proposed Rule
Published
10/07/96 61 FR 52388

Comment Period Closed
12/23/96

Final Rule Published
12/00/98

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. None

Agency Contact: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, (301) 415-6219, e-mail jmm2@nrc.gov

17. Fitness for Duty (Part 26)Final Rule Published
06/00/98

RIN: 3150-AF12

Abstract. The proposed rule would amend the Commission's fitness-for-duty regulations. This proposed rule would also address the petition for rulemaking submitted by Virginia Electric and Power Company (VEPCO) (PRM-26-1), and address the Regulatory Review Group items on audit frequency and annual submittal of data. VEPCO requested that the Commission amend its fitness-for-duty regulations to change the frequency that licensees are required to audit their fitness-for-duty programs from annually to biennially. The Commission and the EDO approved the staff proposals in SECY-92-308, but asked that the staff resubmit the proposed rule to address a backfit analysis. The staff proposals were submitted to the Commission in SECY-95-262 in October 1995, and were published in the Federal Register on May 9, 1996 (61 FR 21105). Thirty-seven individuals provided approximately 1,000 comments. The staff has analyzed the comments and revised the proposed rule appropriately. The staff met with the Advisory Committee on Reactor Safeguards in July 1997 to discuss the revised rule. The staff is preparing an analysis of the application of the backfit rule to each proposed change to facilitate the Commission's understanding of the issues. The staff also plans to meet with the Committee to Review Generic Requirements before submitting the rulemaking package to the EDO in April 1998.

Timetable: Proposed Rule
Approved
by the EDO 03/01/93

Proposed Rule
Published
05/09/96 61 FR 21105
Comment Period Closed
08/07/96

Legal Authority: 42 USC 2201; 42
USC 5841

**Effects on Small Business and Other
Entities.** None

Agency Contact: Loren Bush, Office
of Nuclear Reactor Regulation, (301)
415-2944, e-mail llb@nrc.gov

**18. Deliberate Misconduct by
Unlicensed Persons Regarding
Applications (Parts 30, 40, 50, 60, 61,
70, 72, 150)**

RIN: 3150-AF35

Abstract. The proposed rule would amend the Commission's regulations to put applicants for NRC licenses and other unlicensed persons doing work for applicants on notice that they may be subject to enforcement action under the Commission's existing regulations regarding deliberate misconduct. The current regulations require that all information submitted to the Commission be complete and accurate. This proposed rulemaking would correct an apparent oversight from when the Deliberate Misconduct rule was adopted in 1991 and make that rule apply to applicants and to their employees, contractors, and subcontractors, including consultants.

Timetable: Proposed Rule
Published
10/04/96 61 FR 51835
Comment Period Closed
12/18/96

Final Rule Published
01/13/98

Legal Authority: 42 USC 2201; 42
USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Tony DiPalo,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6191, e-mail
ajd@nrc.gov

19. Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond Issuing Licensees (Parts 30, 40, 50, 70, 72)

RIN: 3150-AF64

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

Timetable: Proposed Rule
Published
04/30/97 62 FR 23394

Comment Period Closed
07/29/97

Final Rule Published
06/00/98

Legal Authority: 42 USC 2201; 42
USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Dr. Clark Prichard,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6203, e-mail
cwp@nrc.gov

20. Requirements for Possession of Industrial Devices Containing Byproduct Material (Parts 31, 32)

RIN: 3150-AD34

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

Timetable: Proposed Rule
Published
12/27/91 56 FR 67011

Comment Period Closed
03/12/92

Final Rule Published
Undetermined

Legal Authority: 42 USC 2111; 42
USC 2114; 42 USC 2201

Effects on Small Business and Other Entities. Yes

Agency Contact: Joseph J. Mate,
Office of Nuclear Regulatory Research,
(301) 415-6202, e-mail jjm@nrc.gov

21. Requirements Concerning the Accessible Air Gap for Generally Licensed Devices (Parts 31, 32)

RIN: 3150-AD82

Abstract. The proposed rule would amend the Commission's regulations to prevent unnecessary radiation exposure to individuals resulting from the use of gauging devices containing radioactive sources. These devices are routinely used for measuring material density, level, weight, moisture, and thickness. The proposed rule would provide for additional regulatory control over devices with both an accessible air gap and radiation levels that exceed specified values.

Timetable: Proposed Rule
Published
11/27/92 57 FR 56287

Comment Period Closed
03/29/93

Final Rule Published
Undetermined

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. None

Agency Contact: Stephen McGuire,
Office of Nuclear Regulatory Research,
(301) 415-6204, e-mail sam2@nrc.gov

22. Revision of Prototype Testing Requirements for Dials, Hands, and Pointers Containing Tritium (Part 32)

RIN: 3150-AF76

Abstract. The proposed rule would amend the Commission's regulations to permit timepieces containing gaseous tritium light sources to be treated on the same regulatory basis as those containing tritium paint with regard to their distribution. The proposed rule would remove from the regulations the specific requirements for prototype testing of these products containing tritium, while the specifics for

prototype testing would be provided in a separate document. The proposed rule would simplify the licensing process and allow the use of a new technology in self-illuminated timepieces. This action is being taken in response to a petition for rulemaking (PRM-32-4) submitted by mb-microtec, Inc.

Timetable: Proposed Rule
Published
09/19/97 62 FR 49173

Comment Period Closed
12/03/97

Final Rule Published
08/00/98

Legal Authority: 42 U.S.C. 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Donald Nellis,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6257, e-mail
don@nrc.gov

23. License Term for Medical Licenses (Part 35)

RIN: 3150-AF77

Abstract. The proposed rule would amend the Commission's regulations regarding license term limits for medical use licenses. Medical use license terms would be set by policy up to 10 years, the same as license terms for other materials licenses. The NRC would issue some licenses for shorter terms if warranted by the circumstances of license applicants. The revision would reduce the administrative burden of license renewals for both NRC and licensees, and would support NRC's goal of streamlining the licensing process.

Proposed Rules

NRC Regulatory Agenda

Timetable: Proposed Rule
Published
07/31/97 62 FR 40975
Comment Period Closed
10/14/97

Final Rule Published
07/00/98

Legal Authority: 42 USC 2111; 42
USC 2201; 42 USC 2232; 42 USC 2233; 42
USC 5841

**Effects on Small Business and Other
Entities.** None

Agency Contact: Torre Taylor,
Office of Nuclear Material Safety and
Safeguards, (301) 415-7900, e-mail
tmt@nrc.gov

24. Shutdown and Fuel Storage Pool Operation at Nuclear Power Plants (Part 50)

RIN: 3150-AE97

Abstract. The proposed rule would amend the Commission's regulations by adding regulatory requirements for shutdown operations at commercial nuclear power plants. The proposed rule was revised to incorporate fuel storage pool operations. In response to comments submitted after the proposed rule was published, the staff rewrote the rule, the statement of consideration, the regulatory analysis, and the regulatory guide. The approach for the rule was revised to be more performance based (for shutdown operations), to reflect risk-informed decisions, and to address public comments for shutdown and spent fuel storage pool operations. The staff forwarded the revised proposed rule to the Commission in July 1997. In a Staff Requirements Memorandum dated December 11, 1997, the Commission directed that the staff not proceed further with this rulemaking; therefore, the staff plans to withdraw this proposed rule.

Timetable: EDO Approved
Proposed
Rulemaking
07/93

Proposed Rule
Published
10/19/94 59 FR 52707
Comment Period
Closed
02/03/95

Notice of Withdrawal
Published
Undetermined

Legal Authority: 42 U.S.C. 2201, 42
U.S.C. 5841

**Effects on Small Business and Other
Entities.** None

Agency Contact: Tim Collins, Office
of Nuclear Reactor Regulation, (301) 415-
2897, e-mail tec@nrc.gov

25. Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment (Part 50)

RIN: 3150-AF33

Abstract. The proposed rule would amend the Commission's regulations to require that licensees for commercial nuclear power reactors report summary reliability and availability data for risk-significant systems and equipment to the NRC. Also, the proposed rule would require licensees to maintain onsite, and to make available for NRC inspection, records and documentation that provide the basis for the summary data reported to the NRC. The Commission has decided to accept industry's proposed voluntary alternative to the rule and, therefore, plans to withdraw this rulemaking.

Timetable: Proposed Rule
Approved

by the Commission
10/24/96

Comment Period Closed
06/24/96

Proposed Rule
Published
02/12/96 61 FR 5318
Comment Period Closed
06/11/96

Proposed Rule
Published 09/10/97
62 FR 47588
Comment Period Closed
11/24/97

Notice of Withdrawal
Published
06/00/98

Final Rule Published
07/00/98

Legal Authority: 42 USC 2201, 42 USC 5841

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Effects on Small Business and Other Entities. None

Agency Contact: Dennis Allison, Office for Analysis and Evaluation of Operational Data, (301) 415-6835, e-mail dpa@nrc.gov

Agency Contact: Brian J. Richter, Office of Nuclear Regulatory Research, (301) 415-6221, e-mail bjr@nrc.gov

26. Revision to Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements (Part 50)

RIN: 3150-AF41

Abstract. The proposed rule would amend the Commission's regulations to modify the financial assurance requirements for the decommissioning of nuclear power plants. The impact of deregulation of the power generating industry has created uncertainty with respect to the availability of decommissioning funds and would likely require a modification of the financial mechanism required by the NRC to provide decommissioning funds when needed. The amendment would also require power reactor licensees to report periodically on the status of their decommissioning trust funds during an extended safe storage period.

Timetable: ANPRM Published
04/08/96 61 FR 15427

27. Audit Frequency for Emergency Planning and Security (Part 50)

RIN: 3150-AF63

Abstract. The proposed rule would amend the Commission's regulations by changing the frequency with which licensees conduct independent reviews and audits of their safeguards contingency plans, security programs, and emergency preparedness programs. The regulations would be revised to require that licensees conduct program reviews and audits at least every 24 months. The proposed rule would also clarify that the necessity for more frequent, focused audits be based on an assessment by the licensee against performance indicators or a significant change in personnel, procedures, equipment, or facilities. The proposed changes would promote performance-based, rather than compliance-based review and audit activities. Also, the proposed changes would clarify that programs must be reviewed and audited following a significant change in personnel, procedures, or equipment as soon as reasonably practicable, but no later than 12

months after the changes. The purpose of these focused audits would be to ensure that changes have not adversely affected the operation of the particular program element or function in question. This proposed rule also addresses PRM-50-59 and PRM-50-60 submitted by Virginia Electric and Power Company.

Timetable: Proposed Rule
Published
07/31/97 62 FR 40978

Comment Period Closed
10/14/97

Final Rule Published
06/00/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Sandra D. Frattali,
Office of Nuclear Regulatory Research,
(301) 415-6261, e-mail sdf@nrc.gov

28. Codes and Standards; IEEE National Consensus Standard (Part 50)

RIN: 3150-AF73

Abstract. The proposed rule would amend the Commission's regulations to incorporate by reference a national consensus standard for power, instrumentation, and control portions of safety systems in nuclear power plants issued by the Institute of Electrical and Electronics Engineers (IEEE Std. 603-1991). This action is necessary to endorse the latest version of this national consensus standard in NRC's regulations and replace a currently endorsed standard that has been withdrawn by IEEE. The Commission published a direct final rule on October 17, 1997. However, the direct

final rule was withdrawn due to the significant number of adverse comments received and has been revised. Because the rule was significantly revised, it is being reissued as a proposed rule.

Timetable: Proposed Rule
Published
10/17/97 62 FR 53933
Comment Period Closed
12/01/97

Direct Final Rule
Published
10/17/97 62 FR 53933

Direct Final Rule
Withdrawn
12/23/97 62 FR 66977

Proposed Rule
Published
07/00/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Satish K.
Aggarwal, Office of Nuclear Regulatory
Research, (301) 415-6005, e-mail
ska@nrc.gov

29. Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors (Parts 50, 140)

RIN: 3150-AF79

Abstract. The proposed rule would amend the Commission's regulations to allow nuclear reactor licensees to reduce onsite and offsite liability coverage during permanent shutdown of the reactors if they meet specified reactor configurations. This proposed amendment would reduce the level of insurance coverage commensurate with the risk reduction after the appropriate spent

fuel cooling period following permanent shutdown of the reactor. The proposed rule entitled, "Power Reactor Facilities Under a Possession Only License" (RIN 3150-AF16) was incorporated into this rule. This rule will also address a petition for rulemaking submitted by the North Carolina Public Utility Commission (PRM-50-57).

Timetable: Proposed Rule
Published
10/30/97 62 FR 58690
Comment Period Closed
01/13/98

Final Rule Published
07/00/98

Legal Authority: 42 USC 2201;
42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: George
Mencinsky, Office of Nuclear Regulatory
Research, (301) 415-6206, e-mail
gjm@nrc.gov

**30. Industry Codes and Standards;
Amended Requirements (Part 50)**

RIN: 3150-AE26

Abstract. The proposed rule would amend the Commission's regulations that mandate use of Section III of the ASME Boiler and Pressure Vessel Code (ASME BPV Code) for construction of Class 1, 2, and 3 components in nuclear power plants, and use of Section XI of the ASME BPV Code for inservice inspection (ISI) and inservice testing (IST) of those components. Section 50.55a requires that each licensee update its ISI and IST programs every 120 months to the latest edition of the ASME BPV Code endorsed by the NRC in that section of the regulations. The rulemaking would also include expedited implementation of Section XI Appendix VIII, Performance

Demonstration for Ultrasonic Examination Systems. In addition, the proposed rule would incorporate by reference the ASME Operation and Maintenance (OM) Code to replace the Section XI requirements for IST. The latter action is made necessary by the ASME Code changes that transferred all responsibility for IST from Section XI to the ASME Operation and Maintenance Committee.

Timetable: Proposed Rule
Published
12/03/97 62 FR 63892

Comment Period Closes
03/03/98

Final Rule Published
12/00/98

Legal Authority: 42 USC 2201;
42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Frank C.
Cherny, Office of Nuclear Regulatory
Research, (301) 415-6786, e-mail
fcc1@nrc.gov

**31. Addition of Radon-222 and
Technetium-99 Values to Table S-3
and Revisions Resulting from
Consideration of Higher-Burnup
Fuel (Part 51)**

RIN: 3150-AA31

Abstract. The direct final rule would amend the Commission's regulations by adding estimates of releases of Radon-222 and Technetium-99 from activities in the nuclear fuel cycle to its Table of Uranium Fuel Cycle Environmental Data (Table S-3) in 10 CFR part 51. This amendment is necessary so that Tables S-3 and S-4 will conform to the final rule of 10 CFR part 51, "Environmental Review for Renewal of Nuclear Power Plant Operating Licenses,"

(December 18, 1996; 61 FR 66537), which will assure that Table S-3, which is used to address environmental impacts in light-water-cooled nuclear power reactor (LWR) licensing and relicensing proceedings, is sufficiently comprehensive to obviate the need for case-by-case consideration of either technetium and radon emissions or environmental effects of higher enrichment fuel and higher fuel burnup in licensing actions. This amendment will also clarify the meaning and intent of the term "zircaloy" as used in § 51.52(a)(2) pertaining to cladding. The term "zircaloy" has been changed to "zirconium alloy." Although the changes are administrative in nature, a direct final rule will be used to allow the opportunity for public comment. The direct final rule will be placed on the FedWorld Bulletin Board at the time it is published in the Federal Register to enhance the ability for public input.

Timetable: Proposed Rule
Published
03/04/81 46 FR 15154
Comment Period Closed
05/04/81

Direct Final Rule
Published
05/00/98

Legal Authority: 42 USC 2011;
42 USC 2201; 42 USC 4321; 42 USC 5841;
42 USC 5842

**Effects on Small Business and
Other Entities.** None

Agency Contact: Stanley Turel,
Office of Nuclear Regulatory Research,
(301) 415-6234, e-mail spt@nrc.gov

**32. Initial Operator License
Examination Requirements (Part
55)**

RIN: 3150-AF62

Abstract. The proposed rule would amend the Commission's regulations to require that licensees prepare, conduct, and grade the licensing examinations that are given to reactor operators and senior reactor operators. Although the regulations do not specify who will be responsible for these examinations, the current practice has been for the NRC or its contractors to prepare and conduct these examinations. The NRC conducted a pilot program in which it has had licensees prepare these examinations. The results of the pilot program have indicated that licensees can prepare and administer these examinations satisfactorily.

Timetable: Proposed Rule
Published
08/07/97 62 FR 42426

Comment Period Closed
10/21/97

Final Rule Published
05/00/98

Legal Authority: 42 USC 2201;
42 USC 5841

**Effects on Small Business and
Other Entities.** None

Agency Contact: Harry
Tovmassian, Office of Nuclear Regulatory
Research, (301) 415-6231, e-mail
hst@nrc.gov

**33. Elimination of Inconsistencies
Between NRC Regulations and
EPA HLW Standards (Part 60)**

RIN: 3150-AC03

Abstract. The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs the NRC to issue

criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule is necessary to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the Federal Court invalidated the EPA standards, action on this rule is undetermined. Congress has authorized the National Academy of Sciences to recommend HLW standards to EPA for specific application to Yucca Mountain. The EPA must issue new standards upon completion of the National Academy of Sciences' review.

Timetable: Proposed Rule Published
06/19/86 51 FR 22288

Comment Period Closed
08/18/86

Final Rule Published
Undetermined

Legal Authority: 42 USC 10101

Effects on Small Business and Other Entities. None

Agency Contact: Tim McCartin,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6681, e-mail
tjm3@nrc.gov

34. Clarification of Assessment Requirements for Siting Criteria and Performance Objectives (Part 60)

RIN: 3150-AE40

Abstract. The proposed rule would amend the Commission's regulations concerning regulatory requirements for licensing of high-level waste geologic repositories. A June 30, 1995, Staff Requirements Memorandum, SECY 95-019, disapproved issuance of the proposed final

amendments at this time because of significant Congressional activity with regard to the Nuclear Waste Policy Act, and directed staff to reconsider the need for the amendments or guidance upon determining that the legislative situation has stabilized. The staff is planning to withdraw this proposed rulemaking. The proposed revisions addressed by this action will be considered as part of a major revision to Part 60 to make it consistent with the Environmental Protection Agency's Yucca Mountain standards.

Timetable: Proposed Rule Published
07/09/93 58 FR 36902

Comment Period Closed
10/07/93

Notice of Withdrawal
Published
06/00/98

Legal Authority: 42 USC 10101;
Public Law 97-425

Effects on Small Business and Other Entities. None

Agency Contact: Michael P. Lee,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6677, e-mail
mpl@nrc.gov

35. Physical Protection for Spent Nuclear Fuel or High-Level Radioactive Waste (Parts 60, 72, 73, 75)

RIN: 3150-AF32

Abstract. The proposed rule would amend the Commission's regulations to clarify physical protection requirements for spent nuclear fuel or high-level radioactive waste stored at independent spent fuel storage installations, power reactors that have permanently ceased reactor operations, monitored retrievable storage installations, and geologic repository operations areas. This rule would allow general licensees the

option of implementing the proposed physical protection requirements for spent nuclear fuel stored in approved casks at operating power reactor sites. This action is necessary to reduce the regulatory uncertainty regarding the physical protection requirements for the storage of spent nuclear fuel and high-level radioactive waste without reducing the level of protection for public health and safety.

Because the intent of the proposed requirements is to clarify and codify the existing regulatory practice, there would not be any significant increase in burden placed on current licensees. However, the NRC would derive a cost savings through a more efficient licensing process. The industry would benefit from a reduction of current regulatory uncertainties. The public would benefit from a greater level of assurance that appropriate physical protection requirements are being imposed on spent nuclear fuel and HLW storage licensees through public review and comment on the proposed rule. The NRC would benefit as a result of a more efficient licensing process. The DOE would benefit from a clear statement of the physical protection measures the Commission plans to require for the geologic repository.

Timetable: Proposed Rule Published
08/15/95 60 FR 42079
Comment Period Closed
11/13/95

Final Rule Published
05/00/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Priscilla Dwyer,
Office of Nuclear Material Safety and
Safeguards, (301) 415-8110, e-mail
pad@nrc.gov

36. Requirements for Shipping Packages Used to Transport Vitrified Wastes Containing Plutonium (Part 71)

RIN: 3150-AF59

Abstract. The proposed rule would amend the Commission's regulations by exempting canisters containing vitrified waste containing plutonium from the packaging requirement for double containment. This amendment is being proposed in response to a petition for rulemaking (PRM-71-11) submitted by the Department of Energy (DOE). This proposed rule would reduce the regulatory requirements for certain DOE plutonium shipments, and therefore cost less, while having no significant reduction in health and safety. The primary purpose for double containment is to ensure that any respirable plutonium will not leak into the atmosphere. The NRC staff believes that vitrified waste containing plutonium is essentially nonrespirable. Therefore, the packaging requirement for double containment is unnecessary. This proposed rule would also make minor corrections to the usage of units to be consistent with existing NRC policy.

Timetable: Proposed Rule Published
05/08/97 62 FR 25146

Comment Period Closed
07/22/97

Final Rule Published
06/00/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities: None

Agency Contact: Mark Haisfield,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6196, e-mail
mfh@nrc.gov

**37. Criteria for an Extraordinary
Nuclear Occurrence (Part 140)**Comment Period Closed
09/06/85

RIN: 3150-AB01

Notice of Withdrawal
Published
Undetermined

Abstract. The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems that were encountered in the Three Mile Island ENO determination. The Commission has determined that this rulemaking is unnecessary, and plans to withdraw this proposed rule.

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

Effects on Small Business and Other Entities. None

Timetable: Proposed Rule Published
04/09/85 50 FR 13978

Agency Contact: Harry Tovmassian,
Office of Nuclear Regulatory Research,
(301) 415-6231, e-mail hst@nrc.gov

C

(C) ADVANCE NOTICES OF PROPOSED RULEMAKING

38. Disposal by Release into Sanitary Sewerage (Part 20)

RIN: 3150-AE90

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment, information, and recommendations on contemplated amendments to the Commission's regulations governing the release of radionuclides from licensed nuclear facilities into sanitary sewer systems. The Commission believes that by incorporating current sewer treatment technologies, the contemplated rulemaking would improve the control of radioactive materials released to sanitary sewer systems by licensed nuclear facilities. This rulemaking would also address a petition for rulemaking (PRM-20-22) submitted by the Northeast Ohio Sewer District (October 20, 1993; 58 FR 54071).

Timetable: ANPRM Published
02/25/94 59 FR 9146

Comment Period Closed
05/26/94

Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: George Powers,
Office of Nuclear Regulatory Research,
(301) 415-6212, e-mail gep@nrc.gov

39. Distribution of Source and Byproduct Material: Licensing and Reporting Requirements (Parts 32, 40)

RIN: 3150-AE33

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on contemplated amendments to the Commission's regulations governing the licensing of source material and mill tailings. The Commission has determined that this rulemaking is unnecessary and plans to withdraw this ANPRM.

Timetable: ANPRM Published
10/28/92 57 FR 48749

Comment Period Closed
01/26/93

Notice of Withdrawal
Published Undetermined

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Catherine R. Mattsen, Office of Nuclear Regulatory Research, (301) 415-6264, e-mail crm@nrc.gov

40. Specific Domestic Licenses of Broad Scope for Byproduct Material (Part 33)

RIN: 3150-AF54

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comments and suggestions on possible revisions to the Commission's regulations governing specific licenses of broad scope for byproduct material to clarify the regulatory and health and safety basis of current licensing practices

and to provide licensees with the flexibility to make certain types of changes to their radiation safety programs. Part 33 currently provides limited requirements for this type of license. In addition to staff efforts considering the possible need for clarification of requirements for broad-scope licensees, the Incident Investigation Team reviewing a recent incident involving ingestion of phosphorus-32 at a broad-scope facility also recommended that changes to Part 33 be considered. The NRC is also considering codification of guidance and license standard review plans for management oversight of broad-scope licensed programs that include the role of the Radiation Safety Officer, the responsibilities of the Radiation Safety Committee, supervision, qualifications of the authorized user, the use of audits and inventory requirements, and security and control of licensed material. The staff is preparing these options for Commission consideration.

Timetable: ANPRM Published
11/14/96 61 FR 58346
Comment Period Closed
02/12/97

Proposed Rule Published
Undetermined

Legal Authority: 42 USC 2111; 42 USC 5841

Effects on Small Business and Other Entities. No.

Agency Contact: Torre Taylor,
Office of Nuclear Material Safety and
Safeguards, (301) 415-7900, e-mail
tmt@nrc.gov

41. Comprehensive Quality Assurance in Medical Use and a Standard of Care (Part 35)

RIN: 3150-AC42

Abstract. The advance notice of proposed rulemaking (ANPRM) was

published to request public comment on the extent to which, in addition to the basic quality assurance procedures (that were addressed in another rulemaking action entitled "Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use" (RIN 3150-AD69)(December 2, 1994; 59 FR 61767), a more comprehensive quality assurance requirement is needed and invited advice and recommendations on 20 issues to be addressed in the rulemaking. The Commission has determined that this rulemaking is unnecessary and plans to withdraw this ANPRM.

Timetable: ANPRM Published
10/02/87 52 FR 36949
Comment Period Closed
12/31/87

Notice of Withdrawal
Published Undetermined

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Anthony Tse,
Office of Nuclear Regulatory Research,
(301) 415-6233, e-mail ant@nrc.gov

42. Steam Generator Tube Integrity for Operating Nuclear Power Plants (Part 50)

RIN: 3150-AF04

Abstract. The advance notice of proposed rulemaking (ANPRM) was published to request public comment on the Commission's regulations pertaining to steam generator tube integrity. The objective of the rule would be to implement a more flexible regulatory framework for steam generator surveillance and maintenance activities that would maintain adequate assurance of tube integrity while allowing a degradation-

specific management approach. The staff completed a draft risk assessment and regulatory analysis and met with the Advisory Committee on Reactor Safeguards in March, April, and June of 1997 to discuss results and progress to date. As a result of the regulatory analysis, the staff determined that there was a need to revise the regulatory approach to address tube integrity issues. The staff sent the Commission a memorandum discussing this issue and recommending that the current regulatory approach be revised to use a generic letter. The Commission has determined that this rulemaking is unnecessary and plans to withdraw this ANPRM.

Timetable: ANPRM Approved
by the EDO 02/18/94

ANPRM Published
09/19/94 59 FR 47817
Comment Period Closed
12/05/94

Notice of Withdrawal
Published
Undetermined

Legal Authority: 42 USC 2201; 42
USC 5841

**Effects on Small Business and Other
Entities.** None

Agency Contact: Tim Reed, Office of
Nuclear Reactor Regulation, (301)
415-1462, tar@nrc.gov

D

(D) UNPUBLISHED RULES

43. Statement of Organization and General Information; Minor Amendments (Parts 1, 2, 4, 7, 9, 15, 76, 110)

RIN: 3150-AF89

Abstract. The final rule would amend the Commission's statement of organization and general information to reflect the reorganization within the Office of Administration, the creation of the Office of the Chief Information Officer, the creation of the Office of the Chief Financial Officer, and the renaming of the Office of Personnel to the Office of Human Resources. These changes are necessary to inform the public of these administrative changes to the NRC's regulations.

Timetable: Final Rule Published
Undetermined

Legal Authority: 5 USC 552; 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Alzona W. Shepard, Office of Administration, (301) 415-6864, e-mail aws1@nrc.gov

44. Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance (Part 10)

RIN: 3150-AF48

Abstract. The proposed rule would amend the Commission's regulations conforming NRC policy for access to and protection of National Security Information and Restricted Data to new national policies for the protection of this type of information. The existing regulations were issued before the October 31, 1994, approval of the National Industrial Security Program Operating Manual (NISPOM) by the Deputy Secretary of Defense and the April 17, 1995, and August 2, 1995, signature of Executive Orders 12958, "Classified National Security Information," and 12968, "Access to Classified Information," by the President. The NISPOM establishes a uniform Government policy for the protection of classified National Security Information and Restricted Data within industrial facilities under a contractual or other (e.g. license) legal relationship with the Government. Executive Order 12958 revises the government-wide requirements for classification and protection of National Security Information, and Executive Order 12968 revises the government-wide requirements for access to National Security Information. The current 10 CFR Part 10 is not fully compliant with the requirements of the NISPOM and the new Executive Orders. Some areas of inconsistency are the NRC Criteria for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance and the NRC Due Process Appeal Procedures. 10 CFR Part 10 must be amended to ensure its consistency with established national policy for the protection of classified information and due process. Subsequent to the approval of this

rulemaking, the need for additional changes to this and other rules resulted in the preparation of a new proposed regulatory initiative, which has been forwarded to the EDO, to incorporate this rulemaking and the rulemaking entitled "Access to Secret Restricted Data" into a single new, expanded rulemaking with a proposed publication date of June 1998.

Timetable: Proposed Rule Approved
by the EDO
05/01/95

Proposed Rule Published
06/98

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841; E.O. 12958; E.O. 12968; E.O. 10865; E.O. 10450

Effects on Small Business and Other Entities. None

Agency Contact: Duane G. Kidd,
Office of Administration, (301) 415-7403, e-mail dgk@nrc.gov

45. Access Authorization Fee Schedule for Licensee Personnel* (Parts 11, 25)

RIN: 3150-AF90

Abstract. The final rule would amend the Commission's regulations to revise the fee schedule for background investigations of licensee personnel who require access to National Security Information and/or Restricted Data and access to or control over

Special Nuclear Material. These amendments comply with current regulations that provide that the NRC will publish fee adjustments upon notification of any changes in the rate charged the NRC by the Office of Personnel Management for conducting investigations.

Timetable: Final Rule Published
02/00/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Beth Bradshaw,
Office of Administration, (301) 415-6540, e-mail mbb1@nrc.gov

46. Submittal Procedures for Documents (Parts 19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 50, 51, 52, 55, 60, 61, 62, 70, 71, 72, 73, 74, 75, 140, and 150)

RIN: 3150-AF61

Abstract. The proposed rule would ensure that applications and reports are captured at a central receipt point (the Document Control Desk (DCD)), are included in the Nuclear Documents System (NUDOCS), and are distributed on a more timely basis to the appropriate NRC staff, public document rooms, and official file centers. Part 50 requires licensee and applicant submittals to be addressed to a central receipt point, and copies to be sent to the Regional Administrator and Resident

Inspector, when appropriate. Extending these requirements to submittals made under other parts in 10 CFR Chapter I would simplify and, to a great extent, standardize submittal procedures for NRC licensees and improve the effectiveness of NRC's document control and distribution activities. The proposed rule would also codify provisions for the electronic submittal of documents, by incorporating a section into each 10 CFR Part (consistent with the current 10 CFR Part 50) to allow licensees and applicants to make individual requests to the Office of the Chief Information Officer (OCIO) for approval to make submittals electronically and facilitate agency compliance with the Paperwork Reduction Act of 1995 and OMB Circular A-130 (Revised February 8, 1996).

Improving the communications process and disseminating and storing complete and accurate records is mutually beneficial to the NRC, licensees, and members of the public. The proposed revisions would require some NRC licensees and applicants to revise the mailing address for applications, reports, and other written communications transmitted to the NRC. This should result in minimal administrative burden for those affected. However, because the rule is expected to simplify submittal procedures, licensees and applicants should experience an overall reduction in photocopying and postage costs. The rule would benefit NRC and members of the public because better control of the documents entering the NRC would ensure that they are distributed to NRC staff, entered into NUDOCS, provided to the NRC Public Document Room and Local Public Document Rooms, and dispatched to the

appropriate official file stations for retention and retrieval.

The initial date to publish the rule was not met because of the need to resolve issues raised by the Office of Nuclear Material Safety and Safeguards with regard to the OCIO possibly inadvertently modifying the regulations to impose written submittals where they currently are optional, and the OCIO's concern that the rule would slow down the processing of license fee payments. In addition, the scope of the rule with regard to electronic submittals is being expanded to accommodate the objective of the Commission-approved Agency-wide Documents Access and Management System (ADAMS) to receive at least 70% of externally generated documents in electronic format by FY 2000. The rule would give licensees the option to make submittals electronically using acceptable criteria and standards that would be incorporated into the rule.

Timetable: Rulemaking Approved
by the EDO
08/01/96

Proposed Rule
Published
10/00/98

Final Rule Published
02/00/99

Legal Authority: 42 USC 2201;
42 USC 5841

**Effects on Small Business and
Other Entities.** Yes

Agency Contact: Michael D. Collins, Office of the Chief Information

Officer, (301) 415-2488, e-mail
mdcl@nrc.gov

determinations and revise respiratory protection procedures such as fit testing to reflect current industry good practice.

Timetable: Proposed Rule
Published
03/00/98

Final Rule Published
03/00/99

47. Respiratory Protection and Controls to Restrict Internal Exposure, Subpart H and Appendix A (Part 20)

RIN: 3150-AF81

Abstract. The proposed rule would amend the Commission's regulations by incorporating into Part 20 an industry standard developed by the American National Standards Institute (ANSI) standard Z88.2-1992, "American National Standard Practice for Respiratory Protection." The proposed changes would eliminate the unnecessary and detrimental use of respirators by applying ALARA principles to the sum of the Deep Dose Equivalent and the Committed Effective Dose Equivalent, or the Total Effective Dose Equivalent. The use of process or engineering controls, decontamination of work areas, access control, and other procedures are stressed instead of the automatic use of respiratory protection devices, which tend to increase external dose stress.

The proposed rule also would allow the use of new respiratory protection devices that have been proven effective, discourage the use of other devices that are now considered less effective, adopt new Assigned Protection Factors based on ANSI

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 2232; 42 USC 2236

Effects on Small Business and Other Entities. None

Agency Contact: Alan K. Roecklein, Office of Nuclear Regulatory Research, (301) 415-6223, e-mail
akr@nrc.gov

48. Revision of Dose Limit for Members of the Public Exposed to Hospitalized Radiation Patients* (Parts 20, 35)

RIN: 3150-AF91

Abstract. The proposed rule would amend the Commission's regulations to allow licensees the discretion to permit consenting visitors of hospitalized radiation patients to receive up to 0.5 rem (5 mSv) in a year as a result of their exposure to these patients. The staff is considering whether this issue is best addressed as a separate rulemaking or within the overall Part 35

revision. The amendments would also respond to a petition for rulemaking from the University of Cincinnati (PRM-20-24). The petitioner requested that the NRC amend its regulations to revise the dose limit for members of the public exposed to hospitalized radiation patients.

Timetable: Proposed Rule
Published
07/00/98
Final Rule Published
09/00/99

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 2232; 42 USC 2233; 42 USC 2236;
42 USC 2297f

**Effects on Small Business and
Other Entities.** None

Agency Contact: Jayne
McCausland, Office of Nuclear Material
Safety and Safeguards, (301) 415-6219,
e-mail jmm2@nrc.gov

**49. Access to Secret Restricted Data
(Parts 25, 95)**

RIN: 3150-AF82

Abstract. The proposed rule would amend the Commission's regulations conforming NRC policy for access to Secret Restricted Data to new national policies for access to this type of information. This change was originally proposed, along with numerous other changes to parts 25 and 95,

in the proposed rule, "Access to and Protection of Classified Information" (August 5, 1996; 61 FR 40555). While most of the changes were generally accepted by commenters, DOE's comments concerning the level of background investigation required for access to Secret Restricted Data were significant and posed a dilemma for NRC. Because of DOE's statutory responsibilities for the protection of Restricted Data, NRC did not want to ignore their comments without further evaluation. The NRC could not simply adopt them because, if adopted, the comments would subject licensees and/or certificate holders to additional expenses. The DOE position also appears to exceed the requirements of the current national policy (the National Industrial Security Program Operating Manual) for the protection of such information. It was decided that this issue could not be resolved without giving affected parties additional opportunity to comment. Therefore, a proposed rule resubmitting §§ 21.15 and 95.35 of the original August 5, 1996, proposed rule for public comment is being developed. However, the need for additional changes to these rules resulted in the preparation of a new proposed regulatory initiative, which has been forwarded to the EDO. The initiative will incorporate this rulemaking and the rulemaking entitled "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance" into a single new, expanded rulemaking with a proposed rule publication date of June 1998.

Timetable: Rulemaking Approved
by the EDO

12/31/97
Proposed Rule
Published
06/00/98

Legal Authority: 42 USC 220;
42 USC 2165; 42 USC 2273; 42 USC 5841;
E.O. 12829; E.O. 12958; E.O. 12968; E.O.
10865

**Effects on Small Business and
Other Entities.** None

Agency Contact: Duane G.
Kidd, Office of Administration, (301)
415-7403, e-mail dgk@nrc.gov

published in the Federal Register on May 11,
1994 (59 FR 24373), to solicit public
comments. The comments were resolved
and, as appropriate, were incorporated into
the study. The staff found no justification
for changing the existing scope of random
drug testing. However, OGC has expressed
concerns relative to legal policy and
litigative risk. The staff is currently
considering OGC's concerns.

Timetable: Rulemaking Approved
by the EDO
11/96

Proposed Rule
Published
Undetermined

50. Fitness for Duty (Scope Change) (Part 26)

RIN: 3150-AF13

Abstract. The proposed rule
would amend the Commission's regulations
by changing the scope of the random drug
testing requirements. A study was conducted
to evaluate options for changing these
requirements to address issues related to
balancing the NRC's responsibility to protect
public health and safety against a perceived
encroachment into worker expectations of
privacy. The workers at issue have
unescorted access to protected areas of
nuclear power plants, but do not have safety-
related jobs. Fitness-for-duty programs are
already in place to control safeguards risks at
power reactors, with random drug testing as
one of several interdependent elements of
these programs. Accordingly, non-urgent
regulatory action and continued facility
operation are justified. The study was

Legal Authority: 42 USC 2201;
42 USC 5841

**Effects on Small Business and
Other Entities.** None

Agency Contact: Charles
Hendren, Office of Nuclear Reactor
Regulation, (301) 415-3209, e-mail
chh@nrc.gov

51. Medical Uses of Byproduct Material (Part 35)

RIN: 3150-AF74

Abstract. The proposed rule
would amend the Commission's regulations
for the use of radionuclides in medicine. The
process started with NRC's 1993 internal
senior management review report; continued
with the 1966 independent external review

by the National Academy of Sciences, Institute of Medicine; and culminated with NRC's Strategic Assessment process, which addressed medical oversight. As a result of these actions, the Commission directed the staff to restructure part 35 into a more risk-oriented, performance-based regulation that focuses on those procedures that pose the highest risk. Alternative regulatory oversights will be considered for those diagnostic procedures that are consistent with the lower overall risk of these procedures. Other issues to be considered during the rulemaking include: the best way to capture not only relevant safety-significant events, but also precursor events; revision of the quality management program to focus on those requirements that are essential for patient safety; the viability of using or referencing available industry guidance and standards, to the extent that they meet NRC needs; and training and experience for authorized users, radiation safety officers, and medical physicists. Public input on regulatory alternatives for these and other crosscutting issues were solicited via the Internet, Federal Register notices, and public workshops.

Timetable: Proposed Rule
Published
07/00/98
Final Rule Published
09/00/99

Legal Authority: 42 USC 2111;
42 USC 2201; 42 USC 2232; 42 USC 2233;
42 USC 5841

**Effects on Small Business and
Other Entities.** None

Agency Contact: Cathy Haney,
Office of Nuclear Material Safety and

Safeguards, (301) 415-6825, e-mail
cxh@nrc.gov

**52. Performance-Oriented
Requirements for Fire Protection
of Nuclear Power Facilities (Part
50)**

RIN: 3150-AF29

Abstract: The proposed rule would amend the Commission's fire protection regulations for voluntary adoption by nuclear power plant licensees. The requirements would be performance-oriented and risk-based, allow flexibility in the implementation of safety objectives, and allow the use of probabilistic risk analysis and fire-model computer codes to demonstrate compliance with the safety objectives. This proposed rule would also respond to a petition for rulemaking (PRM-50-61), submitted by the Nuclear Energy Institute, to amend current regulations to establish a more flexible alternative to the current prescriptive regulation in Appendix R of 10 CFR Part 50. In a staff requirements memorandum dated September 11, 1997, on SECY-97-127, the Commission directed the staff to develop an expedited schedule for rulemaking. The staff is preparing its response to this SRM.

Timetable: Proposed Rule
Published
Undetermined

Legal Authority: 42 USC 2201;
42 USC 2231; 42 USC 2241; 42 USC
2282

Effects on Small Business and Other Entities: None

Agency Contact: Ed Connell,
Office of Nuclear Reactor Regulation, (301)
415-2838, e-mail eac@nrc.gov

53. Revision to Nuclear Power Reactor Decommissioning Cost Requirements (Part 50)

RIN: 3150-AF40

Abstract. The notice of proposed rulemaking would amend the Commission's regulations to allow licensees greater flexibility by allowing site-specific funding amounts different from the NRC's generic values by both lesser and greater amounts. The current regulations only allow amounts greater than the generic values. This action was originally included in "Rulemaking Plan for Amending Nuclear Power Reactor Decommissioning Financial Assurance Implementation Requirements" (SECY-95-223). However, in a December 20, 1995, memorandum to the EDO, the Chairman directed the staff to delay work on amending the regulations to lower financial assurance requirements until completing decommissioning cost studies. The Chairman did, however, encourage the staff to pursue amendments to the regulations that would permit site-specific funding amounts as described in SECY-95-223. Therefore the staff is continuing work on this action.

The proposed rule would provide additional savings to a license because the required level of decommissioning funding

may be reduced. Alternatively, the proposed rule may allow licensees to collect more funds to cover a higher estimate of required decommissioning funding. Using a site-specific cost estimate would provide a licensee greater flexibility in dealing with site-specific issues such as differences in decommissioning methodology, expected waste volumes, and anticipated labor efforts to perform specific tasks. This would be fairer to ratepayers than using the generic estimate provided in the rule. Moreover, licensees would be able to use an existing PC-based, NRC-endorsed code to incorporate site-specific conditions into their cost estimate. However, annual decommissioning cost updates would be required for the site-specific cost estimates, just as they presently are for the constant dollar amounts.

For licensee submittal of site-specific decommissioning cost estimates, the burden on the NRC staff may be lessened by issuance of a regulatory guide endorsing use of the NRC code or a licensee supplied one. However, additional NRC staff resources would be needed for the review if many licensees elect to use the site-specific funding option for decommission cost estimates. Should half of the licensees use the option, it is estimated that the NRC's burden would amount to 0.2 staff year. Assuming a licensee elected to use a site-specific cost estimate and used the NRC-endorsed code, it is estimated that the licensee burden would be about 40 hours to input and run the NRC-endorsed code. If the licensee were required to provide NRC-specified input parameters with their cost estimate, it is estimated that, for those licensee cost

estimates that the NRC staff chooses to audit, the NRC staff burden to input and run the NRC-endorsed code would be about 8 hours. The requirements for code use and input parameter specifications would be described in a regulatory guide.

Timetable: Proposed Rule
Published
Undetermined

Legal Authority: 42 USC 2201;
42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: Brian J. Richter, Office of Nuclear Regulatory Research, (301) 415-6221, bjr@nrc.gov

54. Emergency Planning Requirements for Permanently Shutdown Nuclear Power Plant Sites* (Part 50)

RIN: 3150-AF92

Abstract. The proposed rule would amend the Commission's regulations by providing relief from emergency planning requirements for permanently shutdown nuclear power plant sites based on the reduced risks associated with the configuration of the stored fuel and the passage of time since power operation. These factors, under specified conditions, result in significantly reduced accident risk and consequences and, therefore, not warranting emergency plans devised for full power operations.

Timetable: Proposed Rule
Published
05/00/98

Final Rule Published
03/00/99

Legal Authority: 42 USC 2201;
42 USC 5841

Effects on Small Business and Other Entities. None

Agency Contact: George J. Mencinsky, Office of Nuclear Regulatory Research, (301) 415-6206, e-mail gjm@nrc.gov

55. Changes, Tests and Experiments* (Part 50)

RIN: 3150-AF94

Abstract. The proposed rule would amend the Commission's regulations concerning authority of licensees for protection or utilization facilities to make changes to their facilities or procedures, without prior NRC approval. The proposed rule would clarify the criteria that determine when prior approval is needed. The purpose of the rulemaking is to resolve differences in interpretation of requirements within the nuclear community so that changes which might affect the basis for licensing are reviewed prior to implementation, without also subjecting less significant changes to the license amendment review process. In an SRM dated April 25, 1997, the Commission directed the staff to develop a rulemaking plan that would not require prior approval for changes involving small or negligible increases in probability of occurrence or

consequences of accidents or malfunction. The staff recommended rulemaking on this issue in SECY-97-205, dated September 10, 1997, and is awaiting Commission direction.

Timetable: Rulemaking Approved
by the EDO
09/10/97

Proposed Rule
Published
Undetermined

Legal Authority: 42 USC 2201;
42 USC 5841

**Effects on Small Business and
Other Entities.** None

Agency Contact: Eileen
McKenna, Office of Nuclear Reactor
Regulation, (301) 415-2189, e-mail
emm@nrc.gov

**56. Requirements for Monitoring the
Effectiveness of Maintenance at
Nuclear Power Plants* (Part 50)**

RIN: 3150-AF95

Abstract. The Commission has directed the staff to prepare a modification to the maintenance rule to require that safety assessments be taken into account before performing maintenance activities. Currently, the rule recommends (vs requires) that safety assessment be performed for preventive maintenance activities. The intent of this part of the rule is to assure that the cumulative impact of out-of-service equipment on the performance of safety functions does not result in the plant being placed in risk-significant configurations. Results for the staff's maintenance rule baseline inspections indicated that many

licensee's processes for conducting safety assessment are inadequate and in some cases, implementation of these processes were not followed during preventive maintenance activities and resulted in undesirable plant configurations. The proposed amendment would be designated as §50.65(a)(4). Additionally, the rule would be changed to add that the requirements are applicable during all conditions of plant operation, including normal shutdown conditions.

Timetable: Proposed Rule
Published
05/00/98
Final Rule Published
12/00/98

Legal Authority: 42 USC 2201;
42 USC 5841

**Effects on Small Business and
Other Entities.** None

Agency Contact: Richard
Correia, Office of Nuclear Reactor
Regulation, (301) 415-1017, e-mail
rpc@nrc.gov

**57. Standardized Plant Designs, Early
Review of Site Suitability Issues;
Clarifying Amendments (Parts 50,
52, 140)**

RIN: 3150-AE25

Abstract. The proposed rule would amend the Commission's regulations by deleting Appendices M, N, O, and Q from 10 CFR Part 50. The NRC is also proposing to make clarifying changes to 10 CFR Parts 52 and 140 to make clear that licensees are required to submit accurate and complete information to the NRC, and that its Price-

Anderson requirements apply to combined license holders. Also, the proposed rule would correct/clarify other matters that may be identified as the result of the initial design certification rulemakings.

Timetable: Proposed Rule
Published
Undetermined

Legal Authority: 42 USC 2201;
42 USC 5841

Effects on Small Business and Other Entities. Undetermined

Agency Contact: Geary S. Mizuno, Office of the General Counsel, (301) 415-1639, e-mail gsm@nrc.gov

58. Domestic Licensing of Special Nuclear Material-Revision (Part 70)

RIN: 3150-AF22

Abstract. The proposed rule would amend the Commission's regulations to provide a risk-informed regulation for special nuclear material licensees with large quantities of special nuclear material. Concurrent with this amendment, companion support guidance documents are being developed for issuance.

The proposed rule would require licensees possessing critical quantities of special nuclear material to conduct an integrated safety analysis to identify potential risks in their activities, and then to commit to programs that ensure that systems needed to address the potential risks are capable of performing their intended functions. While

the NRC believes that fuel facilities operate with an adequate degree of safety, the safety basis for licensing and inspection has been deterministic with large uncertainties, highlighted by operating events that are precursors to event sequences with unwanted consequences.

Timetable: Proposed Rule
Published
09/00/98

Legal Authority: 42 USC 2201;
42 USC 2231; 42 USC 2241; 42 USC 2282

Effects on Small Business and Other Entities. Yes

Agency Contact: Richard Milstein, Office of Nuclear Material Safety and Safeguards, (301) 415-8149, e-mail rim@nrc.gov

59. Miscellaneous Changes (Part 72)

RIN: 3150-AF80

Abstract. The proposed rule would amend the Commission's regulations to correct a number of inconsistencies and clarify the applicability of several sections of Part 72. The proposed rule would differentiate the requirements for the storage of spent fuel under wet and dry conditions, clarify requirements for the content and submission of various reports and specify that quality assurance records must be maintained as permanent records. The Purpose and Scope would also be amended

to reference the spent fuel storage cask approval process and to delete obsolete information.

Timetable: Proposed Rule
Published
05/00/98

Final Rule Published
02/00/99

Legal Authority: 42 USC 2201;
42 USC 5841

**Effects on Small Business and
Other Entities.** None

Agency Contact: Mark L. Au,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6181, e-mail
mla@nrc.gov

**60. Adoption of Part 20 Dose Limits
and Dose Calculational
Methodology in Part 72* (Part 72)**

RIN: 3150-AF84

Abstract. The proposed rule would update the criteria for radioactive releases from independent spent fuel storage installations (ISFSI) and monitored retrievable storage installations (MRS). Current standards in 10 CFR 72.106 are based on the recommendations of the International Commission on Radiological Protection (ICRP) Publication Number 2 (ICRP-2, 1959). The standards in Part 20, previously based on ICRP-2, were revised in 1991, and are currently based on ICRP Publication Number 26 (ICRP-26, 1977).

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

Timetable: Proposed Rule
Published
05/00/98

Legal Authority: 42 USC 2201;
42 USC 5841

**Effects on Small Business and
Other Entities.** None

Agency Contact: Naiem
Tanious, Office of Nuclear Material Safety
and Safeguards, (301) 415-6103, e-mail
nst@nrc.gov

**61. Expand Applicability to Include
Certificate Holders and Applicants and
Their Contractors and Subcontractors*
(Part 72)**

RIN: 3150-AF93

Abstract. The proposed rule would amend the Commission's regulations by placing appropriate Part 72 requirements on certificate holders, and applicants, as well as their contractors and subcontractors. This would enhance the staff's capability to take enforcement action in the form of Notice of Violations (NOV) rather than administrative action in the form of a Notice of Non-conformance when acceptable requirements are violated. The staff believes that issuance

of NOVs will clearly identify that a violation of a legally binding requirement has occurred.

Timetable: Proposed Rule
Published
08/00/99

Legal Authority: 42 USC 2201;
42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Tony DiPalo,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6191, e-mail
ajd@nrc.gov

**62. Certification Amendment Process*
(Part 76)**

RIN: 3150-AF85

Abstract. The proposed rule would amend the Commission's regulations regarding the certification of gaseous diffusion plants. In 1994, Part 76, "Certification of Gaseous Diffusion Plants," was codified to provide the regulatory process by which the NRC would assume regulatory authority for the operation of the Portsmouth and Paducah Gaseous Diffusion Plants (GDPs) that had operated safely for many years under the authority of the Department of Energy. The initial certificates of compliance authorizing continuing operation of the GDPs under NRC regulatory oversight were issued on November 26, 1996, and the GDPs came under NRC authority on March 3, 1997. When Part 76 was initially issued, the

certification process was to be repeated annually. The recertification period has recently been extended, by Congressional action and implementing rulemaking, to allow for up to 5 years between recertifications. Since the initial certification of the GDPs, the operator of the GDPs, the United States Enrichment Corporation, has requested many amendments to those certificates. In implementing the certificate amendment process described in § 76.45, the NMSS staff has identified several deficiencies that should be corrected.

Timetable: Final Rule Published
06/00/98

Legal Authority: 42 USC 2152; 42 USC 2201; 42 USC 2243(f); 42 USC 2297b-11; 42 USC 2297f; 42 USC 5841; 42 USC 5842; 42 USC 5845; 42 USC 5846; 42 USC 2243(a); 42 USC 5851

Effects on Small Business and Other Entities. None

Agency Contact: John L. Telford,
Office of Nuclear Material Safety and
Safeguards, (301) 415-6229, e-mail
jlt@nrc.gov

63. Revision of Fee Schedules; 100% Fee Recovery, FY 1998 (Parts 170, 171)

RIN: 3150-AF83

Abstract. The proposed rule would amend the licensing, inspection, and annual fees charged to NRC licensees and applicants for an NRC license. The amendments are necessary to recover

approximately 100 percent of the NRC budget authority for Fiscal Year 1998, less the amounts appropriated from the Nuclear Waste Fund and the General Fund. The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the NRC accomplish the 100 percent recovery through the assessment of fees. The dollar amount to be recovered for FY 1998 is \$454.8 million. The Act requires that the fees for FY 1998 must be collected by September 30, 1998. Therefore, the final rule is to become effective by July 30, 1998.

Timetable: Proposed Rule
Published
03/00/98

Final Rule Published
05/00/98

Legal Authority: 42 USC 2201; 42 USC 5841

Effects on Small Business and Other Entities. Yes

Agency Contact: Glenda C. Jackson,
Office of the Chief Financial Officer, (301)
415-6057, e-mail gcj@nrc.gov

64. Nuclear Regulatory Commission Acquisition Regulation (48 CFR Chapter 20)

RIN: 3150-AF52

Abstract. The proposed rule would amend the Nuclear Regulatory Commission Acquisition Regulation (NRCAR) for the procurement of goods and services within the NRC to satisfy the particular needs of the agency. The proposed rule would incorporate streamlining and simplification methods identified under the NRC's Procurement Reinvention Laboratory (PRL) and legislated under the Federal Acquisition Streamlining Act of 1994 (FASA), the Federal Acquisition Reform Act of 1996 (FARA), and the Information Technology Management Reform Act (ITMRA) of 1996. The intent of the FASA, FARA, and ITMRA is to streamline procurement processes within the Federal Government. Implementing instructions are needed for some of these processes. In addition, the NRC's PRL would require the NRC to streamline and simplify procedures in the NRCAR whenever possible.

Timetable: Proposed Rule
Published
04/00/98
Final Rule Published
02/00/99

Legal Authority: 48 CFR Chapter 1;
41 USC 251 note; 42 USC 251 note; 40
USC 1401 note

Effects on Small Business and Other Entities. Yes

Agency Contact: Mary Lynn Scott,
Office of Administration, (301) 415-6179,
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II PETITIONS

A

**(A) PETITIONS INCORPORATED INTO FINAL RULES OR
PETITIONS DENIED SINCE JUNE 30, 1997**

None

B

(B) PETITIONS INCORPORATED INTO PROPOSED RULES

1. Petitioner/Petition Docket Number:
mb-microtec (USA) (PRM-32-4)**Federal Register Citation:** October 18, 1993 (58 FR 53670)**Subject:** Place timepieces with gaseous tritium light sources on the same regulatory basis as timepieces with luminous tritium paint**Summary:** The petitioner requested that the Commission amend its regulations to include timepieces with gaseous tritium light sources and subsequently allow their distribution under the same requirements applicable to the distribution of timepieces with luminous tritium paint.**Timetable:** To follow action on this petition for rulemaking in this and future agendas, see the proposed rule entry, "Revision of Prototype Testing Requirements for Dials, Hands, and Pointers Containing Tritium" (RIN 3150-AF76). The proposed rulemaking was published in the Federal Register on September 19, 1997 (62 FR 49173).**Agency Contact:** Donald Nellis, Office of Nuclear Material Safety and Safeguards, (301) 415-6257, e-mail don@nrc.gov**2. Petitioner/Petition Docket Number:**
North Carolina Public Utility Commission (PRM-50-57)**Federal Register Citation:** January 17, 1992 (57 FR 2059)**Subject:** Reduce or Eliminate Insurance for Nuclear Power Plants Awaiting Decommissioning**Summary:** The petitioner requested that the Commission amend its regulations to substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shut down and are awaiting decommissioning and all the nuclear fuel has been removed from the reactor site.**Timetable:** To follow action on this petition for rulemaking in this and future agendas, see the proposed rule entry, "Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors" (RIN 3150-AF79). The proposed rule was published in the Federal Register on October 30, 1997 (62 FR 58690).**Agency Contact:** George Mencinsky, Office of Nuclear Regulatory Research, (301) 415-6206, e-mail gjm@nrc.gov**3. Petitioner/Petition Docket Number:**
Virginia Electric and Power Company (PRM-50-59)**Federal Register Citation:** May 6, 1994 (59 FR 23641)**Subject:** Change the frequency with which each licensee conducts independent reviews and audits of its safeguards contingency plan and security program from annually to biennially

Summary: The petitioner requested that the Commission amend its regulations to change the frequency with which each licensee conducts independent reviews and audits of its safeguards contingency plan and security program from annually to biennially.

Timetable: To follow action on this petition for rulemaking in this and future agendas, see the proposed rule entry "Audit Frequency for Emergency Planning and Security" (RIN 3150-AF63). The proposed rule was published in the Federal Register on July 31, 1997 (62 FR 40978).

Agency Contact: Sandra Frattali, Office of Nuclear Regulatory Research, (301) 415-6261; e-mail sdf@nrc.gov

4. Petitioner/Petition Docket Number: Virginia Electric and Power Company (PRM-50-60)

Federal Register Citation: April 13, 1994 (59 FR 17499)

Subject: Change the frequency with which each licensee conducts independent reviews and audits of its emergency preparedness program from annually to biennially

Summary: The petitioner requested that the Commission amend its regulations to change the frequency with which each licensee conducts independent reviews and audits of its emergency preparedness program from annually to biennially.

Timetable: To follow action on this petition for rulemaking in this and future agendas, see the proposed rule entry "Audit Frequency for Emergency Planning and Security" (RIN 3150-AF63). The proposed rule was published in the Federal Register on July 31, 1997 (62 FR 40978).

Agency Contact: Sandra Frattali, Office of Nuclear Regulatory Research, (301) 415-6261, e-mail sdf@nrc.gov

(C) PETITIONS PENDING STAFF REVIEW

5. Petitioner/Petition Docket Number:
Ohio Citizens for Responsible Energy, Inc.
(PRM-9-2)

Federal Register Citation: June 13,
1994 (59 FR 30308)

Subject: Public access to licensee-held
information

Summary: The petitioner requested
that the Commission amend its regulations to
establish public right-to-know provisions that
would ensure public access to licensee-held
information.

Timetable: A notice of receipt for this
petition was published in the Federal
Register on June 13, 1994 (59 FR 30308).
The comment period closed on August 29,
1994. Resolution of the petition is scheduled
for February 1998.

Agency Contact: Maria Schwartz,
Office of the General Counsel, (301)
415-1888, e-mail mes@nrc.gov

6. Petitioner/Petition Docket Number:
Keith J. Schiager, Ph.D., et al. (PRM-20-21)

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

Subject: Disposal of certain low-level
radioactive wastes to provide additional
options for disposal of very low
concentrations of short-lived radionuclides

Summary: The petitioners requested
that the Commission amend its regulations in
10 CFR Part 20 that became mandatory for
all licensees on January 1, 1994, to permit
additional methods for disposal of certain
low-level radioactive wastes. The petitioners
contend that the regulations that became
mandatory for all licensees on January 1,

1994, are too restrictive and prevent many
research institutions from pursuing certain
types of research that cannot be conducted
effectively without the use of radioactive
materials.

Timetable: A notice of receipt for this
petition was published in the Federal
Register on September 10, 1993 (58 FR
47676). The comment period closed on
November 24, 1993. This petition will be
resolved after publication of the guidance
documents provided on the final rule,
"Radiological Criteria for License
Termination" (7/21/97; 62 FR 39058) (RIN
3150-AD65). The publication date for the
guidance documents is scheduled for July
1998.

Agency Contact: George Powers,
Office of Nuclear Regulatory Research,
(301) 415-6212, e-mail gep@nrc.gov

7. Petitioner/Petition Docket Number:
University of Cincinnati (PRM-20-24)

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

Subject: Visitors of radiation patients,
as members of the public, to receive up to
500 mrem per year

Summary: The petitioner requested
that the Commission amend its regulations to
authorize specified visitors of radiation
patients, as members of the public, to receive
up to 500 mrem per year. The petitioner
believes that the proposed amendment would
permit a small population of the general
public to be infrequently exposed to an
annual exposure limit of 500 mrem total
effective dose equivalent.

Timetable: A notice of receipt for this
petition was published in the Federal Register

on June 21, 1996 (61 FR 31874). The comment period closed on September 4, 1996. Resolution of the petition is scheduled for rulemaking (See "Revision of Dose Limit for Members of the Public Exposed to Hospitalized Radiation Patients" (RIN 3150-AF91)). Publication of this proposed rule is scheduled for July 1998.

Agency Contact: Jayne McCausland, Office of Nuclear Material Safety and Safeguards, (301) 415-6219, e-mail jmm2@nrc.gov

8. Petitioner/Petition Docket Number: Nuclear Energy Institute (NEI) (PRM-30-61)

Federal Register Citation: August 31, 1996 (61 FR 43193)

Subject: Monitoring and maintenance programs for the decommissioning process at facilities of special nuclear materials licensees

Summary: The petitioner requested that the NRC amend its regulations to allow materials licensees to continue monitoring and maintaining facilities, separate buildings, or outside storage areas that have not been used for 24 months, rather than requiring licensees to begin the decommissioning process after 24 months of inactivity.

Timetable: A notice of receipt for this petition was published in the Federal Register on August 21, 1996 (61 FR 43193). The comment period closed on November 4, 1996. Resolution of this petition is on hold pending the availability of staff resources.

Agency Contact: John Buckley, Office of Nuclear Material Safety and Safeguards, (301) 415-6607, e-mail jtb@nrc.gov

9. Petitioner/Petition Docket Number: Amersham Corporation (PRM-34-5)

Federal Register Citation: June 18, 1996 (61 FR 30837)

Subject: Radiographic equipment regulations

Summary: The petitioner requested that the Commission amend its regulations by removing the reference to "associated equipment" from the radiography equipment regulations. The petitioner believes that this amendment would clarify the licensing reviews of sealed sources and radiographic exposure devices to meet the applicable requirements.

Timetable: A notice of receipt for this petition was published in the Federal Register on June 18, 1996 (61 FR 30837). The comment period closed on September 3, 1996. The staff is developing an action plan for Commission approval as the next step in addressing the petitioner's request. Resolution of this petition is scheduled for May 1998.

Agency Contact: Donald Nellis, Office of Nuclear Material Safety and Safeguards, (301) 415-6257, e-mail don@nrc.gov

10. Petitioner/Petition Docket Number: National Registry of Radiation Protection Technologists (NRRPT) (PRM-35-13)

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

Subject: Training requirements for a radiation safety officer

Summary: The petitioner requested that the Commission amend its regulations

by including acceptance of NRRPT registration as fulfilling some of the training requirements for a radiation safety officer.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 8, 1996 (61 FR 4754). The comment period closed on April 23, 1996. The staff is developing an action plan for Commission approval as the next step in addressing the petitioner's request. Resolution of this petition is undetermined.

Agency Contact: Mary Thomas, Office of Nuclear Regulatory Research, (301) 415-6230, e-mail mlt1@nrc.gov

11. Petitioner/Petition Docket

Number: Chromalloy Tallahassee* (PRM-40-26)

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

Subject: Establish an exemption from licensing requirements to include the M1A1 Battle Tank Engine AGT 1500

Summary: The petitioner requested that the Commission amend its licensing exemptions to establish an exemption from licensing requirements to include the M1A1 Battle Tank Engine AGT 1500 which contains nickel-thorium.

Timetable: A notice of receipt for this petition was published in the Federal Register on December 10, 1997 (62 FR 65039). The comment period closes on February 23, 1998. Resolution of the petition is scheduled for December 1998.

Agency Contact: Catherine Mattsen, Office of Nuclear Regulatory Research, (301) 415-6264, e-mail crm@nrc.gov

12. Petitioner/Petition Docket

Number: Nuclear Energy Institute (PRM-50-61)

Federal Register Citation: June 6, 1995 (60 FR 29784)

Subject: Fire protection at nuclear power plants

Summary: The petitioner requested that the Commission amend its regulations governing fire protection at nuclear power plants. The petitioner believes this amendment would provide a more flexible alternative to the current requirements and permit nuclear power plant licensees more discretion implementing fire protection requirements that would be site-specific without adversely affecting a licensee's ability to achieve the safe shutdown of a facility in the event of a fire.

Timetable: A notice of receipt of this petition for rulemaking was published in the Federal Register on June 6, 1995 (60 FR 29784). The comment period closed on September 29, 1995. The NRC staff has developed an action plan (SECY-97-127) for Commission approval as the next step in addressing the petitioner's request. The Commission directed the staff to develop an expedited schedule for rulemaking. The staff is preparing its response to this direction.

Agency Contact: Ed Connell, Office of Nuclear Reactor Regulation, (301) 415-2838, e-mail eac@nrc.gov

13. Petitioner/Petition Docket

Number: Nuclear Energy Institute (PRM-50-62)

Federal Register Citation: September 4, 1995 (60 FR 47716)

Subject: Quality Assurance Program

Summary: The petitioner requested that the Commission amend its regulations regarding quality assurance programs to permit nuclear power plant licensees to change their quality assurance program that is described or referenced in a licensee's Safety Analysis Report without prior NRC approval under specified conditions.

Timetable: A notice of receipt for this petition was published in the Federal Register on September 4, 1995 (60 FR 47716). The public comment period closed on November 28, 1995. Resolution of the petition is scheduled for June 1998.

Agency Contact: Harry Tovmassian, Office of Nuclear Regulatory Research, (301) 415-6608, e-mail hst@nrc.gov

14. Petitioner/Petition Docket

Number: Peter G. Crane (PRM-50-63 and PRM 50-63A*)

Federal Register Citation: November 27, 1995 (60 FR 58256); December 17, 1997 (62 FR 66038)

Subject: Emergency Planning

Summary: The petitioner requested that the Commission amend its regulations concerning emergency planning to include a requirement that a range of emergency planning protective actions be developed to include sheltering, evacuation, and the prophylactic use of potassium iodide, which prevents thyroid cancer after nuclear accidents. The petitioner's suggested amendment would specifically mention several appropriate protective actions, including the prophylactic use of potassium iodide. In the amendment to the petition, the petitioner requested that the regulations be

amended to consider the evacuation, sheltering and the prophylactic use of potassium iodide, as appropriate, in developing a range of protective actions for emergency workers and the public.

Timetable: A notice of receipt for this petition was published in the Federal Register on November 27, 1995 (60 FR 58256). The amendment to the petition was published in the Federal Register on December 17, 1997; 62 FR 66038. The public comment period closed on January 16, 1998. The staff is developing an action plan for Commission approval as the next step in addressing the petitioner's request. Resolution of the petition is scheduled for June 1998.

Agency Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, (301) 415-6534, e-mail mtjl@nrc.gov

15. Petitioner/Petition Docket

Number: Nuclear Energy Institute (PRM-70-7)

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

Subject: Use of an integrated safety assessment, or an acceptable alternative, to confirm that adequate controls are in place to protect public health and safety

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

Timetable: A notice of receipt for this petition was published in the Federal Register on November 26, 1996 (61 FR 60057). The public comment period closed on February 10, 1996. Resolution of the petition is scheduled for rulemaking. In an August 26, 1997, Staff Requirements Memorandum, the Commission approved the staff's recommendation that this petition be resolved through rulemaking. A proposed rule is scheduled to be sent to the Commission in July 1998.

Agency Contact: Rich Milstein, Office of Nuclear Material Safety and Safeguards, (301) 415-8149, e-mail rim@nrc.gov

16. Petitioner/Petition Docket
Number: Portland General Electric Company (PRM-72-2)

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

Subject: Disposal of radioactive waste (Greater than class C)

Summary: The petitioner requested that the Commission amend its regulations which govern independent storage of spent nuclear fuel and high-level radioactive waste to specifically include radioactive waste produced from reactor operations pending its transfer to a permanent disposal facility.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 1, 1996 (61 FR 3619). The public comment period closed on April 16, 1996. The staff is developing an action plan for Commission approval as the next step in addressing the petitioner's request. Resolution of this petition is scheduled for July 1998.

Agency Contact: Mark Haisfield, Office of Nuclear Regulatory Research, (301) 415-6196, e-mail mfh@nrc.gov

17. Petitioner/Petition Docket
Number: Fawn Shillinglaw (PRM-72-3)

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

Subject: Independent storage of spent nuclear fuel

Summary: The petitioner requested that the Commission amend its regulations which govern independent storage of spent nuclear fuel in dry storage casks to require that the safety analysis report for a cask design fully conforms with the associated NRC safety reevaluation report and certificate of compliance before NRC certification of the cask design. The petitioner also requests that the revision date and number of a safety analysis report be specified whenever that report is referenced in documents.

Timetable: A notice of receipt for this petition was published in the Federal Register on May 14, 1996 (61 FR 24249). The public comment period closed on July 29, 1996. Resolution of the petition is scheduled for rulemaking (See "Miscellaneous Changes" (RIN 3150-AF80)). Publication of the proposed rule is scheduled for May 1998.

Agency Contact: Gordon Gundersen, Office of Nuclear Regulatory Research, (301) 415-6195, e-mail gegl@nrc.gov

18. Petitioner/Petition Docket
Number: Envirocare of Utah, Inc. (PRM-150-2)

Federal Register Citation: February 22, 1993 (58 FR 5992)

Subject: Persons who generate or dispose of very low specific activity wastes contaminated with special nuclear materials.

Summary: The petitioner requested that the Commission amend its regulations to exempt those persons that generate or dispose of very low specific activity wastes contaminated with special nuclear materials that are not capable of forming a critical reaction from the current possession limits specified in its regulations.

Timetable: A notice of receipt for this petition was published in the Federal Register on February 22, 1993 (58 FR 9552). The public comment period closed on April 23, 1993. Based on further analysis, the NRC staff is considering alternatives to rulemaking to resolve this petition. The staff must factor in resolution of the related "Immediately Effective Confirmatory Order," issued by the NRC on June 25, 1997, because Envirocare was in violation of possession limits for special nuclear material.

Agency Contact: Tim Harris, Office of Nuclear Material Safety and Safeguards, (301) 415-6613, e-mail teh@nrc.gov

BIBLIOGRAPHIC DATA SHEET

(See instructions on the reverse)

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11. ABSTRACT (200 words or less)

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

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