ATTACHMENT B

C A S E

(CITIZENS ASSN. FOR SOUND ENERGY)

1426 S. Polk
Dallas, Texas 75224

214/946-9446

February 18, 1980

Mr. Lawrence J. Chandler
Counsel for NRC Staff
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Larry:

Subject: In the Matter of
Texas Utilities Generating Co., et al.
Comanche Peak Steam Electric Station,
Units 1 and 2 -- Docket Nos. 50-445 & 50-446

During our recent discussions and correspondence, you have raised certain questions, and we're not sure we completely understand certain aspects of several of our Contentions at this point; specifically:

(1) What is the effect of the reference in the 1/25/80 Stipulations to "(FORMERLY Contention No. X)" Does this limit us to using only that former contention in our bases; or, as we had thought, does this simply mean that this was our primary former contention and that it may also include some portions which are applicable but which were originally contained in other contentions? As you will recall, we had expressed concern especially about our former Contention 2 (our 10/30/79 letter and following telephone conversations) in this regard. I think this may very well be the root of part of the problem you were having with our wording on New Contention 7 (referred to in your Stipulations as "FORMERLY Contentions 9. and 17."); although the main parts of our Contention (or at least the most lengthy) are contained in old Contentions 9 and 17, there are other portions of our 5/7/79 Contentions which also have a bearing on it and which we discussed at our 7/18/79 and which led you to agree that this was a good contention (see particularly 5/7/79 Contentions, p. 10 and 11, Old Contention 2, item 3 and p. 50 and 55, Old Contention 19, items 10 through 13). We want to be sure that we are not limited to using as our bases only "FORMERLY Contentions 9. and 17." since this was never our intention.

(2) We recall that you made a very big point early in our discussions that each contention should be tied in to some requirement in the

regulations, and we tried to improve this in our 5/7/79 Contentions. However, in light of subsequent conversations and correspondence since our 7/18/79 conference, we are now very much concerned that the present wording contained in the 1/25/80 Contentions may be deficient in that regard and that our position may therefore be compromised or weakened. Do we need this tie-in to the regs, and what is the effect of not including it?

(3) What is the effect of deferring a contention? Does it mean that we may give up our option to pursue this contention at some point in time later in these hearings, or (as has always been our intention) does it mean that we are simply postponing consideration of them pending resolution by the NRC of its position on them and that we will still be able to pursue them for this particular plant at some later time in the hearings, but before an operating license is issued? We have already discussed this somewhat regarding New Contention 10 (formerly 12, etc.) on 9/18/79, 11/26/79 and 1/31/80 by phone and in your 10/4/79 cover letter with Stipulations and our 10/30/79 letter, but we are still somewhat unsure exactly what the implications are of deferring a contention.

We'll appreciate your getting back with us as soon as possible so that we can get these matters resolved. In the meantime, we are deferring signing the Stipulations.

Thanks.

Sincerely,

CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)

Juanita

(Mrs.) Juanita Ellis
President

cc: Nicholas Reynolds
Dick Fouke
Geoffrey Gay
Richard Lowerre

ATTACHMENT C

C A S E

(CITIZENS ASSN. FOR SOUND ENERGY)

P. O. Box 4123
Dallas, Texas 75208

214/946-9446, Dallas

Dupe of 7911300052

October 30, 1979

Ms. Marjorie B. Ulman and
Mr. Larry Chandler
Counsels for NRC Staff
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Marjorie and Larry:

Subject: Dockets 50-445 and 50-446
Application of Texas Utilities
Generating Company for an
Operating License for Comanche
Peak Steam Electric Station
Units #1 and #2 (CPSES)

In response to your letter dated October 4, 1979, there are several items which need attention:

1. Contention No. 7 (old Contention Nos. 9 and 17), Radiation Effects. In reviewing our notes on the conference where we worked out the wording of the contentions, we believe we discussed thoroughly at that time exactly what we meant by this contention, and that the wording finally agreed upon after much discussion reflects what we wanted to cover by this contention. Further, the Staff agreed at that time that this was a valid contention.

In your 8/31/79 conference call, you indicated that you now feel that we are attempting to challenge Appendix I, which is not permissable. Frankly, we are at a loss to understand your change of stance at this point and would request an explanation.

Further, if the Staff insists on changing its support of this contention, we would like to revise our wording of the contention, for purposes of clarification only, to the following:

> "Neither the Applicant nor the Staff has adequately considered the health effects of low level radiation on the population surrounding CPSES as required by 10 CFR 51.20 (c) and 10 CFR 50.57 (a)(6)."

This would not change the meaning as originally agreed upon and as outlined in our original bases but would clarify the exact meaning somewhat.

2. Contention No. 5 (old Contention No. 7), Spent Fuel. As I recall, Larry, in our 8/31/79 conference call, you stated that a "second German report" repudiates German Report No. 290. In reviewing the information we have, this does not seem

Dupe
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to be the case. Please advise exactly what German report you are referring to, send us a copy of this second German report, and advise in which specific areas it repudiates Report No. 290. Here again, we request an explanation for the Staff's change in position.

3. Contention No. 10 (old Contention Nos. 12, 13, 14 and 15), Evacuation. We do not believe the wording in your October 4 Stipulation accurately reflects what I agreed to over the phone on 9/18/79. We request that the following wording be used to replace the wording of item 7, page 3, of your Stipulation:

> "The parties stipulate to the consolidation of contentions 12, 13, 14, and 15 into the language of revised contention 10, as set forth in the Attachment, but agree to defer for the present, consideration of this contention in light of probable changes in Commission requirements regarding emergency planning, with the understanding that the Intervenor will be given the opportunity to pursue this contention in the operating license hearings at a later date, before the operating license is issued."

4. Item 4, page 2, of your Stipulation should read: "The Staff and Intervenor also agree that contentions 6 and 18 (combined) and 16....." etc. and "The Applicant does not agree that contentions 6 and 18 (combined) and 16....." etc.

5. Item 7, page 3, of your Stipulation should read "The parties stipulate to the consolidation of contentions 12, 13, 14 and 15 into the language of revised contention 10....." etc. This contention, when renumbered, would become No. 10 rather than No. 12.

6. The wording regarding Contention 2 should more accurately read: "Withdrawn; included in other contentions" or simply "Included in other contentions."

We would request new stipulations with corrected attachment referred to in the stipulations actually attached thereto and referenced as an exhibit before signing.

Thanks for your help in working out these problems.

Sincerely,

CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)

Juanita

(Mrs.) Juanita Ellis
President

cc: Service List

the market administrator in making payments to producers pursuant to § 1036.73 (a) and (c) shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to milk of such producer (except a handler's own-farm production) and shall pay such deductions to the market administrator not later than the 17th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. The services shall be performed by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section and for whom the cooperative is not authorized to collect payment for milk, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers, and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

(c) In the case of producers for whom a cooperative association is not performing the services set forth in paragraph (a) but for whom the cooperative association is collecting payment for milk pursuant to § 1036.73(b) the market administrator shall make the deduction and perform the services specified in paragraph (a) of this section.

12. In § 1036.120 paragraphs (b), (c) and (d) are revised to read as follows:

§ 1036.120 Procedure for requesting refunds.

* * * * *

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of June, September, December, or March for milk to be marketed from the first of the immediately following month through the following June 30th.

(c) A dairy farmer who first acquires producer status under this part may, upon application filed with the market administrator pursuant to paragraph (a) of this section by the end of the month immediately following the month in which producer status is acquired, be eligible for refund on all marketings against which an assessment is withheld for the period through the following June 30th and if producer status is first acquired in June such producer shall be eligible for a refund on all marketings during June and the following 12 month period. Eligibility for refund under this paragraph shall not apply to a person who was a producer under a Federal order under which the same refund notification period applied and such person did not appropriately submit a refund application during such period.

(d) A producer who has appropriately filed request for refund of advertising and promotion program assessments on his marketings of milk under another Federal order shall be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk under this order against which an assessment is withheld until the opportunity exists for such producer to request a refund pursuant to paragraph (b) of this section.

13. In § 1036.121 the introductory text of paragraph (b) and paragraph (b)(2) and (3) are revised and new paragraphs (e) and (f) are added to read as follows:

§ 1036.121 Duties of the market administrator.

* * * * *

(b) Set aside into an advertising and promotion fund, separately accounted for, an amount equal to the withholding rate for the month as set forth in paragraph (e) of this section times the amount of producer milk included in the uniform price computation for such month. The amount set aside shall be disbursed as follows:

* * * * *

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) After the end of each month, make a refund to each producer who made application for such refund pursuant to § 1036.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section times the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such month, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

* * * * *

(e) As soon as possible after April of each year, compute the rate of withholding by multiplying the simple average of the uniform prices for the 12-month period ending April 30 by 0.0075 and rounding to the nearest whole cent. This rate shall apply during the 12-month period beginning with July of the current year.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

Note.—This recommended decision has been reviewed under USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this decision should not be classified "significant" under those criteria. This decision constitutes the Department's Draft Impact Analysis Statement for this proceeding.

Signed at Washington, D.C., on March 14, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-8431 Filed 3-19-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Standards for Protection Against Radiation; Advance Notice of Proposed Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance Notice of Proposed Rulemaking; Request for Public Comment.

SUMMARY: The Nuclear Regulatory Commission. (NRC) is considering a major revision to 10 CFR Part 20 of its regulations. The primary purpose of the revision is to bring NRC radiation protection standards into accord with developments in radiation protection that have occurred since promulgation of Part 20 in its present form in the late 1950's. In a preliminary review of this matter, the NRC staff has identified a number of areas in which Part 20 might be improved. Before proceeding further with specific structural and substantive proposed changes, the NRC is seeking public comment. Of particular interest are public views on the areas so far identified by the staff as well as suggestions for further improvements and suggestions for alternative approaches for affecting needed improvements.

DATES: Comment period expires June 18, 1980.

ADDRESSES: Written comments or suggestions should be submitted to the

ATTACHMENT D

Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert A. Purple, Assistant Director, Radiological Health & Safeguards Standards, Office of Standards Development, Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone—(301) 443–5855).

SUPPLEMENTARY INFORMATION: The NRC radiation protection standards were developed in the late 1950's. Since that time there have been a substantial number of revisions, some of them to bring the regulation into accord with recommendations of various scientific advisory organizations, but none of them affecting the basic structure or fundamental approach to radiation protection embodied in the original publication. With the passage of time there has been an increase in the sophistication of the general approach to radiation protection, there have been several legislative actions that affect the federal approach to radiation protection, and there have been additional information and recommendations on radiation protection from national and international bodies (e.g., United Nations Scientific Committee on the Effects of Atomic Radiation, National Council on Radiation Protection and Measurements and the International Commission on Radiological Protection). In addition, there has been a growing public interest in and concern about the potential health effects of low-level ionizing radiation. In August 1979, the Secretary of Health, Education and Welfare sent to the President a report of an Interagency Task Force on the Health Effects of Ionizing Radiation. This report, among other things, made recommendations for reducing radiation exposures and recommended the establishment of a Federal Radiation Policy Council responsible for formulating broad radiation protection policy. The President has approved these recommendations. As part of its participation in this Task Force effort, the NRC recognized the desirability of reexamining the adequacy of its existing radiation protection standards.

For these reasons, the NRC is initiating a rulemaking proceeding for the purpose of modernizing its radiation protection standards. It is expected that this rulemaking proceeding will be complex and controversial. To provide for the earliest possible public participation in the development of proposed revisions, the NRC is seeking public comment and suggestions at this early stage in the process. In requesting public comments, the NRC recognizes that the EPA has responsibility for establishing Federal Radiation Guidance and generally applicable standards for the protection of the environment from radiation and radioactive materials, and is aware that EPA is actively developing new guidance and standards that would affect the provisions on NRC's radiation protection regulations which are derived from EPA guidance and standards. During the consideration of revisions to its radiation protection standards, NRC plans to work closely with the EPA to help ensure compatibility with forthcoming EPA guidance. One of the goals in revising the NRC radiation protection standards is to structure them in a way that will facilitate compliance with future radiation protection guidance issued by the EPA.

As a separate matter, the Commission is considering petitions that have recommended the lowering of numerical limits for individual doses. As part of the consideration of those petitions, it is anticipated that public hearings on the new EPA federal guidance for occupational exposures will be conducted jointly by EPA, NRC and OSHA in the near future (see 44 FR 53785, September 17, 1979) and numerical occupational dose limiting standards will be an issue covered at those hearings. If, as a result of the EPA guidance, revised numerical standards for NRC licensees are indicated, they will be promulgated.

In the above context, public comments on the absolute numerical limits that should be established in the radiation protection standards for nuclear workers and the public are not solicited as part of this notice. However, public comments are requested on the appropriateness of the specific items listed for individual doses and on the completeness of areas identified for further improvement by the NRC staff.

Function of Radiation Protection Standards

To aid in developing the framework on which to structure the new radiation protection regulations, it is helpful to have a general statement of the desirable characteristics of or objectives to be met by the new standards. To that end, the NRC staff has developed the following statement of purpose for NRC radiation protection standards:

Purpose: The NRC standards for protection against radiation should identify specific quantifiable and procedural requirements, and their bases, that will provide adequate protection of the health and safety of workers, individual members of the public and the population in general. NRC standards should be consistent with the applicable Federal radiation protection guidance and include consideration of the work of recognized National and International advisory organizations. The standards should be structured in a manner that is easily understood and can be readily revised to accommodate legislative and technical changes as necessary. To ensure compliant implementation of the standards should be amenable to verification by the Commission's inspection programs. The regulation should be readily inspectable and enforceable so that timely and effective enforcement actions can be taken whenever the standards are violated.

The list of essential elements of the radiation protection standards which follows was developed with these objectives in mind.

Essential Elements of the Radiation Protection Standards

The NRC staff has tentatively identified what it considers to be the essential elements that should be contained in the NRC radiation protection regulations. The list of items follows:

a. Radiological Protection Principles. These should include:

Identification of basic assumptions used for radiation protection purposes, such as: (1) there is within the range of exposure conditions usually encountered in radiation work, a linear relationship without threshold between dose and probability of stochastic effects and (2) the severity of each type of stochastic effect is independent of dose.

Identifications of the basic radiation protection principles which are derived from the assumptions, such as:

(1) No practice or operation involving exposures to radiation should be adopted unless its introduction produces a positive net benefit;

(2) All exposures shall be kept as low as reasonably achievable, economic and social factors being taken into account, and

(3) The dose equivalent to individuals shall not exceed the limits selected for the appropriate circumstances.

(4) Persons occupationally exposed to radiation should be informed of the potential risk of that exposure.

b. Standards for Individual Occupational Exposures. These should include:

(1) Numerical dose limits (internal, external, and in combination) for specific time periods.

(2) Consideration of special provisions for limiting exposures of susceptible groups (e.g., embryo/fetus, women in general, fertile women and minors).

applicable laws being taken into account.

(3) Controls for transient workers, contract workers, and "moonlighters".

(4) Derived standards, e.g., maximum permissible concentration (MPC), surface contamination in restricted areas, annual limits of intakes (ALI).

(5) Provisions for planned special exposures and overexposure situations.

(6) Provisions for emergency exposures.

c. Standards for Exposures of the General Public

These should include:

(1) Numerical dose limits (internal, external, and in combination) for specific time periods including consideration of special population groups.

(2) Effluent release limits including ALARA (as low as reasonably achievable) numerical guides and consideration of special population groups.

(3) Derived standards, taking into account major exposure modes and pathways, e.g., MPC air, MPC water, milk chain, ALI, etc.

(4) Siting considerations, including special population groups for licensed facilities and activities other than LWR power stations.

(5) Emergency dose limits reflecting Federal guidelines.

(6) Limits of contamination for the release of material for unrestricted use.

(7) Limits for burial of radioactive waste in other than licensed burial grounds (i.e., 10 CFR Part 20, 20.304).

(8) Limits of contamination, in terms of concentration and total activity, for disposal of material as non-radioactive waste.

d. Requirements for a Radiation Protection Program

These should include:

(1) Training requirements

(2) Management audits and controls

(3) Designation and marking of radiation areas

(4) ALARA program requirements including guidance on lifetime accumulative doses

(5) Access controls, including alarms

(6) Personnel dosimetry requirements, (for both internal and external exposures) including performance standards for health physics measurements

(7) On-site radiation and contamination measurements (instruments, performance standards, etc.)

(8) Environmental radiation monitoring (off-site)

(9) Procedures for transportation of radioactive material

(10) Procedures for responding to emergency situations

(11) Procedures for radiation protection

(12) Procedures for managing overexposures

(13) Procedures for radioactive waste disposal.

e. Record Keeping Requirements

These should include:

(1) Individual doses (internal and external) and bases for estimates

(2) Identity and quantity of radioactive materials released to the environment

(3) Survey and monitoring results

(4) Disposal of licensed material

(5) Receipt, transfer, and inventory of radioactive material

f. Reporting Requirements

These should include:

(1) Routine reports of occupational doses (including both internal and external exposures)

(2) Overexposure reports

(3) Reports of effluents released to the environment

(4) Reports of theft or loss of radioactive material

(5) Notification of incidents.

Areas In Part 20 That Need Improvement

Based partly on the NRC staff's views on the necessary elements of a revised Part 20 as presented above, and also on a critical examination of the present Part 20, the following list of areas where Part 20 could be improved has been identified. It would be the intent of the staff to ensure that these areas are resolved in a proposed revision to Part 20.

a. Radiological Protection Principles

(1) The underlying radiation protection principles adopted by NRC should be presented in terms understandable to laymen.

(2) The ALARA principle and requirements for both effluents and occupational exposures should be strengthened. Quantitative occupational ALARA guidelines should be established wherever possible for NRC licensed facilities. Collective doses should be addressed.

b. Standards for Individual Occupational Exposure

(1) Consideration should be given to adopting the ICRP recommendations on the use of "effective dose equivalents" and dose limitations for combined internal and external exposures. Present part 20 does not preclude radiation exposure as high as a total of 17 rem of combined internal and external dose to the whole body in a single year, i.e., 5 rem internal plus (3 rem per qtr. × 4 qtr. =) 12 rem external doses.

(2) Derived limits for concentrations in air and water should be "updated" or replaced by annual limits for intake.

(3) Standards applicable to emergency or overexposure situations should be presented.

(4) Special provisions to limit collective doses should be considered.

(5) Special provisions for limiting exposures of susceptible groups (e.g. embryo/fetus, women in general, fertile women and minors) should be considered, under applicable law.

(6) Controls for "moonlighters", contract workers, and transient workers should be strengthened.

c. Standards for Exposure of the General Public

(1) Additional consideration should be given to exposure pathways to man other than by air and water intake.

(2) Derived limits for concentrations in air and water should be "updated" or replaced by annual limits for intake.

(3) Special provisions for limiting exposures of susceptible groups (e.g. embryo/fetus, women in general, fertile women and minors) should be considered, under applicable laws.

(4) Standards for licensee action applicable to emergency or overexposure situations should be presented.

(5) Standards for environmental monitoring for either routine or accident conditions should be presented.

d. Requirements for a Radiation Protection Program

(1) The basic elements of an acceptable radiation protection program should be presented.

e. Reporting Requirements

(1) Reporting of routine internal exposures should be required.

(2) Reporting of the rupture or failure of sealed radiation sources.

f. Miscellaneous

(1) The adoption of SI (Systeme Internationale) units with related conversion formulas should be considered (for example, radiation doses in units of grays and sieverts and activity in units of becquerels).

(2) Performance standards (accuracy and reliability) for health physics measurements should be presented.

(3) The technical bases for numerical limits should be readily identifiable.

It must be emphasized that the items listed above do not represent decisions or commitments. Rather, as stated previously, they are the result of a preliminary review by the NRC staff and are published at this time to solicit views of interested persons not only on the appropriateness of the specific items listed but also to facilitate identification of further improvements or revisions to Part 20 not yet identified by the staff.

(Sec. 161b, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201(b)); Sec. 201 as amended, Pub. L. 93-438, 88 Stat. 1242 as amended by Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841)).

Dated at Bethesda, Maryland, this 7th day of March 1980.

For the Nuclear Regulatory Commission,
William J. Dircks,
Acting Executive Director for Operations.

[FR Doc. 80-8361 Filed 3-19-80; 8:45 am]
BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Revision to Method Establishing Size Standards and Definitions of Small Business; Correction

AGENCY: Small Business Administration.

ACTION: Advance Notice of Proposed Rulemaking—Correction.

SUMMARY: On March 10, 1980, there appeared in the **Federal Register** (Vol. 45, No. 48) a proposal to amend the SBA size standards. In § 121.2, on page 15450, middle column, under the heading Major Group 78—Motion Pictures, the proposed size standard for SIC-7819, *Services Allied to Motion Picture Production*, was erroneously printed as 5 employees. The proposal is corrected to read 50 employees.

FOR FURTHER INFORMATION CONTACT:
Kaleel C. Skeirik, (202) 653-6373.

Dated: March 11, 1980.

Oleta F. Waugh,
Federal Register Liaison Officer.

[FR Doc. 80-8378 Filed 3-19-80; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-WE-8-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require modification of the ramp assembly on certain Air Cruisers Company evacuation systems installed on McDonnell Douglas Model DC-10 Series Airplanes. The AD is prompted by reports of three instances of overwing slide/raft improper deployment which could result in unavailability of that element of the evacuation system.

DATES: Comments must be received on or before May 26, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: Air Cruisers Company, Post Office Box 180, Belmar, New Jersey 07719.

FOR FURTHER INFORMATION CONTACT:
Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California, 90009. (213) 536-6351.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

During production test deployments of Air Cruisers Company slide/raft evacuation systems installed at the No. 3 door on the McDonnell Douglas Model DC-10 aircraft, three units deployed improperly over the leading edge of the wing between the engine nacelle and the fuselage, rendering the escape device unusable. Upon investigation it was determined that the mistracking was due to a delay in the separation of the velcro tracking restraint device which is designed to provide proper tracking of the ramp along the wing surface. It was further determined that the force required to disengage the velcro can vary depending upon the degree of engagement between the mating hook and pile panels of the device. To establish a consistent breakaway force for the tracking device and thus assure proper tracking of the ramp during deployment of the evacuation system, a new tracking device has been developed which utilizes a frangible link assembly which separates consistently at a predetermined force within a tighter tolerance range than the velcro configuration.

Since this condition is likely to exist or develop on other aircraft of the same type design the proposed AD would require modification of the tracking restraint device on the affected evacuation systems on McDonnell Douglas DC-10 Series Airplanes.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 3913) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -10F, -30, -30F and -40 Series Airplanes certificated in all categories utilizing Air Cruisers Part No. 24D30051 series passenger evacuation systems with the following serial numbers:

Left Hand Door: Air Cruisers Company P/N 24D30051 series, all serial numbers prior to S/N 1531, except 1508, 1510, 1511, 1515, 1519, 1521, 1523 and 1525.

Right Hand Door: Air Cruisers Company P/N 24D3005 series, all serial numbers prior to S/N 1630, except 1605, 1611, 1613, 1615, 1619, 1621, and 1623.

Compliance required within next eighteen (18) calendar months after the effective date of this AD, unless already accomplished.

To prevent improper deployment of the Air Cruisers Company emergency evacuation system due to delay in separation of the velcro tracking restraint device, accomplish the following:

a. Modify the affected evacuation system assemblies in accordance with Part 2, Accomplishment Instructions, of Air Cruisers Company Service Bulletin No. 25-75 dated January 30, 1980.

b. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of modifications required by this AD.

c. Alternative modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)); 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves the proposed regulation which is not considered to be significant

The National Underwriter

84th Year, No. 12 — PROPERTY & CASUALTY INSURANCE EDITION — March 21, 1980

Predicts Nuclear Rate Rise Of 63%

By MARY JANE FISHER
Washington Correspondent

WASHINGTON—The average property insurance premium paid by nuclear power plants will increase about 63% this year as a result of the Three Mile Island nuclear accident, Burt C. Proom, president of American Nuclear Insurers, said here Tuesday.

At a press briefing to discuss current developments in nuclear insurance, such as "lessons learned" from TMI, factors affecting future growth of the nuclear insurance pool, and ongoing hearings by Congress on proposed legislation to modify the 1957 Price-Anderson Act, Mr. Proom said liability rates for nuclear power plants also rose 10% on Jan. 1.

In addition, he said that ANI will increase individual plant ratings for nuclear insurance on Jan. 1, 1981.

The property insurance rate increase will mean that the average premium will rise from the current $900,000 to $1.5 million, according to Mr. Proom. The property insurance increase included a decrease in the annual premium refund from 1979's 29.5% reduction to 24% in 1980.

"The major contributing factor to the reduction in credit, effective March 1, 1980, is the Three Mile Island property loss of March 28, 1979," the ANI said in a background briefing paper.

The 1979 premium refund amounted to $2.1 million. Total refunds since

Cont'd on Page 70

Predicts Nuclear Rate Rise Of 63%

Cont'd from Page 1

1972, when the reduction program began, have been more than $64 million.

Depending on generating capacity, single-unit nuclear power plant facilities pay between $750,000 and $1.5 million in annual property insurance premium to the nuclear insurance pools—ANI, and the mutual pools, Mutual Atomic Energy Liability Underwriters (MAELU), and the Mutual Atomic Energy Reinsurance Pool (MAERP).

ANI "is in the process of beefing up our nuclear engineering program," Mr. Proom told reporters. "We now have some 18 nuclear engineers and we expect to increase that number to a complement of 40 on our nuclear engineering staff."

Another premium increase this year cited by Mr. Proom was for builders' risk coverage, which will rise about 41% as a result of experience rating, he said.

ANI annual property insurance premiums amounted to $34 million last year and liability premiums, $17 million. Total insurance availability is $300 million for property insurance and $160 million for liability insurance, per insured, plus an additional contingent liability of $30 million.

ANI has set aside $200 million in reserves to pay for TMI property damage, the estimated amount of claims payable, with a total exposure of $300 million, according to Mr. Proom.

He reiterated the nuclear insurers' testimony at a hearing on a bill introduced by Rep. Morris K. Udall (D.-Ariz.), House Interior Committee Chairman, to raise the liability limits of the Price-Anderson Act that the Federal government should share responsibility for indemnification for nuclear power plant accidents.

"We feel the government should be a partner in this program—with the insurance industry and power companies," he said.

"There should be some kind of government protection scheme for an industry that is subject to such a potential catastrophic loss," he told reporters, adding that "the risk is great and extremely remote."

Mr. Proom proposed an increase in the Federal government's share of liability risk under the Act from the current $60 million to $500 million, which would bring the total liability protection to $1.5 billion from the Act's current $560 million.

The nuclear power industry proposed increasing the retroactive assessment of $5 million per reactor under current law to $10 million at Rep. Udall's Energy Subcommittee hearing on his proposed amendments to the Act. With 68 reactors due to come on line, the increased retroactive assessment per reactor would amount to $720 million, adding to the total liability protection under the Act.

Speaking for ANI, MAERP, the American Insurance Assn., Alliance of American Insurers, and the National Assn. of Independent Insurers, Richard A. Schmalz, general counsel of Hartford Accident & Indemnity, told the subcommittee that "the nuclear pools remain confident that nuclear power can be developed safely."

The insurers earlier advised the subcommittee that the Three Mile Island accident "would ultimately confirm the soundness of the Price-Anderson program." Mr. Schmalz was accompanied by Joseph Marrone, vice president of ANI, and Ambrose B. Kelly of the MAERP.

"The pools can report today that despite the very large on-site loss at Three Mile Island, and the claims filed for off-site injuries and damage, they have been able to maintain their capacity for 1980 at $160 million for third-party liability claims and $300 million for property damage," Mr. Schmalz said.

"We believe that the funds needed to fully compensate all injury or damage to persons or property resulting from the incident will not approach the Price-Anderson program's $560 million ceiling on liability."

He cited as major concerns of the industry about the Udall bill, which he said "goes much too far in several respects," such as:

- "The elimination of the extraordinary nuclear occurrence threshold in connection with the concept of absolute liability for the nuclear industry;
- "The extension of the statute of limitations for all nuclear claims to 40 years;
- "The increase in the retrospective premium payable for each large scale nuclear power reactor from a maximum of $5 million to $20 million for each nuclear incident; and
- "The exclusion of claims adjustment costs from the amounts of financial protection required and the limitation of liability."

ATTACHMENT B