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 RECIP. NAME RECIPIENT AFFILIATION  
 TEDESCO, R. L. Assistant Director for Licensing

SUBJECT: Requests exemption from deadline for installation info  
 submittal. Cites NRC delay in issuing amend to correct  
 regulation discrepancy re fuel load precondition. Regulation  
 permits implementation of US/IAEA safeguards agreement.

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MEMORANDUM FOR THE DIRECTOR  
FROM: SAC, NEW YORK (100-100000)  
SUBJECT: [Illegible]

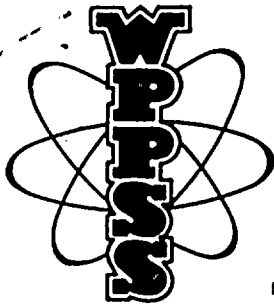
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Washington Public Power Supply System  
A JOINT OPERATING AGENCY

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March 27, 1981  
G02-81-067  
NS-L-KAH-81-039

Docket No. 50-397

Mr. R. L. Tedesco  
Assistant Director for Licensing  
Division of Licensing  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Tedesco:

Subject: SAFEGUARDS ON NUCLEAR MATERIAL

Ref.: Telecon, K. A. Hadley (WPPSS) and P. K. Morrow (NRC),  
dated March 19, 1981.

On July 31, 1980, the NRC published a final rule in the Federal Register (45FR50705) which amended several regulations in order to enable the United States to implement the US/IAEA Safeguards Agreement, with respect to NRC licensed activities. The effective date of the amended regulations was announced in the Federal Register (45FR84967) as being December 24, 1980.

The new section 75.11(a) stipulates that "each licensee subject to the provisions of this part shall submit installation information in response to a written request from the Commission..." The new section 50.78 further specifies that "each holder of a construction permit shall, if requested by the Commission, submit installation information..." The new section 70.21(g), however, appears to establish a precondition to fuel load by stating that "the installation information should be filed at least nine (9) months prior to the date when the applicant desires to receive the special nuclear material..."

At the October 15, 1980, training seminar conducted by the Office of Nuclear Material Safety and Safeguards, the Supply System representatives pointed out the above noted incongruity which requires construction permit holders to submit Design Information Questionnaires (DIQs) as a precondition to obtaining an operating license whereas currently licensed plants would not until so notified by the NRC. The NRC representatives

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Mr. R. L. Tedesco  
Page Two

at the meeting agreed to review the requirements and, if necessary, issue modifications. During the referenced telephone conversation, Mr. Paul K. Morrow of the Office of Nuclear Material Safety and Safeguards indicated that a revision would be issued in the near future which would specify that DIQs would be required only if a utility is notified by the NRC.

Inasmuch as the Supply System's No. 2 Nuclear Project (WNP-2) is likely to have passed the "9 months prior to fuel delivery" submission date prior to the issuance of an amendment to the regulations, it is requested the NRC provide the Supply System with a written exemption from the requirements of section 70.21(g).

Very truly yours,



G. D. BOUCHEY  
Director, Nuclear Safety

cc: P. K. Morrow, NMSS  
N. S. Reynolds, D&L  
W. Woods, NUS