

REGULATIONS AND AMENDMENTS PUT INTO EFFECT - FY 1990

Access Authorization Fee Schedule for Licensee Personnel and Implementation of the Standard Form 312 - Parts 11, 25, and 95

On October 4, 1989 (54 FR 40859), the NRC published an amendment to its 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, effective immediately, are necessary to comply with regulations requiring the NRC to publish fee adjustments concurrent with notifications of any changes in the rate charged the NRC by the Office of Personnel Management for conducting investigations.

Palladium-103 for Interstitial Treatment of Cancer - Part 35

On October 12, 1989 (54 FR 41819), the NRC published an amendment to its regulations governing the medical uses of byproduct material to add palladium-103 as a sealed source in seeds to the list of brachytherapy sources permitted for use in the treatment of cancer. This amendment, effective immediately, will reduce the regulatory burden on medical use licensees who plan to use the sealed source.

Change in Commercial Telephone Number for Region III Office - Parts 20, 21, and 73

On October 16, 1989 (54 FR 42287), the NRC published an amendment to its regulations to indicate a change in the commercial telephone number for the NRC's Region III Office located in Glen Ellyn, Illinois. This amendment, effective November 11, 1989, is necessary to inform the public of these administrative changes to NRC regulations.

Clarifying Amendment Relating to Enforcement Activities - Part 51

On October 26, 1989 (54 FR 43576), the NRC published an amendment to its regulations to clarify that the provision excluding NRC enforcement activities from the requirements of the National Environmental Policy Act of 1969, as amended, encompass formal enforcement actions and informal administrative mechanisms relating to enforcement such as bulletins, information notices, generic letters, notices of deviation, notices of nonconformance, and confirmatory action letters. This amendment, effective immediately, will help to clarify the manner in which this provision is applied.

Statement of Organization and General Information; Minor Amendments - Parts 0, 1, 2, 9, 10, 15, 25, 51, and 95

On December 28, 1989 (54 FR 53312), the NRC published an amendment to its regulations revising its statement of organization and general information to reflect the reorganizations within the Office of the Executive Director for Operations and the former Office of Administration and Resources Management and the creation of the Office of the Licensing Support System Administrator and the Office of the Inspector General. This amendment, effective immediately, informs licensees and the public of organizational changes within the NRC.

Suspension of Access Authorization and/or Employment Clearance; Delegation of Authority to Deputy Executive Directors - Part 10

On January 2, 1990 (55 FR 4), the NRC published an amendment to its regulations to permit a Deputy Executive Director to suspend an individual's access authorization and/or employment clearance. This amendment, effective immediately, provides greater flexibility in responding to questions concerning the continued eligibility of an individual's access authorization and/or employment clearance.

Sequestration of Witnesses Interviewed Under Subpoena/Exclusion of Attorneys - Part 19

On January 4, 1990 (55 FR 243), the NRC published an amendment to its regulations to provide for the sequestration of witnesses compelled by subpoena to appear in connection with NRC investigations or inspections. This amendment, effective February 5, 1990, is designed to ensure the integrity of the investigative and inspection process, and to serve as notice of the responsibilities of the NRC and the rights of individual witnesses, licensees and attorneys when exclusion authority is exercised.

Safety Requirements for Industrial Radiographic Equipment - Parts 2 and 34

On January 10, 1990 (55 FR 843), the NRC published an amendment to its regulations that requires licensees to use only radiographic exposure devices and associated equipment that provide certain additional safety features. This amendment, effective January 10, 1991, is intended to reduce radiation exposures to both radiography personnel and the general public from the use of radiographic equipment. The Commission is also modifying its Enforcement Policy to add a specific example to Supplement VI to reflect the importance of meeting the requirements of the rule.

Fingerprint Cards; Increase in Fee - Part 73

On January 30, 1990 (55 FR 3039), the NRC published an amendment to its regulations to reflect an administrative change pertaining to an increase in the fee that is charged for processing nuclear power plant fingerprint cards which are associated with granting unescorted access to an operating reactor site, or access to Safeguards Information. This amendment, effective March 1, 1990, is necessary to reflect a fee schedule change imposed by the FBI.

Centralization of Material Control and Accounting Licensing and Inspection Activities for Nonreactor Facilities - Parts 70 and 74

On February 21, 1990 (55 FR 5978), the NRC published an amendment to its regulations, effective immediately, which completes action necessary to implement a management decision to centralize material control and accounting (MC&A) licensing and inspection activities in NRC Headquarters, Rockville, Maryland, for nonreactor facilities.

Preserving the Free Flow of Information to the Commission - Parts 30, 40, 50, 60, 61, 70, 72, and 150

On March 21, 1990 (55 FR 10397), the NRC published an amendment to its regulations governing the conduct of all Commission licensees and license applicants. This amendment, effective April 20, 1990, is necessary to prohibit the use of provisions which would inhibit the free flow of information to the Commission in agreements related to employment.

Credit Checks - Expanded Personnel Security Investigative Coverage - Parts 11, 25, and 95

On March 29, 1990 (55 FR 11572), the NRC published an amendment to its regulations to (1) expand the investigative scope for licensee "R" special nuclear material access authorization and "L" security clearance applicants by adding a credit check; and (2) revise the corresponding fee schedules to recover the additional cost of each credit check and cost of newly imposed Federal Bureau of Investigation fees for processing fingerprint cards. This amendment, effective April 30, 1990, is necessary to achieve a higher degree of assurance that licensee "R" and "L" applicants are reliable, trustworthy, and do not have any significant financial problems which may cause them to be susceptible to pressures, blackmail, or coercion to act contrary to the national interest.

Stabilization and Decontamination Priority and Trusteeship Provisions - Part 50

On April 2, 1990 (55 FR 12163), the NRC published an amendment to its regulations to (1) clarify the scope and timing of the stabilization and decontamination processes after an accident at a covered reactor; (2) specify that the insurance is required to ensure that commercial power reactor licensees will have sufficient funds to carry out their obligation to clean up and decontaminate after an accident; and (3) eliminate the requirement that insurance proceeds after an accident are paid to an independent trustee. This amendment, effective immediately, responds to issues raised in three petitions for rulemaking (PRM-50-51, PRM-50-51A and PRM-50-51B).

Revision of Fee Schedules: Radioisotope Licenses and Topical Reports - Part 170

On May 23, 1990 (55 FR 21173), the NRC published an amendment to its regulations, effective July 2, 1990, that revises the schedules of fees charged for licensing and regulatory services provided by the NRC. The revised schedule of fees will more completely recover NRC costs incurred in providing services to identifiable recipients.

Standard Specifications for the Granting of Patent Licenses - Part 81

On June 8, 1990 (55 FR 23422), the NRC published an amendment to its regulations, effective immediately, regarding Office of Management and Budget (OMB) clearance pursuant to the Paperwork Reduction Act of 1980. This action is necessary to inform the public that OMB clearance has been obtained for the information collection requirements contained in 10 CFR Part 81 under control number 3150-0121.

Storage of Spent Fuel in NRC-Approved Storage Casks at Power Reactor Sites - Parts 50, 72, and 170

On July 18, 1990 (55 FR 29181), the NRC published an amendment to its regulations, effective August 17, 1990, to provide for the storage of spent nuclear fuel under a general license on the site of any nuclear power reactor provided the reactor licensee notifies the NRC, only NRC-certified casks are used for storage, and the spent fuel is stored under conditions specified in the cask's certificate of compliance. This action also provides procedures and criteria for obtaining NRC approval of spent fuel storage cask designs.

Export of Components for Use in Gaseous Diffusion Enrichment Plants - Part 110

On July 26, 1990 (55 FR 30449), the NRC published an amendment to its regulations, effective immediately, to clarify the coverage of specially designed or prepared nuclear assemblies and components for use in gaseous diffusion enrichment plants. This action is necessary to implement the decision of the multilateral Non-Proliferation Treaty Nuclear Exporters Group (Zangger Committee) to add new definitions to its international export control "Trigger List" covering gaseous diffusion enrichment components.

Debt Collection Procedures - Part 15

On August 9, 1990 (55 FR 32375), the NRC published an amendment to its regulations concerning the procedures that the NRC uses to collect the debts which are owed to it. The amendment, effective September 10, 1990, is necessary to conform NRC regulations to the amended procedures contained in the Federal Claims Collection Standards issued by the General Accounting Office and the Department of Justice. This action is intended to allow the NRC to further improve its collection of debts due the United States.

Freedom of Information Act, Privacy Act, Production or Disclosure in Response to Subpoena or Demands of Courts or Other Authorities; Office of the Inspector General - Part 9

On August 17, 1990 (55 FR 33645), the NRC published an amendment to its regulations to reflect the establishment of the Office of the Inspector General. This amendment, effective immediately, permits the Office of the Inspector General to make independent disclosure determinations on (1) records originating in its office that are responsive to Freedom of Information Act requests; and (2) records located in its office that are responsive to Privacy Act requests.

Authorization to Prepare Radiopharmaceutical Reagent Kits and Elute Radiopharmaceutical Generators; Use of Radiopharmaceuticals for Therapy - Parts 30 and 35

On August 23, 1990 (55 FR 34513), the NRC published an interim final rule amending its regulations related to the preparation and the therapeutic uses of radiopharmaceuticals. This amendment, effective from August 23, 1990, to August 23, 1993, allows licensees who elute generators and prepare reagent kits to depart from the manufacturer's instructions for elution

and preparation in the package insert (a part of the Food and Drug Administration approved labeling) provided the licensees meet certain conditions and limitations.

Fingerprint Cards: Increase in Fee - Part 73

On August 31, 1990 (55 FR 35563), the NRC published an amendment to its regulations to reflect an administrative change pertaining to an increase in the fee that is charged for processing nuclear power plant fingerprint cards which are associated with granting unescorted access to an operating reactor site, or access to Safeguards Information. This amendment, effective October 1, 1990, is necessary to reflect a fee schedule change imposed by the Federal Bureau of Investigation.

Informal Hearing Procedures for Nuclear Reactor Operator Licensing Adjudications - Part 2

On September 7, 1990 (55 FR 36801), the NRC published an amendment to its regulations to provide rules of procedure for the conduct of informal adjudicatory hearings in nuclear reactor operator licensing proceedings. The Atomic Energy Act of 1954 requires that the NRC, in any proceeding for the granting, suspending, revoking or amendment of any license afford an interested person, upon request, a "hearing." This amendment, effective October 9, 1990, includes reactor operator licensing proceedings under the informal hearing procedures already established for materials licensing proceedings.

Consideration of Environmental Impacts of temporary Storage of Spent Fuel After Cessation of Reactor Operations - Part 51

On September 18, 1990 (55 FR 38472), the NRC published an amendment to its regulations revising its generic determinations on the timing of availability of a geologic repository for commercial high-level radioactive waste and spent fuel and the environmental impacts of storage of spent fuel at reactor sites after the expiration of reactor operating licenses. These amendments, effective October 18, 1990, reflect findings of the Commission reached in a five-year update and supplement to its 1984 "Waste Confidence" rulemaking proceeding, which were published on September 18, 1990 (55 FR 38474).

REGULATIONS AND AMENDMENTS PROPOSED

Acquisition Regulation (NRCAR) - 48 CFR Chapter 20

On October 2, 1989 (54 FR 40420), the NRC published a notice of proposed rulemaking that would establish the Nuclear Regulatory Commission Acquisition Regulation (NRCAR). The NRCAR is intended to implement and supplement the government-wide Federal Acquisition Regulation. The NRCAR is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the particular needs of the agency.

Stabilization and Decontamination Priority, Trusteeship Provisions, and Amount of Property Insurance Requirements - Part 50

On November 6, 1989 (54 FR 46624), the NRC published a notice of proposed rulemaking that would amend the provisions of its property insurance regulations applicable to commercial power reactor licensees. This proposed rule responds to issues raised in three petitions for rulemaking (PRM-50-51, PRM-50-51A, PRM-50-51B).

ASNT Certification of Industrial Radiographers - Part 34

On November 9, 1989 (54 FR 47089), the NRC published a notice of proposed rulemaking to provide license applicants the option to affirm that all of their active radiographers will be certified in radiation safety by the American Society for Nondestructive Testing (ASNT) prior to commencing duties as radiographers, in lieu of current licensing requirements to submit descriptions of planned initial radiation safety training and qualification procedures.

Revision of Fee Schedules: Radioisotope Licenses and Topical Reports - Part 170

On December 1, 1989 (54 FR 49763), the NRC published a notice of proposed rulemaking that would amend its regulations governing licensing fees for all topical reports and licensing and inspection fees for radioisotope licenses. The proposed action is intended to more completely recover costs incurred by the Commission in providing services to identifiable recipients and to encourage the continued submittal of topical reports.

Fracture Toughness Requirements For Protection Against Pressurized Thermal Shock Events -Part 50

On December 26, 1989 (54 FR 52946), the NRC published a notice of proposed rulemaking that would amend its regulations for light-water nuclear power plants to change the procedure for calculating the amount of radiation embrittlement that a reactor vessel receives.

Basic Quality Assurance Program, Records and Reports of Misadministrations or Events Relating to the Medical Use of Byproduct Material - Part 35

On January 16, 1990 (55 FR 1439), the NRC published a notice of proposed rulemaking that would require medical use licensees to establish and implement a basic quality assurance (QA) program. The proposed action would enhance patient safety while allowing the flexibility necessary for proper medical care.

Custody and Long-Term Care of Uranium Mill Tailings Sites - Part 40

On February 6, 1990 (55 FR 3970), the NRC published a notice of proposed rulemaking that would provide two new general licenses that would permit the NRC to license the custody and long-term care of reclaimed or closed uranium or thorium mill tailings sites after remedial action or closure under the Uranium Mill Tailings Radiation Control Act have been completed. The intended effect of this action is to provide a surveillance procedure to ensure continued protection of the public health and safety of the environment.

Revisions to Procedures to Issue Orders - Part 2

On April 3, 1990 (55 FR 12370), the NRC published a notice of proposed rulemaking that would revise the Commission's procedures for issuing orders to include persons not licensed by the Commission but who are otherwise subject to the Commission's jurisdiction. The proposed rulemaking would more accurately reflect the Commission's existing statutory authority to issue orders than is presently the case. The proposed rule would also identify the types of Commission orders to which hearing rights attach.

Willful Misconduct by Unlicensed Persons - Parts 30, 40, 50, 60, 61, 70, 72, 110, and 150

On April 3, 1990 (55 FR 12374), the NRC published a notice of proposed rulemaking that would put unlicensed persons on notice that they may be subject to enforcement action (1) for willfully causing a licensee to violate any of the Commission's requirements or (2) for other willful misconduct that (a) arises out of activities within the jurisdiction of the NRC and (b) places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the public health and safety. This proposed amendment would enable the Commission to better address willful misconduct that places in question the reasonable assurance that licensed activities will be conducted in a manner that will provide adequate protection of the public health and safety.

Operators' Licenses - Part 55

On April 17, 1990 (55 FR 14288), the NRC published a notice of proposed rulemaking to amend its regulations specifying that the conditions and cutoff levels established pursuant to the Commission's "Fitness-for-Duty Programs," are applicable to licensed operators as a condition of their license. This proposed amendment would provide a basis for taking enforcement actions against licensed operators who use drugs or alcohol in a manner that would exceed the cutoff levels contained in the Fitness-for-Duty rule, who are under the influence of any prescription or over-the-counter drug which could adversely affect his or her ability to safely and competently perform licensed duties, or who sell, use, or possess illegal drugs. The proposed rule would assure a safe operational environment for the performance of all licensed activities by providing a clear understanding to licensed operators of the severity of violating requirements governing drug and alcohol use and of the impact of substance abuse.

Notifications of Incidents - Parts 20, 30, 40, and 70

On May 14, 1990 (55 FR 19890), the NRC published a notice of proposed rulemaking that would revise licensee reporting requirements regarding the notifications of incidents related

to radiation safety. This action is needed to ensure that significant occurrences at material licensee facilities are promptly reported to NRC so that the Commission can evaluate whether the licensee has taken the action required to protect the public health and safety and whether generic safety concerns are identified that may require prompt NRC action.

Revisions to Procedures to Issue Orders: Challenges to Orders that are Made Immediately Effective - Part 2

On July 5, 1990 (55 FR 27645), the NRC published a notice of proposed rulemaking that would amend its regulations governing orders to provide for the expeditious consideration of challenges to orders that are made immediately effective. The proposed amendments would also require that challenges to the merits of an immediately effective order be heard expeditiously, except where good cause exists for delay.

Nuclear Power Plant License Renewal - Parts 2, 50, and 54

On July 17, 1990 (55 FR 29043), the NRC published a notice of proposed rulemaking that would establish the requirements that an applicant for renewal of a nuclear power plant operating license must meet, the information that must be submitted to the NRC for review so that the agency can determine whether those requirements have in fact been met, and the application procedures. This proposed rule will inform nuclear power plant licensees of necessary requirements for renewing operating licenses.

Fitness-for-Duty Programs: Nuclear Power Plant Personnel - Part 26

On August 31, 1990 (55 FR 35648), the NRC published a notice of proposed rulemaking that would amend its regulations applicable to licensees authorized to construct or operate nuclear power reactors to clarify its intent concerning the unacceptability of taking action against an individual based solely on preliminary test results. This proposed amendment would prohibit management actions based upon an unconfirmed positive initial screening test when there is an absence of any other evidence of impairment or an indication that the individual might otherwise pose a safety hazard.

Program Fraud Civil Remedies Act, Implementation - Part 13

On September 25, 1990 (55 FR 39158), the NRC published a notice of proposed rulemaking that would implement the Program Fraud Civil Remedies Act of 1986. The Act authorizes certain Federal agencies, including the Nuclear Regulatory Commission, to impose, through administrative adjudication, civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the agency. These proposed amendments would establish the procedures the Commission would follow in implementing the provisions of the Act and would specify the hearing and appeal rights of persons subject to penalties and assessments under the Act.

Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government - Part 16

On September 26, 1990 (55 FR 39285), the NRC published a notice of proposed rulemaking that would establish procedures to collect certain debts owed by Federal employees to the NRC and other Federal agencies by deduction(s) from their pay. This proposed rule is necessary to conform NRC regulations to the Debt Collection Act of 1982 which requires each agency to establish a salary offset program for the collection of these debts.

ADVANCE NOTICES OF PROPOSED RULEMAKING

Import and Export of Radioactive Wastes - Part 110

On February 7, 1990 (55 FR 4181), the NRC published an advance notice of proposed rulemaking regarding the existing NRC regulations for the import and export of radioactive wastes. This action responds to concerns that international transfers of radioactive wastes may not be properly controlled.

License Renewal for Nuclear Power Plants; Scope of Environmental Effects - Part 51

On July 23, 1990 (55 FR 29964), the NRC published an advance notice of proposed rulemaking that would add provisions concerning the scope of environmental effects which would be addressed by the Commission in conjunction with applications for license renewal for nuclear power plants. This rulemaking will inform interested parties of the NRC's intent to address environmental issues associated with license renewal of individual nuclear power plants and to solicit timely comments on the scope of the environmental issues to be covered.