

~~Note—The Food Safety and Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.~~

Done at Washington, D.C., on April 27, 1978.

ROBERT ANGILOTTI,  
Administrator, Food Safety  
and Quality Service.

(FR Doc. 78-12481 Filed 5-8-78; 8:45 am)

[7590-01]

**NUCLEAR REGULATORY  
COMMISSION**

[10 CFR Parts 50 and 70]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES SPECIAL NUCLEAR MATERIAL

Facilities and Access for Resident Inspection

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to amend its regulations to require power reactor licensees and construction permit holders and selected fuel facility licensees to provide: (1) on-site rent free, exclusive use office space, and (2) prompt licensee facility access to Commission inspection personnel. The proposed rule is needed in order to implement the resident inspection program which the Commission intends to initiate in early 1978. Initially the Commission will place resident inspectors on-site at selected nuclear power reactor construction sites and at selected power reactor sites in test and in routine operations to observe and review licensee construction, operations, radiological safety, safeguards, and environmental protection activities. Eventually the Commission expects to place full time resident inspectors at all operating power reactors, at power reactors in latter stage of construction and at selected fuel cycle facilities where nuclear reactor fuel is fabricated or processed.

DATE: Comment period expires June 23, 1978.

ADDRESS: Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward L. Jordan, Executive Of-

ficer for Operations Support, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-492-8487.

**SUPPLEMENTARY INFORMATION:**

In early 1978, the Commission will initiate an on-site resident inspection program. Pursuant to section 161(o) of the Atomic Energy Act of 1954, as amended, the Commission intends to place NRC resident inspectors on-site at selected nuclear power reactor construction sites and at selected power reactor sites in test and in routine operation. Eventually the Commission expects to place full time resident inspectors at all operating power reactors, at power reactors in latter stage of construction and at selected fuel cycle facilities where nuclear reactor fuel is fabricated or processed. The resident inspector will observe and review licensee operations, construction, safety, safeguards, and environmental protection activities to determine whether they are adequate, conducted properly, and at the required frequency. Other regionally or headquarters based NRC personnel will continue to provide technical support and management review as required for the inspection program.

In order to facilitate the performance of the resident inspection program it is necessary that office space be provided to selected Commission personnel. The proposed regulation requires, among other things, that the licensee provide on-site, rent free, exclusive office space upon the request of the Director, Office of Inspection and Enforcement. This requirement is not unique in that other Federal departments and agencies have continuous inspection programs that require those subject to their regulations to furnish appropriate facilities to the inspectors.

The minimum specified space will accommodate a full time inspector, a part time secretary, and transient NRC personnel. For sites with more than one power reactor unit or fuel facility it may be necessary to assign more than one resident inspector. If additional resident inspectors are assigned to a site, additional space will be requested. The additional space required for each additional inspector will not exceed the minimum space dimensions provided for the initial inspector.

In order to assure that the resident inspector or regionally based inspectors are afforded the opportunity to conduct unfettered reviews of work in progress it is necessary and the proposed regulation requires, that properly identified inspectors be provided im-

mediate access to the facility (the same as licensee employees). The inspectors afforded such access will be required to complete that site-specific radiological safety and security training necessary for their safety and to conform to all facility safety and security requirements.

A briefing on site specific radiological protection practices, security and emergency response actions is appropriate and sufficient for unescorted access to other than vital areas, radiation areas, and areas contaminated with radioactive material, for the NRC personnel who infrequently visit a site.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR parts 50 and 70 are contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed regulation should send them to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Sections 50.70 and 70.55 are amended as follows:

1. In §50.70 of 10 CFR part 50, n "a" is added preceding the present paragraph and paragraph (b) is added as follows:

§ 50.70 Inspections.

(b) (1) Each licensee and each holder of a construction permit shall upon request by the Director, Office of Inspection and Enforcement, provide rent free office space including heat, air conditioning, light, electrical outlets, and janitorial service for the exclusive use of Commission inspector personnel. The office shall be convenient to and have full access to the facility and shall provide the inspectors both visual and acoustic privacy.

(2) For a site with a single power reactor or fuel facility licensed pursuant to this section, the space provided shall (i) be within that site's office complex and be a minimum of 250 square feet; or (ii) be an office trailer or module or equivalent located separate from that site's office complex but on-site and be a minimum of 300 square feet. If (ii) above is chosen, then in addition to the above required

utilities, such space shall be equipped with sanitary facilities and necessary emergency alarms. For sites containing more than one power reactor unit or fuel facility, any additional space required shall be specified in the request for space and for each additional inspector required, shall not exceed the minimum space dimensions provided for the initial inspector. The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies, and communication equipment will be furnished by the Commission.

(3) The licensee or permittee shall afford any NRC resident inspector or other NRC inspectors identified by the Regional Director as likely to inspect the facility, immediate access following proper identification and compliance with applicable access control measures. Access may be limited only to the extent required for the inspector's safety.

2. In § 70.55 of 10 CFR part 70, paragraph (c) is added as follows:

**§ 70.55 Inspections.**

(c) (1) In the case of fuel cycle facilities where nuclear reactor fuel is fabricated or processed each licensee shall upon request by the Director, Office of Inspection and Enforcement, provide rent free office space including heat, air conditioning, light, electrical outlets, and janitorial service for the exclusive use of Commission inspection personnel. The office shall be convenient to and have full access to the facility and, shall provide the inspector both visual and acoustic privacy.

(2) For a site with a single fuel facility, the space provided shall (i) be within that site's office complex and be a minimum of 250 square feet; or (ii) be an office trailer or module or equivalent located separate from that site's office complex but on-site and be a minimum of 300 square feet. If (ii) above is chosen, then in addition to the above required utilities, such space shall be equipped with sanitary facilities and any necessary emergency alarms. For sites containing more than one fuel facility, any additional space required shall be specified in the request for space and for each additional inspector required shall not exceed the minimum space dimensions provided for the initial inspector. The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies, and communication equipment will be furnished by the Commission.

(3) The licensee or permittee shall afford any NRC resident inspector or other NRC inspectors identified by the Regional Director as likely to in-

spect the facility, immediate access following proper identification and compliance with applicable access control measures. Access may be limited only to the extent required for the inspectors safety.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201), sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 3d day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHALK,

Secretary of the Commission.

[FR Doc. 78-12614 Filed 5-8-78; 8:45 am]

[7590-01]

[10 CFR Part 110]

**EXPORT OF CERTAIN MINOR QUANTITIES OF NUCLEAR MATERIAL**

**Proposed Licensing Provisions**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is considering amending its regulations concerning the export of certain minor quantities of nuclear material which do not have significance from a nuclear proliferation perspective. The proposed amendments would establish or expand general and specific licensing provisions for the export of (a) gram quantities of special nuclear material (SNM), (b) certain classes of source material, and (c) certain classes of byproduct material. Existing licenses for the byproduct material polonium-210 and americium-241 would be revoked or restricted. The proposed amendments are the result of extensive review of existing criteria and procedures to update the regulations to permit the expedited export of such materials without imposing any national security risk.

**DATE:** Comment period expires June 23, 1978.

**ADDRESSES:** Written comments should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

**FOR FURTHER INFORMATION CONTACT:**

Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-3155.

**SUPPLEMENTARY INFORMATION:** In recent months, the Nuclear Regulatory Commission has been giving particular attention to the development of improved criteria and regulations for the export of nuclear facilities and

material. On February 17, 1978 the Commission issued new 10 CFR Part 110, which consolidates its export and import licensing regulations into one part of the Commission's regulation (43 FR 691T).

As a related matter, the Commission, in coordination with the Executive Branch, has undertaken an extensive review of existing criteria and procedures for the export of certain minor quantities of nuclear material with the aim of updating and streamlining the regulations to permit the expedited export of such material without imposing any national security risk. This review has resulted in proposed revisions which will not, in our judgment, be inimical to the common defense and security, constitute an unreasonable risk to the public health and safety, or result in any activity that affects the environment. Furthermore, the proposals will not conflict with the safeguards criteria of the International Atomic Energy Agency (IAEA) and have the benefit of conforming U.S. export control requirements to a greater degree with international control requirements with respect to exports to communist countries.

The proposed changes will also have a beneficial impact on the administration of the nuclear export program. The most significant proposal would eliminate the requirement that exports of minor quantities of SNM always be pursuant to an agreement for cooperation. This change would not only remove one of the major reasons for administrative delays in export license/processing, but also conform U.S. export licensing requirements with international export criteria. The proposed new or expanded general licenses for SNM, source and byproduct material would have similar benefits. A significant number of NRC's export applications would be subject to expedited licensing treatment or eliminated entirely if the proposed revisions were adopted. Such a workload reduction would enable NRC and the Executive Branch agencies reviewing proposed exports to devote additional time to reviewing major export applications.

**DISCUSSION OF PROPOSED REGULATIONS**

**Special Nuclear Material.** A new general license would be established permitting the export of up to 3 grams of SNM when contained in sensing components installed in instruments, or plutonium-238 when contained in heart pacemakers.

In addition, the export under a specific license of plutonium-238 and up to 3 grams of any other SNM would be authorized without a requirement that the export be subject to the terms of an agreement for cooperation with another nation.

NOTE

The original of this correspondence includes a copy of NUREG-0397, entitled "Revised Inspection Program for Nuclear Power Plants," a copy of which is available in all Public Document Rooms. Additional copies may be obtained from the National Technical Information Service, Springfield, Virginia, 22161. Cost \$4.50 (Printed) or \$3.00 (Microfiche).